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Senate

The Senate met at 11:30 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, how can we serve You today? What do You want us to do for Your Kingdom?

Today, use the lives and labors of our lawmakers to make our Nation and world better. Remind our Senators that although there will be hills and valleys as they strive to accomplish Your purposes, You will always be with them, even until the end of time. Lord, inspire our legislators to know that You have begun a good work in them and will carry it on to completion. Sustain them with Your grace and never let them go.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

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

CHILD PROTECTION IMPROVEMENTS ACT OF 2017

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 695, which the clerk will report.

The legislative clerk read as follows:

House message to accompany H.R. 695, a bill to amend the National Child Protection Act of 1993 to establish a national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes.

Pending:

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

McConnell motion to refer the message of the House on the bill to the Committee on Appropriations, with instructions, McConnell amendment No. 1922, to change the enactment date.

McConnell amendment No. 1923 (to (the instructions) amendment No. 1922), of a perfecting nature.

McConnell amendment No. 1924 (to amendment No. 1923), of a perfecting nature.

The PRESIDING OFFICER. The Senator from New Mexico.

RUSSIA INVESTIGATION

Mr. UDALL. Mr. President, I come to the floor today to speak a little bit about the rule of law and President Trump's approach to what has happened as far as the Mueller investigation.

The rule of law has protected our Nation's democracy, institutions, and citizens for over 200 years. It means that no one person is above the law—no one—not even the President.

President Trump does not seem to respect the rule of law. He acts as if the law doesn't apply to him. He believes that he can steer the wheels of justice in whichever direction he wants to shield himself from lawful investigation.

This President is willing to risk national security, to defy the judgment of the FBI Director and his team, and to release classified material for his own political purposes. Think about that. The President of the United States just declassified a top-secret document, and he did it with the clear intent to undermine the investigation into Russian interference in our election. His actions should end any doubt about his willingness to obstruct justice.

After he declassified the Nunes memo, President Trump said: ''A lot of people should be ashamed of themselves. It's a disgrace, what's happened in our country.'' This is one of the rare times I have agreed with President Trump. It is a disgrace, what has happened in our country, but not for the reasons the President gives.

Russia's cyber attacks and other potential operations during the 2016 election represented a direct strike at our democracy. I cannot think of a time when our national interest has been so threatened and the President of the United States has ignored the threat. Not only has this President turned a blind eye to Russia's interference, but he has done nothing to prevent future attacks. He ignores the threat even though the CIA Director says Russia will try to interfere in our elections again. Instead, he has done everything he can to curry favor with Vladimir Putin. He should be ashamed of himself.

Unfortunately, he has demonstrated time and time again that he is incapable of shame. But he is not alone. Many members of his party should be ashamed for enabling the President to undermine the special counsel investigation, for enabling his defamation of career public servants, and for remaining silent in the face of a growing crisis.

The President has made clear that he does not like Special Counsel Mueller's and Deputy Attorney General Rosenstein's independence and commitment to the rule of law, and he has had an eye on getting rid of them for quite a while. We learned he considered firing them last June, and we have known for many months, from the President's own admission, that he fired FBI Director James Comey to stop the Russia investigation. These men have dedicated their lives to serving our country. Mr. Mueller served as a Federal prosecutor and a Department of Justice lawyer for much of his career, and he was appointed as FBI Director in 2001 by

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

President Bush. Mr. Rosenstein is also a career Federal prosecutor and was appointed as a U.S. attorney by President George W. Bush.

The President has said many times: ''There was no collusion.'' If that is true, why does the President go to such great lengths to undermine the investigation?

The President's intentions are transparent and dangerous. He fails to accept that Mr. Mueller and Mr. Rosenstein swore an oath to the Constitution. Because they will not pledge their loyalty to him, he is bound and determined to stop the investigation into his potential wrongdoing.

But the Republican leader has delayed bringing forward bipartisan legislation to protect Mr. Mueller from arbitrary dismissal. In light of recent events, Congress must act. The special counsel needs protection to do his job. He shouldn't have interference from the President and his partisan supporters.

In the Senate appropriations bill for the Department of Justice, I included language directing the Department of Justice to abide by its current regulations for the special counsel, but it is clear to me that we must do a lot more.

During the Watergate investigation, Eugene McCarthy said: ''This is the time for all good [people] not to go to the aid of their party, but to come to the aid of their country.''

It is time for all Members of Congress to come to the aid of our country and ensure that Mr. Mueller and his team are able to gather the facts and draw their conclusions without obstruction.

It is astonishing that President Trump still calls the Russia investigation a ''witch hunt.'' Our government's 17 law enforcement and national security agencies all reached the conclusion that Russia actively interfered with our Presidential election through hacking national party computers, leaking information, and spreading disinformation over media and social media outlets. The President's continued refusal to address this threat is unconscionable, and it betrays our national interests. Mr. Mueller's investigation into Russian interference is justified by the evidence, and it is imperative.

We also have abundant evidence that the President tried to interfere with the Department of Justice and FBI investigation. The President's firing of FBI Director James Comey because of ''the Russian thing'' is what landed him with a special counsel in the first place.

Why did the President want a pledge of personal loyalty from Mr. Comey and Mr. Rosenstein? Why did he ask Mr. Comey to drop the investigation of Mr. Flynn?

Why is the President so angry at Attorney General Sessions for recusing himself from the investigation, and why did the President need the Attorney General to not recuse to ''protect'' him?

The evidence of interference with an ongoing investigation is enough reason to investigate. We all remember that President Nixon's chief transgression was the coverup. Despite a constant refrain of denials from the President that his campaign had any connection with Russia, we know there were many connections.

Former National Security Advisor Michael Flynn pled guilty to lying to the FBI about his December 22, 2016, conversation with the Russian Ambassador about relieving U.S. sanctions imposed for Russia's interference. Campaign foreign adviser George Papadopoulos pled guilty to lying to the FBI about his contacts with people connected to the Russian Government. Former campaign manager Paul Manafort was charged in a Federal indictment with acting as a foreign agent for the pro-Russian Ukraine Government. The President's son, Donald Trump, Jr., and his son-in-law, Jared Kushner, and Mr. Manafort all met with Russian operatives to gather dirt on Hillary Clinton. Then, the President personally dictated a press statement misrepresenting the nature of the meeting. These are just a few of the connections.

Mr. President, I refer to a November 13, 2017, article from the Washington Post. It chronicles many of the meetings between the Trump campaign officials and the Russians during the campaign and is too long to go into here.

But neither the compelling evidence justifying investigation nor Mr. Mueller's credentials have stopped the President and his friends in Congress from attacking both. Representative NUNES nominally recused himself from the Trump collusion investigation in the House Intelligence Committee, but he and his colleagues on the committee have now released a memo based on incomplete and misleading information, with the President's full backing. This is despite a warning from the FBI against its release, and the Speaker will do nothing to rein in him or his committee members.

The President's attacks on the independence of our Nation's premier law enforcement agency mirror his attacks on our other foundational institutions. He has maligned the judiciary. He has maligned the press. He attacks and disrespects our foundational principles—separation of powers, freedom of speech and religion, and equality under the law. This is in addition to the President's regular assault on the truth. The Washington Post counted at least 2,000 times where this President departed from the truth in his first year in office.

The White House and its allies in Congress must stop their baseless attacks on Mr. Mueller and his team. They must let them do their job and find the facts. We must ensure the independence of prosecutors so we can ensure that investigations and outcomes are fair and impartial.

Why is the President going to such lengths to fight this investigation? We do not know. But we do know that a foreign power—Russia—interfered in our last election, and we do know that the President and his team have had significant business links to Russian financial interests.

The President's family business continues today, but it does so while concealing his tax returns and keeping their business partners secret. On top of that, the Trump administration has become much more accommodating of Russian interests. Are these things connected in some way? We need to know. That is why the special counsel's investigation is so important.

Now is the time for every Member of Congress to put the country ahead of politics. Special Counsel Mueller must be able to do his job, to follow the facts wherever they may lead, and to draw his conclusions. Congress must pass legislation to protect the special counsel from being arbitrarily fired, not serve as the President's lieutenants in an unprecedented assault on the rule of law.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

ATTORNEY GENERAL JEFF SESSIONS

Ms. WARREN. Madam President, 1 year ago today, I came to the Senate floor to oppose the nomination of Jeff Sessions to lead the Department of Justice.

The Justice Department is charged with defending our laws and standing up for all people regardless of color, sex, sexual orientation, religion, or ability.

That night, I described Jeff Sessions' appalling record on nearly every major national issue handled by the Justice Department, including civil rights, immigration, and criminal justice reform.

That night, I also read a letter that Coretta Scott King sent to the Senate Judiciary Committee in 1986 that opposed Sessions' nomination to serve as a Federal judge. Mrs. King wrote a vivid account of how Jeff Sessions, as a U.S. attorney in the 1980s, had ''used the awesome power of his office to chill the free exercise of the vote by black citizens.'' That letter had been a part of the Senate Judiciary Committee's records for more than 30 years. It helped sink the nomination of Jeff Sessions for the Federal judgeship for which he had been nominated back in the 1980s.

I had hoped that by reminding the Senate of its bipartisan rejection of Sessions in the 1980s, that the letter might help us to once again come together in a bipartisan way to say that this kind of bigotry shouldn't be allowed in our criminal justice system. That was my plan. Yet, for reading

those words—the words of an icon of the civil rights movement—I was booted off of the Senate floor. Every one of my Republican colleagues who was present that night voted to shut me up for reading Mrs. King's words. Then, the next day, every single Republican voted to confirm Jeff Sessions—a man deemed to be too racist to hold a Federal court judgeship in 1986. Nope. They confirmed him to lead the agency charged with defending justice for all Americans.

Now it has been 1 year since the Republican-controlled Senate made Jeff Sessions Attorney General of the United States. I wish I could say that I had been proven wrong—I actually really do—but Coretta Scott King's warnings ring even louder today than they did in 1986. On issue after issue, Jeff Sessions' Justice Department has failed in its mission to promote justice for all Americans. Instead, Sessions has taken the Department in exactly the opposite direction. So let's make a list and start with voting.

In 1986, Mrs. King warned us that Sessions had used the awesome power of his office as an Alabama prosecutor to chill the free exercise of the vote by African Americans. As Attorney General, he has continued that crusade, targeting not only African Americans but Latinos, the elderly, veterans, and other marginalized groups.

Only weeks after Sessions took the reins, the Justice Department abandoned its legal challenge of a Texas voter ID law that intentionally discriminated against voters of color. Later, the Department argued that it should be easier for States to strike eligible voters from their voting rolls—a proven way of preventing eligible citizens from voting.

Sessions has eagerly embraced President Trump's make-believe, fact-free conspiracy theories about voter fraud—condoning the President's voter suppression commission and engaging in State-level inquiries into voter databases.

Next on the list: defending all Americans—equal protection under the law.

In her letter, Coretta Scott King warned that Jeff Sessions would undermine equality under the law. Sure enough, when Jeff Sessions took over at the Justice Department, he immediately got to work in reversing the agency's prior efforts to defend laws and policies that protect Americans from discrimination based on sexual orientation or gender identity.

Sessions' Justice Department has rescinded guidance that protects transgender students and workers from illegal discrimination. The same day that President Trump used Twitter to announce that he was banning transgender individuals from serving in the military, the Justice Department filed a legal brief that reflected Sessions' view that our great civil rights laws don't protect gay Americans from discrimination. This was despite the rulings by other Federal courts and guidance from the Equal Employment Opportunity Commission reaching the opposite conclusion. Sessions' Justice Department has also gone out of its way to argue in the Supreme Court that business owners should be able to deny service to gay customers.

In 1986, Mrs. King wrote: ''I do not believe Jeff Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by the federal civil rights laws to qualify for appointment to the federal district court.'' It is clear that Sessions has not acquired those skills in the 32 years since Mrs. King issued her warning.

Third, criminal justice.

Jeff Sessions is using the monumental power of his office to invert our criminal justice system. For too long in America, we have had a dual justice system—one sympathetic, soft-on-crime system for the rich and another ineffective, cruel system for everyone else. Coretta Scott King told us about Sessions' role in this broken system when she wrote that he ''exhibited an eagerness to bring to trial and convict'' Black civil rights leaders despite there being evidence that clearly demonstrated their innocence of any wrongdoing. Meanwhile, she said, he ''ignored allegations of similar behavior by whites.''

In recent years, we have made some progress away from that broken system by having implemented proven reforms that make our communities safer. Jeff Sessions has worked with laser-like focus to reverse those gains.

Just last week, Sessions effectively closed an office within the Justice Department that helped to make legal aid more accessible to people who don't have enough money to pay for a lawyer, and that is just the tip of the iceberg.

Under Jeff Sessions, the Justice Department killed off a reform initiative that allowed local police departments to voluntarily partner with the Federal Government to improve community policing.

The Justice Department has abandoned its longstanding efforts to hold local police forces accountable when they routinely and systematically violate the constitutional rights of American citizens.

Sessions ended the Justice Department's Smart on Crime Initiative, which allowed prosecutors to divert some low-level, nonviolent offenders into rehab programs. This was a program that saved money, allowed offenders to avoid incarceration, and improved safety in our communities. It improved the lives of these offenders and their families. Instead, Sessions instructed all prosecutors to bury even low-level, nonviolent drug offenders under the most serious charges possible that guaranteed the longest prison terms possible.

Sessions even rolled back efforts to take weapons of war off of our streets by lifting commonsense restrictions on the transfer of military-grade weapons to local police departments—weapons of war, such as grenade launchers and armored vehicles that belong on battlefields, not on the streets where our kids ride their bicycles and walk to school—weapons that even the Pentagon cannot justify handing over to local police.

Next, immigration.

As a Senator, Jeff Sessions was an anti-immigration extremist who led multiple successful campaigns to defeat bipartisan, comprehensive immigration reform. As a Senator, he urged the deporting of Dreamers who were brought to the United States as kids.

Now, as the head of the Justice Department, he has continued his ugly anti-immigrant rampage. He has zealously defended every illegal and immoral version of President Trump's Muslim ban. He has used the Department to try to cut off aid to cities and States that prioritize keeping their communities safe over being part of his national deportation force. While it was Donald Trump who ordered it, Jeff Sessions himself announced the end to the Deferred Action for Childhood Arrivals Program, or DACA, which has subjected 800,000 Dreamers to deportation.

So there it is. Coretta Scott King's words about Jeff Sessions were true in 1986, they were true in 2017, and they remain true today. On Jeff Sessions' watch, the Justice Department has promoted voter suppression. On his watch, the Justice Department has endorsed discrimination. On his watch, the Justice Department has reversed efforts to reform our broken criminal justice system. On his watch, the Justice Department has led an all-out, bigotry-fueled attack on immigrants and refugees.

All of this, all of it, was predictable. All of this, all of it, was foreseeable. All of this, all of it, could have been avoided if just a few Republican Senators had stood up for fair and impartial justice, but they didn't—not one. So here we are.

Here is the ultimate irony: President Trump turned on his Attorney General. Why? It was not over voting or equal rights or criminal justice or immigration—no. The President turned on Sessions because Sessions formally recused himself from a law enforcement investigation into the President's ties to Russia. Sessions has groveled, but Donald Trump will never forgive the sin of Sessions' failing to serve Donald Trump personally.

Jeff Sessions, President Trump, and this Republican Congress seem to think that they can stoke the fires of hatred and division without being consumed by them. Maybe they can for a time, but people are resisting and persisting. States and cities are stepping up to defend civil rights that are under assault by the Federal Government. The American people are showing up in the streets, in the airports, in the courtrooms, and even at the polls to hold this government accountable.

They will continue to show up and to fight day in and day out—to fight for fairness, to fight for equality, to fight for liberty and justice for all.

Republicans tried to silence Coretta Scott King for speaking the truth about Jeff Sessions. They tried to silence me for reading Mrs. King's words on the Senate floor. They have tried to silence all of us from speaking out, but instead of shutting us up, they have made us louder.

Warn us. Give us explanations. Nevertheless, we will persist, and we will win.

I thank the Presiding Officer.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

INFRASTRUCTURE

Mr. BARRASSO. Madam President, last week, President Trump gave his State of the Union Address. It was full of that same spirit of optimism and confidence that I have heard over the past year from the people at home in Wyoming. I imagine the Presiding Officer has heard the same things from people in her State of Iowa as well. As the President said, ''This is our new American moment.''

''This is our new American moment,'' and I agree. The American economy is back on the right track. It is going to take a lot of hard work for us to stay on the right track. Some of that work involves building our country's infrastructure. America's roads, bridges, dams, highways, and ports are critical to our Nation's success. Republicans know it. Democrats know it.

The American Society of Civil Engineers gives America's infrastructure a poor grade. One out of every five miles of highway pavement is in bad condition. As chairman of the Environment and Public Works Committee, I am committed to improving this situation by working with the President and with Members of both parties. We need to fix a lot of our aging infrastructure. To do that, we need a robust, fiscally responsible infrastructure plan that makes it easier to start and to finish these projects more quickly.

I was chairman of the Transportation Committee in the Wyoming State Senate. I saw how we could make projects less costly and more efficient if we could just speed up and streamline the permitting process and the approval process for projects to get done.

We have a project back home to rebuild a highway interchange in the northern part of Sheridan County in Sheridan, WY. It took 14 years to develop and get the approval of the planning and permitting for this interchange that needed to be built for safety purposes. The actual construction took less than 2 years. This is a safety project. It is important for trucks and cars that go through this part of our State to do it in the safest way possible. Anything we can do as members of the EPW Committee and Members of the Senate to make sure we can finish projects like this one faster is going to be better for our communities and is going to be better for people's safety.

According to the Bipartisan Policy Center, there are 59 different reviews and permits that an infrastructure project may need to get. There are a dozen different agencies that can slow down projects along the way, and that is just at the Federal level.

One of the steps that takes the longest amount of time is what they call an environmental impact statement. We all agree we need to make sure that big construction projects don't damage the environment. The problem is, these reviews have taken on a life of their own. They now take an average of 5 years to complete. That is just one type of review that the construction projects have to go through before workers can put a shovel in the ground.

The regulations and redtape have become unreasonable, and they have become excessive. There was a study recently that looked at all of these regulatory delays and the cost of them. It found that the cost of delaying the start of all these public infrastructure projects in this country by 6 years is over $3.7 trillion—not millions, not billions—$3.7 trillion. Think of how much we could accomplish and how much we could save if we could cut out these delays just a little bit.

We know that is possible. In 2011, the Obama administration picked 14 infrastructure projects for expedited review. One of the projects was a new bridge in New York. New York managed to do the environmental impact statement in just 11 months. Why should it take 5 years in Wyoming? It is 5 years normally and less than 1 year with this expedited plan. This proves Washington can do these reviews and can do this permitting faster when it wants to.

The problem is, Washington usually doesn't care if these projects get done any faster. President Trump understands this completely. He has shown that he intends to change the mindset in Washington. It is interesting, when we remember that George Washington was a surveyor long before he was our first President. I don't think we have had a President since then who has President Trump's experience in building things and dealing with all of the challenges that come with what we have seen from the times of Washington and Jefferson.

President Trump understands that the shorter we can make the permit process, the better. These are projects that can save lives. They can provide economic opportunities in towns and communities all across the country. It is what we are hearing in townhalls when we talk to people. When we cut the Washington regulations and redtape, we allow for more economic growth.

That is what Republicans have been doing for the past year because as soon as President Trump took office, Republicans in Congress began striking down unnecessary, burdensome, and costly regulations from the Obama administration.

Republicans wiped 15 of these major rules off the books. A major rule is one where the time and money it takes to comply with the rule adds up to $100 million or more. This is going to save Americans as much as $36 billion. The total saved so far, $36 billion.

The Trump administration has been very active in cutting needless regulations as well. The President froze action on over 2,000 Obama administration rules that hadn't taken effect yet. This is one of the first things President Trump did and what he is committed to do.

He said that for every significant new regulation Washington writes, his administration would offset it by getting rid of two other rules. New regulation, get rid of two. That is how to make a real difference in Washington, and we are seeing it with the Trump administration. That is how to free the American people so they can get back to work.

The economy has responded all across the country. New employment numbers came out last Friday. The American economy has created more than 2 million jobs since President Trump took office. The unemployment rate is down to 4.1 percent. Wages are up by almost 3 percent over the past year. The Associated Press had a headline on Friday that said: ''US added strong 200K jobs in January; pay up most in 8 years.''

The Los Angeles Times headline was: ''U.S. economy creates 200,000 jobs in January; wages take off.''

According to a Gallup poll last week, Americans' satisfaction with the state of the economy improved by 12 percentage points over the past year. That is a huge leap.

President Trump is absolutely right, this is our new American moment. We must keep providing relief from Washington redtape for it to continue. We have done that with other regulations. We need to do it with the things that slow down infrastructure projects as well. That is how we make sure our economy continues to grow. Fixing and improving America's aging infrastructure needs to be a bipartisan goal. We need to be able to do it faster, better, cheaper, and smarter.

So today I call on my colleagues on both sides of the aisle to do all we can to make this happen. These are not Democratic projects or Republican projects, they are the projects we need to continue to make our country stronger, safer, better, and more prosperous.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I know the leaders are coming down shortly, but I thought I would get started, and I will return when they are finished with their remarks.

SECURE ELECTIONS

Madam President, 271 is the number of days left before the 2018 elections. Only 271 days to go—a little more than 9 months—and we still cannot assure American voters that our elections are secure. That is unacceptable, and that is on us.

We know what happened in 2016. There was no debate about the facts. On January 6, 2017, intelligence reports made clear that Russia used covert cyber attacks, espionage, and harmful propaganda to attack our political system.

Six months later, on June 21, the Department of Homeland Security confirmed that Russia launched cyber attacks against at least 21 State election systems and illegally obtained emails from local election officials.

This week, we also learned that voter systems in Illinois were hacked, and the information on thousands of voters was exposed to the Russians. Our national security officials have sounded the alarm. This is just the beginning.

Last week, CIA Director Mike Pompeo said he has ''every expectation'' that Russia will target the U.S. midterm elections. The former Director of National Intelligence, James Clapper, said: ''I believe Russia is now emboldened to continue such activities in the future both here and around the world, and to do so even more intensely.''

Yet we have made no real progress in Congress toward shoring up our election systems. Just 41 days from now, Illinois—a State that Russians successfully hacked in 2016—will hold a primary for the midterm elections. So why haven't we acted? There is no excuse, and that is because there are six solutions on the table. Many of them are bipartisan.

First, States need support to protect their voting systems from cyber attacks. Right now there are more than 40 States that rely on electronic voting systems that are at least 10 years old. Think about that. Ten years ago, we were using flip phones. Now we have smartphones that we update regularly to keep pace with the emerging technology.

So we need to provide States the resources to update their election technology because our voting systems haven't kept pace with the times, much less the sophistication of our adversaries.

In addition, our election officials need to know exactly what they are up against. It took the Federal Government nearly a year to notify those 21 States targeted by Russian-backed hackers, and today many State and local officials still feel like they are in the dark.

That is why Senators LANKFORD, HARRIS, GRAHAM, and I have introduced legislation that will bring State and local election officials, cyber security experts, and national security personnel together to provide resources and guidance on how States can best protect themselves from cyber attacks.

Second, we need reliable backup measures in place when something goes wrong. Each State administers its own elections. Our decentralized election process is both a strength and a weakness. It is a strength to have multiple States using multiple systems. Then there can never be one centralized place to hack. We saw this in 2016. Russian hackers attempted to breach the systems of many States but were only successful in one.

I will continue my remarks after the leaders are finished. I know they have a major announcement, but I would just end with this. This is a pivotal moment for our country. We will not give up on our free elections and the freedom those elections deserve. If the worst happens in 2018, it is on us, not just Russia. How does the saying go? Hack me once, shame on you. Hack me twice, shame on us. We know what we can do. We must put the resources into the State elections, and we must protect the elections.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

BUDGET AGREEMENT

Mr. MCCONNELL. Madam President, I am pleased to announce that our bipartisan, bicameral negotiations on defense spending and other priorities have yielded a significant agreement.

I thank my friend the Democratic leader for joining me this afternoon and for the productive discussions that have generated this proposal.

The compromise we have reached will ensure that, for the first time in years, our Armed Forces will have more of the resources they need to keep America safe. It will help us serve the veterans who bravely served us, and it will ensure funding for important efforts such as disaster relief, infrastructure, and building on our work to fight opioid abuse and drug addiction. This bill is the product of extensive negotiations among congressional leaders and the White House. No one would suggest it is perfect, but we worked hard to find common ground and stay focused on serving the American people.

First and foremost, this bipartisan agreement will unwind the sequestration cuts that have hamstrung our Armed Forces and jeopardized our national security. Secretary Mattis said: ''No enemy in the field has done more harm to the . . . readiness of our military than sequestration.''

For years, my colleagues on the Senate Armed Services Committee, led by Chairman JOHN MCCAIN, have spoken out about these damaging cuts. In the face of continuing and emerging threats, these cuts have left us unable to realize the potential of our missile defense capabilities. They have whittled down our conventional forces, laying an undue burden on forward-deployed personnel and their families. And they have shrunk our fleet to its lowest ship count in nearly three decades. We haven't asked our men and women in uniform to do less for our country. We have just forced them to make do with less than they need. This agreement changes that.

In addition, this bill will provide for our returning heroes. Too often, underfunded, overcomplicated bureaucracies fail to deliver the care our veterans deserve. The Trump administration and Congress—thanks to the leadership of Chairman ISAKSON—have made important progress for veterans in the past year. This agreement will expand on those steps.

This agreement will also bolster our ongoing national struggle against opioid addiction and substance abuse. It will fund new grants, prevention programs, and law enforcement efforts in vulnerable communities all across our country.

It also provides funding for disaster relief efforts. Last year, powerful storms crippled Puerto Rico and the U.S. Virgin Islands and damaged mainland communities from Florida to Texas. Thanks to the efforts of Members such as Senators CORNYN, CRUZ, RUBIO, and others, this bill will get more help on the way.

The agreement will clear the way for a new investment in our Nation's infrastructure—a bipartisan priority shared by the President and lawmakers of both parties.

This bill does not conclude the serious work that remains before Congress. After we pass it, the Appropriations Committees will have 6 weeks to negotiate detailed appropriations and deliver full funding for the remainder of fiscal year 2018, but this bill represents a significant, bipartisan step forward. I urge every Senator to review this legislation and join us in voting to advance it.

I particularly want to thank my friend the Democratic leader. I hope we can build on this bipartisan momentum and make 2018 a year of significant achievement for Congress, for our constituents, and for the country that we all love.

IMMIGRATION

Now, on one final matter, as I have said publicly many times, our upcoming debate on DACA, border security, and other issues will be a process that is fair to all sides. The bill I move to, which will not have underlying immigration text, will have an amendment process that will ensure a level playing field at the outset. The amendment process will be fair to all sides, allowing the sides to alternate proposals for consideration and for votes. While I obviously cannot guarantee the outcome, let alone supermajority support, I can ensure the process is fair to all sides, and that is what I intend to do.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

BUDGET AGREEMENT

Mr. SCHUMER. Madam President, first let me thank the Republican leader for his comments and his work these past several months. We have worked well together for the good of the American people. We had serious disagreements, but instead of just going to our own separate corners, we came together with an agreement that is very good for the American people and recognizes needs that both sides of the aisle proffered.

I am pleased to announce that we have reached a 2-year budget deal to lift the spending caps for defense and urgent domestic priorities far above current spending levels. There are one or two final details to work out, but all the principles of the agreement are in place. The budget deal doesn't have everything Democrats want, and it doesn't have everything Republicans want, but it has a great deal of what the American people want.

After months of legislative logjams, this budget deal is a genuine breakthrough. After months of fiscal brinksmanship, this budget deal is the first real sprout of bipartisanship, and it should break the long cycle of spending crises that have snarled this Congress and hampered our middle class.

This budget deal will benefit our country in so many ways. Our men and women in uniform represent the very best of America. This budget gives our fighting forces the resources they need to keep our country safe, and I want to join the Republican leader in saluting Senator MCCAIN. We wish he were here because he has fought so valiantly and so long for a good agreement for the Armed Forces.

The budget will also benefit many Americans here at home: folks caught in the grip of opioid addiction, veterans waiting in line to get healthcare, students shouldering crippling college debt, middle-class families drowning under the cost of childcare, rural Americans lacking access to high-speed internet, hard-working pensioners watching their retirements slip away. Democrats have been fighting for the past year for these Americans and their priorities. We have always said that we need to increase defense spending for our Armed Forces, but we also need to increase the kinds of programs the middle class so needs and depends on. It is our job as Americans, as Senators, to make sure that middle-class people can live a life of decency and dignity so that they can keep in their hearts the American belief that their kids will live a better life than they do. In this budget, we have moved, for the first time in a long time, a good deal forward on those issues.

Alongside the increase in defense spending, the budget deal will lift funding for domestic programs by $131 billion. It will fully repeal the domestic sequester caps while securing $57 billion in additional funding, including $6 billion to fight against the opioid and mental health crises; $5.8 billion for the bipartisan child care and development block grant; $4 billion to rebuild and improve veterans hospitals and clinics; $2 billion for critical research at the National Institutes of Health; $20 billion to augment our existing infrastructure programs, including surface transportation, rural water and wastewater, clean and safe drinking water, rural broadband so desperately needed in large parts of rural America, and energy infrastructure; and $4 billion for college affordability, including programs that help police officers, teachers, firefighters.

The deal also boosts several healthcare programs that we care a lot about in this country. An increase in funding for community health centers, which serve 26.5 million Americans, is included. My friends Senators MURRAY, TESTER, SANDERS, and many others have been champions for these community health centers. I want to thank them for the hard work they have put in to get this done. The Children's Health Insurance Program will be extended for an additional 4 years. Credit is due to our ranking member, Senator WYDEN, for his effort for this extension. American families with children who benefit from CHIP will now be able to rest easy for the next decade.

Seniors caught in the Medicare Part D doughnut hole will also benefit from this bill, which eases the coverage gap next year, helping thousands, millions of seniors afford prescription drugs. We have waited long for this. Rural hospitals that struggle, seniors, children, and safety net healthcare providers will benefit from a package of health tax extenders as well.

On the pension issue, Democrats secured a special select committee that must report a legislative fix to the problem by December 2018. Millions of pensioners—teamsters, carpenters, miners, bakery workers, and so many more—are staring down cuts to their hard-earned pensions. They didn't do anything to cause those cuts. Their livelihoods are staked to these pensions. We ought to make sure that they get every penny they earned. We Democrats would have liked to take up and pass the Butch Lewis Act. We couldn't reach an agreement to do that, but now we have a process and potentially the means and motivation to get it done. There were so many Senators, led by Senator BROWN, who are responsible for this. I want to acknowledge him and Senators CASEY, STABENOW, MANCHIN, KLOBUCHAR, BALDWIN, MCCASKILL, DONNELLY, and HEITKAMP, who worked so long and hard on pensions.

The budget deal also includes long-awaited disaster relief for Texas, Louisiana, Florida, the Western States, Puerto Rico, and the U.S. Virgin Islands. Many of these places are still taking their first steps on the long march to recovery. Much of Puerto Rico and the Virgin Islands remains damaged and in the dark. This recovery aid could not have come a moment too soon. Senator NELSON worked very hard for both Florida and Puerto Rico relief, as did so many others in this Chamber.

I would also like to thank our ranking member on the Appropriations Committee, Senator LEAHY, who worked so diligently with his staff and his ranking members on these issues, as well as Senator MURRAY, who has been our beacon on health issues, where we have made real progress today.

The budget deal is a win for the American people. It will also do so much good for our military and for so many middle-class Americans and finally consign the arbitrary and pointless sequester caps to the ash heap of history.

A final point: Our work here in Congress on this budget deal between the Republican leader and me, between the Senate and the House was completed without a great deal of help from the White House. While President Trump threatened shutdowns and stalemates, congressional leaders have done the hard work of finding compromise and consensus. It has been a painstaking and months-long process. It has required concessions, sometimes painful, by both sides. But at the end of the day, I believe we have reached a budget deal that neither side loves but both sides can be proud of. That is compromise; that is governing. That is what we should be doing more of in this body, and it is my sincere hope that the Republican leader and I will continue to work together in this way to get things done for the American people.

Now, of course, we must finish the job. Later this week, let's pass this budget into law, alongside an extension of government funding. I hope the House will follow suit and President Trump will sign it. I also hope that Speaker RYAN will do what Senator MCCONNELL has agreed to do—allow a fair and open process to debate a Dreamers bill on the House floor.

This budget deal will be the best thing we have done for our economy, our military, and our middle class for a long time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, we are very pleased by this bipartisan work and what this will mean for our country. I thank both leaders for their work.

SECURE ELECTIONS

Madam President, I want to finish the remarks that I started before the leaders took the floor pertaining to another issue that is very important to this country, and that is the issue of the elections in 2018.

I mentioned the importance of the bill that Senator LANKFORD and I are leading, along with Senators HARRIS and GRAHAM, that would give—along

with House support, Republican and Democratic support—some much needed resources to the States to help them with their equipment. Many of the States have not updated their election equipment in over 10 years.

I also mentioned the reliable backup measures that we are going to need for things like a paper ballot system. Ten of our States don't have that. If they were hacked, there would be no backup to prove what had happened. That must change.

Third, we have to make sure our elections are free from foreign influence campaigns. We know that the Russian disinformation reached more than 126 million Americans through Facebook alone. And while $1.4 billion was spent on online political ads in 2016, we still don't know how much Russia actually used to purchase those ads, although we do know they bought Facebook ads in rubles to influence the 2016 election.

Today, online platforms are dwarfing broadcast, satellite, and cable providers. The largest internet platform has over 210 million American users. The largest cable provider only has 22 million subscribers. That is why Senators MCCAIN and WARNER and I have introduced the Honest Ads Act, simply putting in a level playing field. So if money is spent on political ads, the same rules that apply to print, radio, and TV apply to online media companies, and that is a disclaimer, and that is simply a disclosure of both candidates' ads and also issues—defined by statute—of national legislative importance. If my radio station in Thief River Falls, MN, is able to track their ads, and the press is able to see them, and opponents' campaigns are able to see them, that should be able to be done by some of America's most brilliant companies. We must fix that.

Fourth, we need to make sure our elections are free from foreign money. About $184 million in dark money was spent in the 2016 Presidential election. Senator WHITEHOUSE has a bill that would ban campaign contributions and expenditures by corporations that are controlled, influenced, or owned by foreign nationals. Senator BLUNT and I have a bill that would use existing credit card protocols to help verify that online donations are only coming from Americans. If Amazon can check your credit card against your home address, campaigns and PACs should be doing the same to verify that online donations are truly from the United States.

Fifth, we must send Russia a message that this behavior is unacceptable. We need to make it clear to Russia that we will not tolerate their interference in elections. That is why I have said time and again that we need to impose the Russia sanctions that passed the Senate with overwhelming bipartisan approval. This is about sending the Russian Government a message: There will be consequences if you interfere with our elections. We will impose sanctions against those who engage in business with the Russian defense and intelligence sectors—two parts of the Russian Government responsible for orchestrating the attacks on our election systems.

The Senate voted 98 to 2 for those sanctions, and this administration has not implemented them. It makes no sense to me that the administration does not stand with 98 out of 100 Senators on this. When we don't do the sanctions, we are announcing to the world that there are no consequences to foreign governments that interfere in American elections. By doing that, we simply embolden them.

My colleagues also recently introduced a bipartisan bill that would require mandatory sanctions against countries that interfere in U.S. elections. Deterrence is key, and imposing additional sanctions would send a strong message to Russia and any other country that seeks to undermine our democracy.

Sixth, we must understand the full extent of Russia's role in our 2016 election. That is why Senator CARDIN introduced a bill to establish an independent commission with one goal: to examine Russian cyber operations and interference in the 2016 elections, because understanding what happened in the past will help us prevent attacks in the future.

All of these tools would help secure our elections, and so many have bipartisan support. I am not just talking about the Senate; Republican and Democratic former national security officials support these policies. Republican and Democratic State and local election officials want Federal resources to protect election security. Republican and Democratic House Representatives do too. Representative MEADOWS, the leader of the House Freedom Caucus, and Democratic Congressman JIM LANGEVIN introduced a companion to one of these election security bills that I am leading. It was Republican Senator MARCO RUBIO who said that once they went after one party in one election, the next time it will be the other.

Our whole country is based on free elections and the freedom to participate in our democracy. Our Founding Fathers set up a system so that we would be free of foreign influence. In fact, our whole country began because our country wanted to be free of foreign influence.

Now is the time to put politics aside and come together to secure the future of our elections. So whether you are a four-star general, a fourth grade teacher, or a computer engineer at Foursquare, this is an issue that should unite us.

In 1923, Joseph Stalin, then General Secretary of the Soviet Communists, was asked about a vote in the Central Committee of his party. Stalin was unconcerned about the vote. After all, he explained that who voted was ''completely unimportant.'' What was ''extraordinarily important'' was who would count the votes and how.

It is 95 years later, and sometimes it seems as though we are back at square one. Who voted is important. And if we suppress a vote or if people aren't allowed to vote or if the wrong people have voted or they are calculated the wrong way, that means that they had their way. What he acknowledged back then is that who counts the vote matters.

We have to decide who is going to count America's vote. Is it going to be America, or are we going to let another country influence our elections and be able to count them themselves?

Russia, as we know, is not our only threat. Our adversaries will continue to use cyber attacks. These attacks may not involve traditional weapons of war, but they can be just as disruptive and destructive.

As I said in closing before the leaders took the floor, the 2018 elections are just 271 days away. We need to protect our election systems. Secretary of State Rex Tillerson said in an interview just yesterday that Russia is already trying to influence the U.S. midterm elections and that Russia has a lot of different tools at its disposal. So I ask my colleagues, why don't we start having some tools at our disposal, laws at our disposal that will actually do something about this, resources supported by the head of the Freedom Caucus in the House that will help to strengthen our State election equipment? That is what we need. Hack me once, it is on them; hack me twice, it is on us.

The 2018 elections are just hundreds of days away. It is time we take action, and we will have opportunities in the next few weeks to put some resources into this.

I will remind you that the cost of the bill that Senator LANKFORD and I have, which we have paid for by unspent grant money, is 3 percent of the cost of one aircraft carrier. If these other countries are viewing this as a form of warfare, at least we can put the resources of 3 percent of one air carrier into this challenge.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from South Carolina.

TAX REFORM

Mr. SCOTT. Mr. President, 6 weeks after the passage of tax reform, we continue to show the American people how we are delivering on our promises with real, lasting tax reform.

In fact, a recent poll showed that 69 percent of Americans are satisfied with the boost in our economy. Another poll showed that Americans' approval of our tax reform package has more than doubled since its passage. I know it will continue to rise as more families see the benefits coming their way. Our new tax law will ensure that they are able to keep more of their paychecks and that the jobs of the future are created right here in the good old U.S.A.

Back home in South Carolina, we continue to see positive changes because of tax reform. More businesses are awarding their employees with raises, and as a result, more families are putting more money in their bank accounts and in their pockets.

Here is a real-life example. I received a note from Steve Potts, the CEO of Scout Boats in Summerville, SC. Scout Boats is, for those who may not know—but everybody knows Scout Boats—Scout Boats is a world-class brand. It has been recognized all over the world for quality boats. Here is a success story, an organic success story.

Back in 1989, Steve started his business with his wife in their garage. They did very well for a while, and then, of course, very quickly, Hurricane Hugo came about several months later and wiped them out. They had to start all over again.

They had two employees in 1989. Their life savings were invested into Scout Boats. Today, almost 30 years later, they have 340 employees. This year, they are going to hand out $1,000 bonuses to their 340 employees, and they hope this is the year that they will take their employees from 340 to 350 and exceed 400 employees.

He said:

We're confident this will help—

The tax reform package.

—further stimulate our own company morale, as well as become an attractive career opportunity for new employees we are currently searching for. . . . We believe by us giving back to our employees, we're doing exactly what you and many others originally intended with tax reform.

This is fantastic news and proof that we are reaching our goals.

I want to say thank you to Steve, not only for sharing your story but for rewarding the hard work of your employees. It is what happens in small and medium businesses all over the country.

Having started a small business myself, I understand and appreciate the dedication Steve had to his vision and to his employees, because for Steve and so many entrepreneurs, their employees are an extension of their family. So being in a position to provide those folks with a $1,000 bonus each is a big deal. It is a big deal for the company. It is a big deal for the employees. It is reflective of the fact that most small businesses are reinvesting in their future, which means reinvesting in their employees. Steve is a classic example.

Just like Steve, in the last 6 weeks, more than 3 million Americans have seen direct benefits from tax reform, be it bonuses or wage increases or better benefits. It is all good news, and it just keeps on coming. It is good news. More than 300 companies across our great Nation have announced significant benefits for their employees.

There is more. My Investing in Opportunity Act was included in the tax cut, and it is designed to help 52 million Americans living in distressed communities like the very one in which I grew up. We have worked hard to get the IIOA—Investing in Opportunity Act—across the finish line so that it can be deployed in States around this Nation to help those very folks. That means everything from workforce investment, to better education, to businesses being attracted into these opportunity zones.

I want to thank the majority leader for his words on the Investing in Opportunity Act yesterday morning. He is right. This will empower communities, and it will put up a big neon sign that says we are open for business. It will help communities that today may be wavering, questioning whether they can be successful. This is a resounding yes. Yes, you should be hopeful. Yes, you can be successful.

I know these communities full well, and they are full of folks looking for a chance, an opportunity to put their creativity, their intelligence, and their work ethic on display. The Investing in Opportunity Act will provide that chance.

The benefits of tax reform have just begun. Whether it is bonuses for workers, more wages, better benefits, or the implementation of the Investing in Opportunity Act, we know that the best is yet to come for the American people.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PAID LEAVE

Mrs. GILLIBRAND. Mr. President, we just marked the 25th anniversary of the Family and Medical Leave Act, known to most as FMLA.

When FMLA passed 25 years ago, it was an incredible step forward for millions of working families. They finally had the legal right to step away from their jobs to take care of their families without the risk of being fired. But we now know that the law just has not kept up with the times.

FMLA doesn't apply to 40 percent of the workforce, and it doesn't guarantee any pay during the time the worker is away. In fact, 25 years after FMLA was signed into law, we are still the only industrialized country in the world that doesn't guarantee access to some form of paid leave. That means that workers all over the country are losing wages and retirement savings when they take time off. The economy is losing tens of millions of dollars. We have to change this because FMLA is not good enough anymore.

We need an actual national paid leave program, and I am pleased to see that paid leave has now clearly become a bipartisan issue. Both parties agree that paid leave is something that our country desperately needs and urgently wants to have.

Earlier today, a group of Republican colleagues announced a proposal they claim would solve this problem, but it is clear that their proposal will not help the vast majority of working Americans. In fact, it would not create a real paid leave program that covers all workers.

Not only that, this plan will actually rob the Social Security trust fund. This would not strengthen Social Security; it would weaken Social Security. No worker should have to borrow against their own Social Security benefits, which are already too low, to get paid family leave when they need it to take care of a new baby, a sick family member, a dying parent, or themselves. And let's not forget that Social Security already pays women less than men. So this proposal would make that problem even worse.

If you are watching this debate right now and you are wondering whether Congress is finally going to pass a paid leave law that actually helps working Americans, don't be fooled by this Republican proposal.

If your son is diagnosed with cancer and you need time to bring him to his chemotherapy appointments, their plan will do nothing for you. If your elderly mother has dementia and you need time to be by her side, this plan will do nothing for you. If your husband has a heart attack and he needs you there while he recovers, this plan does nothing for you.

Right now, millions of American workers are stuck choosing between earning a paycheck and leaving their jobs to take care of a loved one when some medical emergency happens, and if this bill passes, that would not change.

Listen to what a woman named Shelby went through because she didn't have paid leave.

Shelby is a mother and a grandmother, and she takes care of her parents. She is a security officer, committed to keeping her community safe. We all know that we can never predict when medical emergencies happen. All of a sudden, Shelby's youngest daughter and parent needed medical attention at the same time. Shelby had to leave work because her family needed her, but all she had was FMLA—unpaid leave—which counted as an employment disciplinary action where she worked.

As Shelby put it, taking unpaid leave was an enormous financial burden for her. She couldn't keep up with her rent or utility costs, and it took her months to catch up on just paying her bills. She was able to keep her job, but she suffered far more than she should have, with an enormous amount of added stress on top of her family's medical issues, because she didn't have paid leave. This Republican proposal would not help her.

We have to fix this. Even President Trump agrees. In his State of the Union Address last week, he said: My response is this: Actions speak louder

than words. Our country needs a real paid leave plan.

If President Trump and Congress really are serious about creating a national paid leave program, then I urge them to support my paid leave bill, which would actually work. It would cover all workers, not just new moms. It is called the FAMILY Act.

The FAMILY Act would finally guarantee paid family and medical leave to every working American. The FAMILY Act is affordable. It is an accessible earned benefit that you and your employer would contribute into together. It would stay with you for your entire career, no matter where you worked. It is universal and comprehensive. It is for women and for men. It is for the young and the elderly. It is for workers in big companies or small companies or even if they are self-employed, it would only cost about the cost of a cup of coffee a week.

This is the kind of paid leave program that our country needs, and anything less is just not enough.

Five States around the country have already stood up for what is right and given their workers access to paid leave. These States, including my home State of New York, are doing a much better job than Congress of meeting the needs of their people on this issue.

California, for example, has had their paid leave program for more than a decade. I know some of my colleagues are worried about whether paid leave is good for business, so I hope they will listen to these numbers.

In a survey, 90 percent of business owners in California said that paid leave had a positive or, at worst, no negative effect on their profit or their productivity and on their retention. Ninety-nine percent of them said that it boosted morale.

Paid leave is good for business and it is good for working families, so we have to pass it. I know there is bipartisan support to do it. Let's start rewarding work again and give people the opportunity to earn a better life for their families, and let's finally give Americans access to paid leave.

I urge my colleagues to join me in this fight and pass the FAMILY Act.

I now wish to yield the floor to my colleague from Illinois, who is also going to speak about why this is good for America.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. DUCKWORTH. Mr. President, I want to thank my colleague from New York, who is on the floor today, for her leadership on this very important issue.

I am here to join in the discussion on one of the most pressing issues facing American families all across our country—our Nation's outdated family leave policy. About 2 weeks ago, I announced that I am expecting a baby girl in April. The support for my announcement has been overwhelming, and I am grateful for it. I have received so many congratulations and lots of questions about my daughter-to-be. I have also gotten questions about how I balance being a working mother and a legislator, how I expect to handle having a newborn and a 3-year-old as I continue my work here in the U.S. Senate.

I know these questions come from a good place, but let's be real. It is 2018. Women have been having children since the beginning of humanity, and I am nowhere near the first person to be a working mom. In fact, my colleague was a working mom and legislator long before I was.

Millions of women have been balancing the demands of their job and their families ever since female trailblazers first joined the working world, but you wouldn't know that based on the policies we have adopted as a country. The United States is one of just a handful of developed countries in the world that doesn't offer paid maternity leave, and one of the very few industrialized nations that doesn't offer paid parental or family leave to parents.

Across our Nation, working parents face barriers to staying in the workforce. Lack of access to affordable child care and paid family medical and parental leave forces people to choose between taking care of their children or a sick family member and losing their job and their health insurance. That hurts our entire country. That is why, as we mark the 25th anniversary of the Family and Medical Leave Act today, I want to highlight the commonsense legislation my colleagues and I have introduced to make the workplace more accommodating for working parents.

Senator GILLIBRAND has a great bill, the FAMILY Act, which would do just that by creating a universal family and medical leave insurance program that would cost employers and employees less than $1.50 per week on average. This is the ultimate in self-help. This is people helping themselves so that they can have the leave they need when their families need it.

Senator PATTY MURRAY's Child Care for Working Families Act would ensure every family has access to affordable and high-quality child care. And my Child Care Access Means Parents in Schools Reauthorization Act would increase access to on-campus care for student parents, who make up more than one-quarter of all college students in America.

These bills are a great place to start, and we should take them up in the Senate as soon as possible. After all, the FMLA passed in 1993. While it was an important step forward for our country, it is not comprehensive and it is nowhere near enough. Many workers across the country are ineligible for it, don't qualify to receive unpaid time off, and can't afford it. The FMLA does little to help Americans who cannot afford to take unpaid time off from work, forcing people to choose between a paycheck and being able to pay their mortgage and support their own loved ones.

We need to do what we can to change that—to finally offer paid parental leave like the rest of the world has. There is no reason we can't get this done today, and we should get to work on it today.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, I rise today to talk about paid family leave. I want to introduce this topic by saying that politicians across America, whether they are local, whether they are in State offices, or whether they are in very important bodies like the U.S. Senate, make one pledge; that is, to support American families. They promise to try to make life just a little easier for people who are raising the next generation, to do what it takes to encourage people to have families and to have children, so our future is secured not only with a workforce but also the vibrancy that is America.

It has been 25 years since we adopted the Family Medical Leave Act. That was a great step forward, and I actually remember when it happened. I was North Dakota's attorney general cheering from the sidelines, thinking: We have solved this problem. We are now protecting parents from losing their jobs and enabling them to care for their newborns. Unfortunately, it wasn't enough. It wasn't enough because how many people, even if they have the protection, can afford to exercise their rights under the Family Medical Leave Act? The answer is very, very few in my State.

It is absolutely essential that we take this to the next step. It is essential that we make sure we are not forcing our citizens to choose between working—as they have to when families live paycheck to paycheck—and caring for their newborn. Many daycare facilities will not even take an infant until they are 10 or 12 weeks old. So what choice have we really given people under the Family Medical Leave Act?

Just 15 percent of the workforce in the United States has access to paid family leave through their employer. That leaves millions of people without access to paid leave for time away from their job to care for a new child or a seriously sick relative.

It is well past the time that the United States of America—the greatest country in the world—has a Federal paid family and medical leave policy to truly support working families.

I will tell my colleagues that I find this issue particularly vexing because North Dakota competes with the rest of the country for workforce. If you go to California, this benefit is extended through a State system. If you go to Rhode Island, this benefit is extended through a State system. New York is pursuing a State system. Certainly States with large populations, like New York and California, have the economies of scale to offer this benefit in a State-based system. Guess what happens to a State that only has just over

700,000 people in population. Think about the percentages that we would need to run a State-based program.

We need a national solution to this problem. I know a lot of people are saying: Well, the States are doing it; they are the laboratories of experimentation in this great democracy. But the fundamental problem is that for States like mine that don't enjoy economies of scale, this will not be a reality for the women, for the families in my State who want to have children. Also, daycare is the second issue that makes this so difficult.

We need to make sure that people know they are going to have a guaranteed income for those first three months of child-raising. Why is that important? It is important because we know that as a matter of physiological development, that bonding period of time with your parents during those early months is so critical. When children get detached from their parents during those early months, they can suffer psychological effects that will last forever. So we need to get this done.

Let's talk about what proposals are on the table. I don't want to be critical because I think it is wonderful that this issue has come to this body, not only on this side of the aisle, to talk about the need for paid family leave. But, once again, where we applauded the Family Medical Leave Act, we left too many people behind. We can't do that again. That is why it is really important that we analyze the proposals that are out there.

I know that along with my good friend, the Senator from New York, we have been having long and extensive conversations with many Republicans about this issue, as well as with many folks in the White House, about the need for Federal paid leave. Over the past few days, details have come out about a Republican plan that would have new parents do something we should never do, which is take money out of our retirement system. The plan suggests that new parents take money out of their Social Security benefits. Think about that. We have a retirement crisis in this country. Too few people have anything other than Social Security to live on in their older years, and now we are saying: Guess what. Borrow against that. Get your Social Security to help you pay for what happens today, and then hope upon hope that you will have enough money to retire in the future. It is, quite honestly, the wrong direction.

This plan does not, in my opinion, support families. It would not help most working families and those who could use it. It would force them to choose between caring for a newborn or a family member or their retirement savings. I think it is likely that people would take that option, but jeopardizing their future retirement is not a choice they should have to make.

Additionally, just think about this: Women already get, on average, 20 percent less in Social Security benefits than men. Why is that? It is that way because of the pay gap we have in this country—another issue we could discuss, but we are not going to do that today.

Social Security is a critical retirement security plan in this country, and for far too many families, it is the only thing they can rely on in retirement—something we need to fix—and we don't need to exacerbate it by complicating the Social Security retirement crisis with the problem of paid family leave.

So I am here to advocate for a bill that Senator GILLIBRAND has introduced and I have proudly cosponsored called the FAMILY Act. It is a real Federal paid leave policy that I think we desperately need. We need to support working families, and this bill does, because it would make that promise of family paid leave possible.

Our bill provides 12 weeks of partially paid leave for workers dealing with serious health issues of their own, including birth and adoption of children, or for family members. Our bill would create an affordable, effective earned benefit that both employers and employees could and would contribute to. For employees, the paid leave benefit would always apply to them no matter where they live. It is transportable, which is so important in this new gig economy.

Almost half of North Dakota workers do not qualify for a single—now, I want my colleagues to remember this—work day where they could get sick, and only about one-third of North Dakota's workers are eligible for and can afford unpaid leave. For them, the FAMILY Act would make all the difference. No family should have to choose between a loved one and their job. No family should have to make the choices that they have to make today, frequently delaying raising a family because they simply can't afford it when they put pen to paper.

Our bill also levels the playing field for businesses. I think this is an important part. I want people to understand this. If you are a small firm in North Dakota that does coding—let's say you are a software firm and you get an exciting new product and you want to generate excitement within your business. You want to recruit the best and the brightest coming out of our universities, coming out of our tech schools, but you are competing against Microsoft and you are competing against Google and you are competing against all of those companies that can afford to provide that benefit. Many, many of the small businesses in my State have said: Help us compete; help us compete for the best and brightest. When those benefits are offered to workers, where are they going to go if they want to raise a family? They are going to go not just to where the pay is better, but they are also going to go where they can get the benefit of paid family leave. It is critically important that small businesses be enable to enjoy the economies of scale.

If you work in retail and you say ''I want to exercise my right to paid family leave or my right to family leave, and I am going to go,'' the employer is going to protect the job, but they can't afford to pay that person when they are paying another person in a small business. If my colleagues can think about this the way I think about it—we have unemployment insurance for a reason. We have unemployment insurance because temporarily people have to get out of the workforce because maybe their job no longer exists or they have lost their job for some reason. We give unemployment benefits to help bridge them to the next job and to keep them in the workforce. As a condition of that, we ask them to continue to look for a job, and, hopefully, we provide some services in their search for a job.

Think about the unemployment system. Who here would repeal unemployment insurance? It is temporary. This is an extension. Think about it like we would think about unemployment insurance. If something happens in your family—you have a baby, your mother gets cancer, your husband gets cancer—you can't afford to take time off, but you can't afford to leave them alone. So what do you do? You exit the workforce, potentially qualifying for food stamps, potentially qualifying for government benefits. This benefit keeps people in the workforce.

When I talked about this benefit in Dickinson, ND—not exactly a hotbed of liberalism—and explained why I thought it was important, a woman came up afterward and said: Do you know what I really like about your plan?

I said: That we are going to help families?

She said: Well, that is important. But I really like that it keeps people in the workforce, that they have a job when they come back, and that they are able to bridge that and not leave employment.

Think about the economic disruption when somebody can't keep an employee because of these challenges. Retraining costs are high.

When this started in California, this was not yet again another big government program. People would talk about it that way. Satisfaction levels with this program from every end of the spectrum in California are off the charts—with employers and employees, with small business and with large business—because they know that the retraining and retooling they would have to do for employees is expensive, and they want to keep the good employees that they have.

Let's do something for families. Let's actually do something. Let's not just promise it. Let's not mortgage our retirement for it. Let's do something for families and actually take this burden and say: We are going to help you. If you want to have a child, it is 3 months of paid family leave. It is not at your total salary. It will not be the full amount, but we are going to help you if

your mom gets sick with cancer so you don't have to leave your job to take care of her. We are going to work with families to make this happen.

I guarantee that this will be a program that will be remembered the way we remember other great programs, such as Social Security, Medicare, and unemployment insurance.

I urge my colleagues to take a look at the FAMILY Act. Take a look at all of the good economic arguments that go with it—not the heartwarming arguments, which I think we can make, but the economic arguments about why this makes sense for American business and for the American economy.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TAX REFORM

Mr. BLUNT. Mr. President, when the Tax Cuts and Jobs Act was signed into law in December, we heard a lot about what was going to immediately happen. This was going to be a tax cut for the rich. Corporations were going to use their money to buy back their stock and not share it with the people who work for them.

The Senate was as divided on a partisan basis as the Senate could be. Every person in the majority voted for the tax bill. Every person in the minority voted against the tax bill.

We heard from some of the leaders of the other side that it would be Armageddon. We heard from President Obama's Treasury Secretary that 10,000 people would die every year if the tax bill was signed into law. We heard that the average family would only get crumbs and scraps from the tax bill. It is turning out that this is not what appears to be happening at all.

Companies have stepped up to show that in a growing economy—in an economy they believe is going to grow—they value the people they work with and they value the employees of their company in a way we wouldn't have anticipated. I thought this would happen as we saw the economy take off from the tax bill. It didn't occur to most of us that companies would step up on day one and say: We are going to value and show our value to the people who work for us.

Over 3.8 million people now have received over $4 billion in bonuses. A lot of those happened in my State of Missouri. The Central Bank of St. Louis, which employs over 2,000 people, gave a $1,000 bonus to all full-time employees, and the 246 part-time employees will get a $500 bonus.

Charter Communications announced, as many people have, that they are going to increase their own minimum wage. Whatever their minimum salaries have been in the past, those are now going to be higher. The best kind of minimum wage increase is because you believe that is the fair thing to do for your employees and also because you believe it is what you need to do to keep good employees in a rising economy. I think we had gotten so used to the stagnant economy of the last 8 or so years that people had forgotten what happens when the economy begins to grow. So Charter Communications is now increasing their minimum wage to $15 an hour.

Commerce Bancshares, in Kansas City, has more than 2,300 employees in Missouri, and they gave a $1,000 bonus to all of their full-time employees and a $250 bonus to their part-time employees.

Mid-Am Metal Forming in southwest Missouri gave all 140 of their employees a cash bonus.

This is not just about big companies. This is about little companies looking at how they want to grow and knowing that to grow, they need to keep a workforce that can be part of that growth.

Great Southern Bank, in my hometown of Springfield, has over 800 Missouri employees. They gave a $1,000 bonus to full-time employees and a $500 bonus to part-time employees.

Walmart announced that the 25,700 Missourians who work for them are not only getting bonuses, but they are raising the starting wage for full-time employees to just under $14 an hour—substantially higher than the wage otherwise.

That doesn't sound like crumbs to the people who are getting those bonuses. They see what they can do with it.

Solomon Essex, a warehouse worker at Dynamic Fastener, in Raytown, told us he was using his $1,000 bonus to help his daughter buy a car.

Mary Beth Hartman, who owns a construction company in Springfield, said: ''I've been able to offer my long tenured employees a week of vacation'' that they didn't have before. ''They're getting plenty of overtime; they have job security.'' She is also creating new jobs in her business.

It is a good start, but I think there are even more announcements and more good opportunities ahead.

Senator CAPITO and I were on the floor talking about this before the bill passed. I said several times that there are two ways to increase your take-home pay. One is for the government to take less out of it, and another one is for you to get a better job to start with. We are already beginning to see both of those things happen. When you double the standard deduction, when you double the child tax credit, and when you lower the rates, the new code allows you to have more money.

Our friends on the other side said people wouldn't get a tax cut. But 90 percent of the workers in the country who have income tax deducted from their paycheck are going to have less income tax deducted on the same pay in February than they would have had in December. What does that mean?

I will mention here that the University of Missouri just beat Kentucky in basketball for the first time since we got into the SEC, a handful of years ago. We didn't want to let that go unmentioned.

The Boone County clerk announced that he had run the payroll for the first time for all 485 county employees, and the average county employee was getting $150.54 a month more than they were getting on that same salary last year. Many of those employees have two people in their house working. This is just the one salary—an average of $150.54. That is about $1,800 a year.

A brand-new deputy sheriff in Boone County who earns $45,905 will have an extra $1,929 this year that they didn't have if they started that same job in November or December of last year. Now, $1,900 does a lot of things. Two hundred dollars a month only seems like a lot if you don't have it. In Boone County, that payroll for 485 people calculates right at $945,000 a year that those employees will have that in the past they would have sent to the Federal Government. Some of it will be saved. Some of it will be spent.

When I was flying back from Kansas City on Sunday, a guy behind me on the plane, as we were getting off, tapped me on the shoulder and said: Thanks for the tax cut. My wife and I just got our first checks with the new tax rates, and we are going to have $5,000 more this year than we had last year. We are going to put every penny of it in our kids' college savings account and we are really happy about it. We are really happy about it.

We don't often hear people say: We are really happy about something you have done for us because it is going to make a difference for the future of our family.

But this tax bill will.

For a single parent with one child in Missouri who makes $41,000 a year, their taxes are going to go down 75 percent. That single parent with one child will have $1,400 more this year than they had last year—over $100 every single month.

A family of four who makes about $75,000 will have $2,000 more. That is a 50 percent tax cut for that family. For most people, that is 2 months' worth of groceries. It is gasoline. It is an electric bill.

If you get your electricity from a privately owned electric company, like many people do in 47 States, some of the electric companies are going to be reducing their rates. Now, if you have a rural electric coop, like my farm in Strafford has, or a public utility, like my house in Springfield has, you will not get that tax cut, but lots of Missourians get their electric from somebody that pays taxes. If you pay taxes, you are going to be reducing your electric bill because that 35 percent rate

was figured into what you are allowed to charge. Now you are paying 20 percent. That is money you are going to be giving back to the families and businesses you serve.

Helping families means ensuring that they have more opportunities in the future. Being part of a growing economy means you are going to have more opportunities in the future. We are seeing all those things happen, and I think we are going to continue to see them happen—not just in businesses like AT&T, Boeing, and Apple, which, by the way, just brought all of the money they had earned outside the country back home. They just announced that they are bringing 100 percent of everything back, which they would have not brought back at a 35-percent rate. But they are glad to bring it back at the rate in this tax bill. We are glad to see all those companies in a more competitive marketplace, just like small businesses are.

So even though the law went into effect just a little over a month ago, I think we are seeing the kind of reaction we would have hoped for. Families are beginning to see that what they were told about the tax bill wasn't true. You should never want to say something that is not true, but surely you should not want to do it when in 60 days you are going to be proven not true in the one thing that everybody looks at—which is a bigger paycheck than they had 60 days ago.

In spite of what was said, 9 out of 10 workers are going to have a bigger paycheck, and those are hard-working families. The people who don't benefit from the tax cut are the people at the richest end of the tax scale, not the other end of the tax scale.

So I think we are off to a good start. I think we ought to be talking about a growing economy. All of us ought to be watching, after a decade of not seeing the economy grow, what has happened over the last few months and what really happens now as we move to a better place for families, a better place for jobs, and a better place for competition because of the tax bill we passed in December and the President signed into law.

With that, I think other colleagues of mine are here. Senator CAPITO and I have been on the floor a number of times talking about this together, and I know she is here to follow me now.

The PRESIDING OFFICER (Mr. COTTON). The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I thank my colleague from Missouri for his terrific explanation, 60 days hence, of voting for the tax reform bill and the effects it is having in his great State. I would like to join him today to talk about what I think are the positive effects of tax reform, not just across the country but particularly in my small State of West Virginia.

Last Wednesday, Vice President MIKE PENCE and Commerce Secretary Wilbur Ross came to West Virginia to talk about this at a small business, Worldwide Equipment, which employs 1,100 people across the country, 200 or so of which are in West Virginia at 7 different locations. We learned from owner Terry Dotson how he feels about tax reform and the effect it has had on his business, his employees, his ability to grow his business. What we learned is that Mr. Dotson is going to be investing $8 million more in the operations and in his workforce, whether it is through bonuses, expanding the facilities, buying new equipment. But particularly for the men and women working for Worldwide Equipment, it is the bonuses that are going to have people seeing the immediate effect. He attributes this all to tax reform.

The men and women of Worldwide Equipment join hundreds of thousands of workers all across this country at companies like Walmart, AT&T, Comcast, Fiat Chrysler, and many others who will receive bonuses or salary increases because of this bill. The good news doesn't stop there, and that is good.

Those of us who voted for this bill—and I did, very proudly—said that the effects of this tax reform are going to be felt in many different ways. Mr. Dotson has a relatively small business. He mentioned how he is feeling it. But many workers will see their take-home pay increase in the coming weeks, as employers are adjusting the tax withholding based on the new law.

People like Robert from Berkley Springs, WV, wrote me last week:

> Thank you for helping my family by voting yes on the tax bill. My family saw a significant increase in our take-home pay today.

Edward from Hurricane, WV, said:

> I really want to thank you and the President for the tax breaks! Please keep working to help the American workers.

Dennie from Charleston wrote:

> The recent tax bill that was passed will provide a great boost to our economy in many ways including more employment opportunities and money in people's pockets.

And Robert, who is a small business owner from Huntington, wrote:

> I want to thank you for your yes vote on the Tax Cuts and Jobs Act. This legislation recognizes the importance of small business.

In a State like ours, 95 percent of the businesses are small businesses. Many of them are family-owned. Other West Virginians will soon see the benefits.

I would like to tip my hat and congratulate our State auditor, J.B. McCuskey, because he took the time and made the effort to figure out what kind of impact the Tax Cuts and Jobs Act will have on State workers and the workers from West Virginia University or Marshall University—the three largest workforces the State of West Virginia does payroll for. He announced that, in total, all three of those entities will have $50 million more in their pockets throughout the year—an average for a State worker of $1,000 or $1,200 more per year. These are significant amounts of dollars for young families trying to buy new shoes, buy books and school supplies, use the gas to go visit or go on a vacation. We could go on and on. It seems that the coldest day—a wet day like today—is always the day the furnace breaks down. How nice it would be to not have to borrow or worry or put more credit on the credit card and have the cash to be able to do these things.

I would say, $50 million more for West Virginia workers is $50 million more going into the local economy, into the State economy. Better yet, people are making their own decisions on how they are going to spend it.

Just 2 months after the bill became law, Americans are already seeing the benefits. The jobs report that was released last Friday showed over 200,000 jobs that were created just in the month of January. The report showed—and I think this might be even more significant than job growth—that wage growth is accelerating at the fastest rate in the last 8 years.

People talk about stagnated wages and how they haven't had a raise or how their dollars are not going as far. By increasing the standard deduction and the child tax credit for middle-class families, we are making life better for the people we represent. By making our Tax Code more competitive, we are allowing American companies to bring home money that had previously been left overseas.

There was a big controversy on this when we began discussing it: Are they really going to bring their money home?

Apple announced plans to return as much as $250 billion in cash that it had kept overseas. That is billion with a ''b.'' That move is expected to create 20,000 new American jobs and a tax payment of $38 billion on the repatriated cash. I think that is, obviously, one of the largest examples but also one of the best examples of an American company.

Under our previous, outdated Tax Code, corporations were faced with a 35-percent tax if they brought their foreign earnings home. Because the U.S. corporate rate was the highest in the developed world, American companies often made the financial choice to leave their foreign profits overseas, which meant that under the old system, the Federal Treasury was frequently left to collect 35 percent of nothing because people weren't bringing the money back. Jobs that could have been done in America were being done elsewhere. That was a big problem. In December we fixed it with this bill. We said that a more competitive tax code would allow our companies to bring their money back and provide more opportunities for Americans all across this country. That is exactly what we are starting to see.

Today I want to highlight another part of the tax reform effort. I thank my colleague from South Carolina, Senator TIM SCOTT, who spearheaded this. He was the sponsor of the Investing in Opportunity Act, and I was a cosponsor. This bill, which became part

of the law in the tax reform bill, will help spur growth in economically distressed areas. Under the bill, investors can defer their capital gains tax if they invest in opportunity funds.

In rural areas, particularly those that have difficult economic conditions, such as many of the areas of my State, it is hard to spur investment, to get more people back to work, to create new opportunities. These funds must be invested in distressed areas and census tracts that are designated by Governors—who knows best but the Governors where these distressed census tracts are—and create opportunity zones. That will provide capital to help grow new businesses and also create jobs in parts of our country that really need them the most. If those parts of our country rise, the rest of the country will continue to rise.

According to the Economic Innovation Group, one in six Americans lives in an economically distressed community. These distressed areas lost 6 percent of their jobs between the years 2011 and 2015.

The New York Times recently highlighted the benefits of the Investing in Opportunity Act, writing that rural areas accounted for just 3 percent—only 3 percent—of the job growth in the years 2010 to 2014. Rural communities saw more businesses close than open over that time period.

Many West Virginia communities are continuing to suffer the consequences of the previous administration's anti-coal policies. Their economies could use this boost, and this is exactly what tax reform and the Investing in Opportunity Act, in particular, will provide. Passing tax reform fulfilled a promise that we made to the American people to make jobs and economic growth our top priority.

Two weeks ago, the Senate fulfilled another major promise by passing the longest extension of the Children's Health Insurance Program. In West Virginia, approximately 22,000 children rely on CHIP for access to their healthcare. It has been a successful program. It has been one that really helps a lot of families, a lot of working families. Over the years, it has helped improve the health of our State's children. These working families deserve the long-term certainty that the CHIP program will be there to provide access to critical services, and I am proud we provided that certainty. I have been a strong supporter of the CHIP program for over 20 years. I was on the conference committee in the State house in the late nineties when we forged and implemented the program in our State, and I have been dedicated to it ever since.

When I came to the Senate 3 years ago, in my maiden speech, I made long-term funding for the CHIP program one of my main priorities. Passage of this bipartisan legislation to extend it for the next 6 years was a big win for the children of this country and across West Virginia too. Hard-working Americans are the beneficiaries of both tax reform and the CHIP reauthorization.

I am confident the benefits will keep coming. It seems that every day something good is happening in the American economy with businesses and raises and bonuses and lower tax bills. People are beginning to see this in their withholding. Struggling communities in West Virginia welcome this. Cities and suburbs in rural areas across the country will see greater economic growth, all because of the tax reform bill. It has been presented to us as that. Many of the companies making announcements are not making these announcements in a vacuum. They are saying, very exclusively, that because of the tax reform bill that the Congress passed and the President signed, we are able to do these things we have been wanting to do for our employees: Give them a bonus, put more money in their pensions, help give more charitable contributions in the communities where they live, provide more long-term certainty.

Have no doubt, we will continue to work to add to the list of accomplishments, and I will probably be on the Senate floor talking about them.

I yield the floor.

I see my colleague from Indiana is here to talk about tax reform.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. YOUNG. Mr. President, I rise today to speak in support of—and to share a sample of—the positive results my State of Indiana is already experiencing as a result of tax reform. Hoosiers like Chelsee Hatfield, who accompanied me at the State of the Union address last week, are already seeing the benefits of this historic tax overhaul. Chelsee is a young mother of three. She is a teller at a rural branch of First Farmers Bank & Trust Company in Tipton, IN. Chelsee recently learned that she is going to receive a raise and a bonus as a result of tax reform. This additional income will help Chelsee go back to school and earn her associate's degree. It is also going to enable her to put money away for her children's college education.

First Farmers Bank & Trust is also investing $250,000 per year—per year—in community development in the small rural communities where they serve businesses and individuals. Moreover, First Farmers is going to invest $150,000 per year in employee development. This is just one company throughout the State of Indiana, and we are seeing all sorts of stories like this already emerging.

Chelsee and the employees of First Farmers Bank & Trust represent so many regular Hoosiers who work in small towns and in our large cities, and they are going to see real benefits, substantial benefits, for themselves and their families. As a result, the entire State and country, of course, will benefit as well.

Indiana, like so many States, is already seeing a steady stream of tax reform success stories like these—and has ever since we passed the Tax Cuts and Jobs Act. I will just go through a number of these positive stories that are emerging.

Anthem, an Indiana-based health insurance company, announced on Monday that more than 58,000 employees and recent retirees will receive $1,000 contributions to their retirements. Now, in my family and in so many families around this country, $1,000 is a lot of money. That is just in the here and now. Moving forward, we can expect increased economic growth, a greater demand for workers, and for more wages to increase. Just in the near term, we know that Anthem has said it will give retirees and employees $1,000 contributions to their retirements.

Family Express Convenience Stores, out of Valparaiso, announced it is boosting its starting wage for employees at their 70 locations throughout Indiana. Gus Olympidis is its CEO, and he said: ''We feel obligated to pass on a significant portion of the tax savings to our staff.'' Of course, we have heard this from a number of employers and their leadership. They are passing on tax savings to their employees because they want to retain these employees. This, of course, is a good way to do it.

Southwest Airlines announced that it will be investing in a new fleet of airplanes, and the engines will be built by Hoosiers in Lafayette.

FedEx is investing $1.5 billion in its Indianapolis hub and is providing bonuses to its workers.

First Midwest Bank raised its minimum pay for hourly employees to $15 an hour at its 18 Northwest Indiana branches.

These are real results—real compensation and real benefits—already being experienced by rank-and-file Hoosiers—the people who help keep this economy humming.

I listened very carefully to Hoosier voices when we were debating the Tax Cuts and Jobs Act, and I am glad to see their voices were heard, in the end, by a majority of my colleagues. Workers at companies of all sizes are already beginning to see the benefits of a tax code that is simpler, that is fairer, and that allows Hoosiers to keep more of their hard-earned money.

I thank the Presiding Officer.

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

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

Mr. KENNEDY. Mr. President, 47 days is how long it has been since President Trump signed the Tax Cuts and Jobs Act into law, and what a 47 days it has been. We are already beginning to see what meaningful tax relief looks like for middle- and working-

class Americans. In just 47 days, well over 3 million American workers—the people who get up every day and go to work and obey the law and try to do the right thing by their kids—have received wage increases, benefits increases, and/or bonuses.

I have heard a number of so-called experts say—and it has been my experience that the experts are almost always wrong, but that is a separate subject—that if Congress reduced the corporate tax rate from 40 to 21 percent and if Congress lowered taxes on subchapter S corporations, LLCs, LLPs, sole proprietorships, and family farms, the benefits would only be felt by the so-called rich. I, respectfully, suggest that those 3 million Americans who have received bonuses and higher wages and more generous benefits—once again, in just 47 days—would not agree with the experts. In those 47 short days, over 330 companies have passed along their tax savings to their employees.

I am from Louisiana. One of my State's largest employers, JPMorgan Chase, has increased its minimum wage and expanded benefits for its hourly workers—real money in higher take-home pay. JPMorgan Chase has also planned a $20 billion 5-year domestic investment that will benefit those Americans who own homes, who own small businesses, or those who would like to someday as part of the American dream.

Honeywell, another well recognized corporation, happens to have a manufacturing plant in Geismar, LA. Honeywell was quick to increase its 401(k) match for its employees, which helps to ensure certainty for people in their retirements. BancorpSouth, another company that does business in Louisiana, gave raises to 70 percent of its employees right off the bat—within the first 47 days. AT&T has 4,600 employees in Louisiana. Those employees are going to see $1,000 in bonuses and many other benefits of a $1 billion increase in investment by the company—all as a result of the passage of the Tax Cuts and Jobs Act.

There are other businesses with footprints in Louisiana—businesses like Home Depot, Cabot Oil & Gas Corporation, Starbucks, Visa, American Airlines, Capital One, Southwest Airlines, Bank of America, Apple, Fidelity, Humana, Nationwide, Regions, Verizon, and FedEx, just to name a few. They also made the list of companies that are passing along their savings to the American worker.

Furthermore, in my home State of Louisiana, the Tax Cuts and Jobs Act is allowing small businesses to grow and reinvest in their employees and in their communities. Thanks to the TCJA, or the Tax Cuts and Jobs Act—I hate acronyms, as does the Presiding Officer—the Gulf Coast Bank & Trust Company, which is a bank in Louisiana—actually, in the New Orleans metropolitan area—was able to raise its minimum wage to $12 an hour, nearly doubling the federally mandated minimum wage. The Gulf Coast Bank & Trust Company was also able to increase its charitable contributions by $75,000. Maybe, to some, that $75,000 is mere crumbs, but to the people of Louisiana, that is a lot of money.

Blessey Marine Services, in Harahan, LA, immediately took $1 million of its tax savings and increased its employees' benefits.

The Tax Cuts and Jobs Act also allowed for a small brewery in Hammond, LA, to expand. I live about 30 miles away from it. The brewery is called Gnarly Barley. I love that name, ''Gnarly Barley.'' Gnarly Barley is going to expand, hire more workers, and provide more benefits to its existing workers. It is not as big as AT&T, but Gnarly Barley and the people who work for it are just as important to my State and to the country.

I would also point out that another Louisiana bank, IBERIABANK Corporation, is giving 80 percent of its employees $1,000 bonuses. You can call that a crumb if you want to, but in Louisiana, $1,000 is a lot of money, and I think it is a lot of money to most Americans.

I could keep going, but I think you get the point. The Tax Cuts and Jobs Act has promised just about every American family and just about every American worker and nearly every American business, large and small, a tax break, and they are already starting to see the effects.

I have said this before, but it bears saying one more time that you cannot be for jobs if you are against business. You will never hear a politician say he is against jobs or she is against jobs. Every politician is for jobs, but you cannot be for jobs if you are against business.

In order for businessmen and businesswomen to succeed, they need four things. They need reasonable regulations, they need a well-trained workforce, they need decent infrastructure, and they need low taxes. That is what government is supposed to provide. Then government needs to get out of the way and let the free enterprise system work. Our Tax Cuts and Jobs Act has provided those low taxes, and I am very proud of the bill.

Last September, I stood here and talked about the importance of tax relief for American families, businesses, and industries and for the overall health of our economy. I didn't know if I would see the day, but, finally, we are on track to see better than average economic growth. I am talking about 3-plus percent. We talk about 3 percent growth as if it is the Holy Grail, but it is just average for the American economy. Our burdensome Tax Code—it is clear now—was hamstringing our job creators, limiting productivity, and keeping wages about as low as they were, adjusted for inflation, in 1999.

The American economy needed a shot in the arm, and that shot in the arm came 47 days ago. I think the outlook for our economy is better now than, certainly, it has been in 10 years. I guarantee you that 47 days from now, it will look even better because the Congress had the courage to legislate what the American people already knew, and that is that people can spend the money they earn better than the government can.

I thank the Presiding Officer.

I yield to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I thank the Senator from Louisiana for allowing me to say a few words, and I thank you, Mr. President, for doing the same.

Hopefully, today works out better than the last 131 days have, in that hopefully today a bipartisan group of Senators will be able to put forth a budget agreement that will be long term.

I thank them because as part of that—although it isn't done yet so we don't want to get the cart too far ahead of the horse—there is funding for community health centers in this agreement.

Funding for community health centers has become a top priority for me, and it became that because of my visits to community health centers around the State, from Bullhook in Havre to RiverStone in Billings, to the Southwest Montana Community Health Center in Butte, to Partnership Health Center in Helena and Missoula, and the list goes on. These health centers provide incredibly affordable and efficient healthcare to people across Montana. So I am incredibly pleased to work with the leadership in this body and get a deep deal for community healthcare centers across this country, including Montana's 17 community health centers.

I would say 2 years is a good start, but there happens to be 19 bipartisan cosponsors on a bill called the CHIME Act, which would reauthorize community health center funding for 5 years. That is where we really need to be. I am not complaining about the 2 years. I think it is important that we keep these folks going, and 2 years is certainly better than where we are now, but, really, we don't look with much vision in this body, and it is not visionary to say we are going to give a 5-year funding mechanism to our community health centers, but that is what we need to do today. We need to give the community health centers the long-term predictability they deserve.

In Montana, these centers are the backbone of much of our healthcare delivery system. They provide affordable access to care, keeping our communities and families healthy. Let me give you a little example of how important these are.

Community health centers alone provide over 10 percent of the healthcare for the people of the State of Montana. It is where they go to get care, and 85 percent of those folks are low income. These are folks who probably wouldn't

be able to get healthcare without the community health center there, and 20,000 of them are children. Montana is a big State geographically, with not a lot of folks. Oftentimes folks have to travel a long way, under the best of conditions, to see a doctor. If we didn't do this funding mechanism that we hope happens today or tomorrow, we would see these folks traveling hundreds of more miles to see a doctor because oftentimes this is the only healthcare facility close to them.

Although the news we have heard today so far seems to be positive on our budget, it doesn't change the fact that Congress should have acted on this 131 days ago. A solution should have been passed when our fiscal year ended at the end of September. It speaks to the dysfunction of this body. Our basic job is to put forth a funding mechanism, known as a budget, that will provide basic healthcare that will fund community health centers and CHIP—not use them as political pawns—fund them, give people certainty, give our military certainty, give our security folks certainty, and not continue governing from crisis to crisis with continuing resolution after continuing resolution. I have seen firsthand the destruction these short-term budgets have had on health clinics, veterans, and small business.

I just had a group of school board folks in my office yesterday who talked about Impact Aid. These are schools that serve our military and Native Americans. They said these CRs were limiting the possibility for payments for Impact Aid schools.

We have heard from our military leaders about how the short-term CR is wasting taxpayer dollars and hurting our military readiness. At a time when men and women from this great country are stationed around the world, we need to give them certainty. They need to know we are doing our job as they do their jobs in incredibly difficult conditions.

So, for 131 days, too many Americans have been living with uncertainty as a direct result of dysfunction in Congress. This agreement is a step in the right direction, and I am very pleased to see progress on a budget because 131 days is too long.

Let's get this fixed, and over the coming weeks, I will be more than happy to sit down with Republicans, Democrats, and Independents who are willing to roll up their sleeves and work to give this country, small businesses, and working families predictability through a longer term budget so they can move forward and be all they hope to be in the greatest country in the world.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. 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.

PAID LEAVE

Mr. MERKLEY. Mr. President, we hear a lot in this Chamber about family values. We hear from Democrats and we hear from Republicans about the need to support and improve the strength of families across our Nation. What are the things that really do provide the foundation for a family to thrive? Jobs, education, and healthcare. Good-paying jobs and jobs with good working conditions, certainly, are extremely valuable, but the issue of good-paying jobs and good working conditions has been caught in a struggle between ''we the people'' and the powerful and privileged of this Nation. Our Constitution starts out with these three beautiful words: ''We the People.''

The whole entire setup was to avoid the type of situation that was in so many places in Europe, where the privileged and powerful families ran everything for their own benefit and not for the benefit of the people of the United States of America—in that case, the people of Europe.

Our vision is different. Yet, time and again, we see this struggle played out, where the powerful and privileged are trying to ride right over the top of ordinary people—ordinary working Americans, ordinary middle-class Americans.

That certainly is the case when we take a look at the issue of the Family and Medical Leave Act, FMLA. This is an act passed 25 years ago. It was a major step forward in striking a better balance for good working conditions.

Let's revisit a little bit of the debate that occurred 25 years ago in preparation for the consideration of that act. Many folks today don't realize that the opportunity to take unpaid time off to be with a child or be with a loved one who is very sick or a family member who is dying is something that came out of the FMLA 25 years ago. They assumed this is just a fair, decent, and right way to treat your employees; that it produces more productive, more loyal team members, and it is just part of an appropriate consideration of the human condition.

Before we had the FMLA 25 years ago, oftentimes people couldn't take time off to have an operation for a medical condition. Being sick a day might mean you are fired. Tending to a newborn child might mean you lose your job. Decent, ordinary interaction with family was something that was not prioritized by the companies around this country. It is a system that big, powerful, and privileged individuals and organizations fought to preserve.

It took 7 years of congressional debates. It took overcoming two Presidential vetoes. It took overcoming entrenched opposition from special interests that said it would be a disaster for workers to be able to address their medical conditions or their family medical conditions. They predicted all types of catastrophes.

The chamber of commerce back then called FMLA—that is simply family and medical leave—a dangerous precedent. The National Federation of Independent Business said it was the greatest threat to small business in America. One Member of Congress, Representative Cass Ballenger of North Carolina, described FMLA as essentially ''nothing short of Europeanization,'' and he didn't mean that in a complimentary fashion.

We know better today. There is no partisan debate over the FMLA today. There is no organized corporate opposition to the Family and Medical Leave Act. Companies have found, treating their employees with the opportunity to address medical conditions of their own or their family members or to be with a new baby is simply a win-win for the company and for the employer. More than 200 million working Americans have taken leave under the Family and Medical Leave Act to care for a newborn child, to sit at the bedside of a sick loved one, or to recuperate after a major surgery. What has been the result? According to a Labor Department survey released 5 years ago on the 20th anniversary, 91 percent of employers said the law had either a positive impact or at least no negative impact on the business. Whenever you get 9 out of 10 on anything in America, we should pay a lot of attention to that.

The FMLA has been so successful and so popular, it has been expanded twice. In 2008, we expanded it to allow military families to take up to 26 weeks of leave to care for injured servicemembers. Then again, in 2009, we expanded it to cover flight attendants and airline flight crews. It is time we consider, on the 25th anniversary, that we need to go from a system of simply unpaid leave to a system of paid leave. We need to join the rest of the developed world and say: It makes so much sense for family members to have this flexibility. It makes so much of an improved worker and an improved family that it is a win-win for America.

It is time to recognize that while the FMLA—Family and Medical Leave Act—was powerful, it is only powerful for those who could afford to go without income. That leaves out a great, vast swath of America.

President Trump said he wants to fight for working families, so I would expect him to be down here lobbying for the improvement of this act. We haven't heard from him yet, and I am not really expecting we will because what we have seen in the course of the past year is, while talking about strengthening families, time and again, the President is simply about diminishing the support for working families and undermining them.

We saw that most recently with the Consumer Financial Protection Bureau, by assigning someone to go over there and head it up and then proceed to undo the protections for fair financial deals that are the foundation for

the financial success of our families. Really? Turn the Consumer Financial Protection Bureau into a bureau to support financial predators? No, that does not help our families.

In fact, it will help our families to advance Senator GILLIBRAND's FAMILY Act because the time has come for national paid family and medical leave insurance in the United States. We know this because a number of States have already enacted their own paid leave law. This isn't some big experiment that we have no foundation for understanding the pros and cons because States have already acted. We can evaluate how that has gone.

When California was debating paid leave before its passage in 2002—yes, 16 years ago—the chamber of commerce described it as a coming disaster, and the National Federation of Independent Business predicted it would be the biggest financial burden for business in decades, but a study looking back on California's paid leave found that after 1.4 million leave claims were paid—that is 1.4 million times that a worker was able to take care of a medical condition, was able to care for a newborn, was able to sit by the bed of a dying family member—the law has helped reduce turnover. That is good for business. It has increased employee loyalty, which is also good for business.

New Jersey passed paid family leave in 2008. They offered workers 6 weeks, at two-thirds their salary, funded through a payroll tax. At the time, the mayor of Bogata, NJ, railed against it saying, ''The basic argument for this . . . is to subsidize an army of breastfeeding single mothers.'' Well, I must say what a misunderstanding that is of the importance of a mother to be with a newborn or a father to be with a newborn. That bonding, that support—those are family values. Don't talk about family values to me and then talk about a mother having zero days to be with a newborn or a father zero days to be with a newborn.

After 2 years, New Jersey has a leave fund that has a surplus, and they did a reduction in the payroll tax that pays for it. Between 2009 and 2015, 200,000 paid leave claims were approved, paying out $507 million in benefits, resulting in employee retention of over 90 percent. Business is humming in New Jersey and in California. In fact, businesses are doing well in each of the States and the District of Columbia where paid leave has already been established by law.

I celebrate what we accomplished 25 years ago with the Family and Medical Leave Act, but I am saddened we restricted it to only those who could afford to take time off with no pay. Strengthening families is something we should want to happen with families who are doing well enough to go without pay, but we should also assist families who are struggling and living paycheck-to-paycheck. I want those moms and dads who are living paycheck to paycheck to be able to spend a moment with their newborn. I want them to get the operation they need, which causes them to miss time from their job. I want them to be able to sit by the bed of a loved wife or a husband or child as they are dying. That is strengthening the families in America. That is putting people ahead of the powerful and the privileged. And putting people ahead of the powerful and privileged is what our Nation is all about. So let's get it done and pass this bill.

Thank you, Mr. President.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

REMEMBERING GEORGE AND PEGGY BROWN

Ms. MURKOWSKI. Mr. President, every community has one—the iconic American diner. Its definition, as has been officially outlined, is ''a friendly place, usually mom-and-pop with a sole proprietor, that serves basic, home-cooked, fresh food, for a good value.'' This is sort of an official definition that was coined by a gentleman named Richard Gutman, who is regarded as the curator and expert on all things diner.

In 1955, 4 years before Alaska won statehood, our very own iconic American diner opened in Anchorage. It was called the Lucky Wishbone. It was a friendly place. It featured pan-fried chicken, real cheeseburgers, great milkshakes, by the way, and French fries that had been cut from potatoes just that morning. Fitting squarely within Gutman's definition, it was a mom-and-pop. Mom was Peggy Brown. Peggy passed away in 2011 at the age of 87 after a long struggle with Parkinson's disease. Pop was George Brown, who passed away on January 13 at the age of 96.

This is the story of two extraordinary individuals who helped build our community and helped build our State in remarkable and very humble ways.

George, along with his partner at the time, Sven Jonasson, built the restaurant with their own hands. Sven exited shortly thereafter, and Peggy became George's business partner, as well as his life partner. She did the books. She greeted the guests. She was involved in every aspect of the enterprise.

In 2002, the Lucky Wishbone was named Alaska's Small Business of the Year. When you think about it, there is nothing more homegrown, nothing more truly small business and entrepreneurial than that small diner everybody calls home. Peggy flew back to Washington, DC, to receive the award in 2002. She was introduced at the time to President George W. Bush by Senator Stevens. Senator Stevens told the President: ''This lady makes some of the best fried chicken in the country.'' You wouldn't think that coming from Alaska, but I can testify from personal knowledge that that is a fact.

The Lucky Wishbone, I expect, will continue on. It is a successful business with a large following. But with the passing of Peggy and now George, it marks the end of an era for us in Alaska. We have lost two beloved pioneers who were dear friends to so many of us, and I am proud to count myself among that group. It is important that we acknowledge their place in Alaska's history, and that is what I intend to do briefly today.

George was a native of Wisconsin. He attended high school in Red Wing, MN. He joined the Minnesota National Guard. He was selected for Officer Candidate School.

In 1943, George and Peggy met, and they married the next year, in 1944. It is said that they met ''over Formica.'' George was training to be a pilot, and Peggy was a waitress. Some would suggest that their destiny as operators of an iconic diner was sealed at that very moment, but World War II came first. George received orders to go to India. He was one of those brave pilots who navigated military aircraft over the Himalayas, colloquially known as the Hump.

Coincidentally, another significant figure in Alaska's history flew those same routes during the war. That guy's name was Ted Stevens.

After the war, George and Peggy returned briefly to the Midwest. They bought a share in a restaurant. In 1951, they sold their share and took off for Alaska in a 1949 Nash. It was a pretty bumpy, dusty, 2-week journey, we are told. Upon arrival, George worked construction on Elmendorf Air Force Base and helped build a home for his family. They moved to Arizona for a short time in the 1950s and tried out another restaurant; at that time, it was in Tucson. It didn't work. It was a flop. So they returned to Alaska to try again, and this time there was no flop.

On the occasion of the Wishbone's 50th anniversary in 2005, George recalled the Wishbone's first week in business. He shared this with a reporter from the Anchorage Daily News, Debra McKinney. He said as follows:

> The first day we took in $80. The second day, $125. Then we went to $300 on Saturday, I believe it was. We were totally swamped. And on Sunday it was $460. At that time, why of course coffee was 10 cents, a jumbo hamburger was 65 cents, a regular hamburger 40 cents, a milk shake, 35 cents—that kind of thing. Things were looking pretty good after that first week. From then on, the business grew and grew and grew.

Those were George's words.

Fifty years later, according to McKinney, the Wishbone was serving up over 1,000 chickens a week, somewhere between 50,000 and 70,000 a year.

Serving up all of that food, of course, requires a pretty big team. George and Peggy have four children, and every one of them put in time at the Lucky Wishbone. Patricia Brown Heller—Pat Heller—is one of those children. She is

the oldest of the four. She tells the story of her involvement working in the restaurant. She says she pretty much cut her teeth in the restaurant. She was the fastest potato peeler and slicer at the Wishbone, she says on the order of 200 pounds a day. She worked in the family's restaurant cutting those potatoes, peeling and cutting them every morning.

Pat decided that the restaurant was not going to be her career and decided to go another route. She was the longtime State director for the former Senator Murkowski—my father, Senator Frank Murkowski—and then when I came to the Senate, she continued on as my State director in 2003. But Pat has always been, as have her siblings, a true fixture, along with her parents, at the Lucky Wishbone.

The demands of the business required growth in the workforce, and George and Peggy maintained a high standard and demanded much of their employees. Many chose to stay. They were adopted into the Browns' extended family. If you ask people throughout Anchorage if they know somebody who has worked at the Lucky Wishbone, I can tell you that extended family is pretty large. It is pretty significant.

George and Peggy were known for giving away $30,000 to $40,000 in Christmas bonuses, health insurance, and pensions. They were very protective of the health of their customers and their employees, and the Lucky Wishbone became smoke-free long before it was fashionable and not without more than its share of controversy because many of their customers liked to smoke, but not at the Wishbone.

Oftentimes, when Mom and Pop pass away, the business dies with them. Fortunately, that won't be the case here. Ownership responsibilities going forward will be shared by Pat and two long-term employees of the Wishbone. And out of love and respect for George and Peggy, they have made a commitment to Anchorage, so nothing is going to change. It is comforting to know that the chicken will still be wonderful, the cheeseburgers will still be real, the milkshakes good, and, of course, the french fries cut fresh every morning.

Community is a highly valued concept back home in Alaska. George Brown may have set out to run a successful restaurant, but what he did was he created a community institution, a place for people to talk about golf or flying or whatever were the issues of the day.

We have a tradition, I guess you can call it, in my family. During a campaign, when you come to election day, there is oftentimes not much more that can be done. You have gotten your message out. You are just kind of waiting for people to vote. So a tradition in our family is we go out for a nice lunch, and we always go to the Lucky Wishbone on election day. I think I am going to continue that tradition. This is a place where the coffee is warm and the food is hearty, a place where the smiles and the hugs have always been readily available.

As much as I have missed Peggy since she has passed, I will certainly miss George. I will miss his smile. I will miss his conversation. But it is comforting to know that their legacy will continue.

On February 11—this weekend—George's friends and supporters and admirers will gather at the Alaska Aviation Museum to celebrate his life. It is really an appropriate place for George because he was a pilot, and once a pilot, always a pilot. He had 73 years of experience in the cockpit at age 94 when he last landed his Cessna on Deshka Lake to fish.

I had an opportunity to speak with Pat before I came to the floor, and she is worried that the location they have chosen for the service will be too small because they anticipate that some 400 Alaskans will come to gather. She made the comment to me: At 96, you wouldn't figure that there would be that many people at someone's service.

I reminded Pat that George was that person who touched so many people's lives, whether as a pilot, a small businessman, a community leader, or just the generous man with a good cup of coffee who would sit at the banquet table with you there at the Lucky Wishbone and just share a conversation. He was a man of many talents with an extraordinary good heart and good will.

On behalf of my Senate colleagues, I bid farewell to this outstanding Alaskan. I extend my condolences to his family and to all of those whose life he enriched.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Mr. President, all week I have been speaking about the impending deadline of tomorrow, the continuing resolution that we passed following the shutdown of the government over the DACA issue, and the importance of meeting that deadline. So you can imagine my pleasure at hearing the announcement this afternoon by the majority leader. His hard work leading to this critical funding negotiation has now produced an agreement that both sides should be able to get behind.

One of the reasons these negotiations were so significant and why the announcement today was such good news has to do with our military. I happened to have been raised in a military family. My dad served 31 years in the U.S. Air Force and was a B–17 pilot in World War II in the Army Air Corps. Those who have seen the old movies about the B–17, like ''Memphis Belle'' and others, realize what treacherous service that was during World War II.

He was shot down on his 26th mission over Mannheim, Germany, and was captured as a prisoner of war for the last 4 months of World War II. But, thank goodness, the U.S. Army and General Patton came through Germany and liberated those POW camps at the end of World War II. My dad came home, built a family, and finished his career after 31 years in the military. So, as you might imagine, the men and women who serve in our military are near and dear to my heart.

I recognize the importance of our support not only for the ones who wear the uniform but also the families. Of course, having an all-volunteer military means we have to provide support not just for the servicemembers but for the families as well. When our servicemembers enlist, they sign a contract and, basically, hand their lives over to us to be good stewards of their service and to be in a position of trust.

To hold their budget hostage, which is what has happened until now, is to ask them to assume even greater risk in order to satisfy certain narrow political agendas. Given all that our men and women in uniform do for us—to keep us safe, to keep the world at peace as much as possible—it is not too much to call holding that funding hostage a disgrace.

Our men and women in uniform can't afford to be hamstrung, especially when we face new and evolving threats across the globe, but because of our inability to produce longer term certainty, they were. That is, until now.

The compromise we have reached will ensure both that our troops have what they deserve—in terms of training, equipment, and readiness—and that our country has what it needs in order to achieve ''peace through strength'' across the globe.

Since the Budget Control Act of 2011, we have kept discretionary spending, which includes defense spending, relatively flat. Unfortunately, the threats have done nothing but proliferate and increase, and we have seen a number of training accidents like the Fitzgerald and the JOHN MCCAIN where, literally, according to General Mattis, we have lost more servicemembers in accidents as a result of inadequate training and readiness than we have in hostile activities. That is just a shameful situation. Of course, now we have acted to change it.

Yesterday, Defense Secretary Jim Mattis testified before the House Armed Services Committee, and he wasted no time in telling us how urgent the situation was becoming. He said that, without a proper defense appropriations bill, the U.S. military lacks the most ''fundamental congressional support.'' As Secretary Mattis stated, the Trump administration's new national defense strategy requires sustained, predictable appropriations in order to be carried out. I am confident that we are heading toward that

in light of this new agreement, but it took us an embarrassingly long time to get here, and that is regrettable, to say the least.

I join the majority leader and our colleagues in strong support for our men and women in uniform and their families during this week of difficult and delicate negotiations, and I ask my other colleagues to vote to support this bipartisan legislation, to show their support for our military readiness, procurement, and testing—all of which are required to keep our forces the best trained, the best equipped, and the best prepared force on the planet.

When we vote on this agreement, we can't lose sight of other critically important issues—issues that seem to fade from people's memories; that is, something like disaster relief. I can't adequately describe the outpouring of support we got from the President on down to neighbors helping neighbors following Hurricane Harvey and its devastating impact on my State. Certainly, our hearts are with the people of the Virgin Islands, Puerto Rico, and Florida as they have suffered from Hurricane Maria, as well as our friends and colleagues in the West, who have suffered as a result of the devastation caused by wildfires and mudslides and other hardships.

The House passed an $81 billion relief package at the end of last year, and here we are; a couple of months later, we are actually acting on this disaster relief package. It is long overdue. I am pleased, though, to announce that the bill we will be voting on provides significant funding for disaster relief efforts around the country, and I applaud the House for taking the first step in December. I appreciate Governor Abbott of Texas, as well as the Senate Appropriations Committee, for working with us to help us strengthen the House bill.

My fellow Texans who were hit by Hurricane Harvey last August have been waiting patiently, along with all the folks who faced the fury of Mother Nature in Florida, California, Puerto Rico, and the Virgin Islands. It simply has been unacceptable to see the delay in getting the relief they need to them. Now we have the chance to stand up, finally, in a bipartisan fashion and show not only that we remember what they have been through but also that more help is on the way. That is why I am urging all of my colleagues to support this agreement when we take it up.

KARI'S LAW ACT

Mr. President, the last issue I wish to address is a bill that I cosponsored called Kari's Law. Two days ago we passed it in the Senate, and soon, I hope, the House will follow suit. It is imperative that we get this bill to the desk of the President for his final signature soon so that it can become law.

Kari's Law amends the Communications Act of 1934 to require multiline telephone systems, common in places like hotels and offices, to be equipped for emergency calls. Under the bill, the users of these phone systems will have the ability to dial 911 without first having to dial for an outside line.

Why is this important? Let me tell you briefly the story of Kari Hunt Dunn of Marshall, TX. Kari was killed in her hotel room in Marshall, TX, in 2013. Kari's then-9-year-old daughter was unable to reach emergency personnel because she failed to dial 9 to get an outside line. She tried four times but was unable to connect, which meant no help ever came.

With this simple change in the default configuration of phone systems in offices and hotels, we can help folks reach the help they need in a crisis quickly, and we can save precious seconds that ultimately could save precious lives.

I am grateful to my colleague, the senior Senator from Minnesota, for working with us on this legislation, as well as my colleague Representative LOUIE GOHMERT, who carried the corresponding bill in the House. I also want to thank Mr. Hank Hunt, Kari's father, for his hard work in championing this bill and pushing so hard for this crucial change to become law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

CONGRATULATING THE PHILADELPHIA EAGLES ON WINNING THE SUPER BOWL

Mr. TOOMEY. Mr. President, I rise today to honor the Super Bowl champions, the Philadelphia Eagles. Last Sunday night in Minneapolis, the Philadelphia Eagles defeated the vaunted New England Patriots by a score of 41 to 33 in one of the most amazing Super Bowls ever—one of the most amazing NFL games ever. It was really an extraordinary night. In so doing, the Eagles captured their first Super Bowl title ever and the franchise's first national championship since 1960.

The Eagles' arguably improbable Super Bowl run came despite many serious injuries and a whole lot of doubt from naysayers and pundits and oddsmakers. The oddsmakers, by the way, had the Eagles as underdogs in every playoff game they played, but, of course, they won every one of them.

It is a team led by Doug Pederson, a coach who, himself, entering the season, was often doubted and sometimes dismissed by the punditry and the talking heads. Not only did Coach Pederson make his critics look silly, but, in winning the Super Bowl, he beat a man who is arguably considered one of the best coaches in NFL history. Pederson did it by deploying one of the greatest offensive game plans I think the NFL has ever seen.

The group of men who comprise the Eagles' roster embody the city of Philadelphia. They are brash, gritty, and talented, with a never-say-die attitude. They are led by stalwarts like Malcolm Jenkins, Fletcher Cox, Carson Wentz, and Alshon Jeffery. The Eagles' ''next man up'' mentality was incredible to witness.

Think about what they had to overcome. Over the course of the regular season, the Eagles lost a Hall of Fame left tackle, their amazing middle linebacker, arguably the best pound-for-pound player in all of football, and they still steamrolled through to a 13-to-3 record in the regular season.

For all of that, maybe the greatest example of the ''next man up'' mentality in NFL history was the way that Nick Foles took over for Carson Wentz at quarterback when Wentz was lost to a serious injury late in the season. The fact is, Wentz was, I think, the leading candidate for the league's MVP at the time of his injury. I think he still should be considered a leading candidate for MVP for the season. The fact that Nick Foles was able to step in and guide the team not just into the playoffs, not just through the playoffs, but all the way to the Super Bowl and to a Super Bowl victory against the New England Patriots is what legends are made of.

The Philadelphia Eagles are a historic franchise. Some of the best players in the history of the game have worn the green and white. Names like Van Brocklin, Bednarik, White, and Dawkins come to mind. This Super Bowl is also for all of these great players who put on the Eagles jersey over the years.

I will conclude with this. If you listen to sports radio in Philadelphia or most of Eastern Pennsylvania, you learn that the passion of the fan base is really extraordinary. This is because the Eagles, in many ways, are more than a football team to their fans. The Eagles are a part of Pennsylvania culture. They are a part of the region's culture. The mood of the region is affected every weekend that they are playing. Other cities have certainly celebrated Super Bowl victories in the past. Somebody gets to do that every year. But this Thursday afternoon in Philadelphia, get ready for a party like you have never seen because the most passionate fans in the country are finally getting a parade down Broad Street with the Lombardi trophy.

Go Birds. Fly, Eagles, fly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

TAX REFORM

Mr. TOOMEY. Mr. President, I wish to address the Chamber on a topic that I have been speaking on once a week—or thereabouts—since we passed the historic tax reform late last year. Last Friday, I had the chance to visit JED Pool Tools/Northeastern Plastics in Scranton, PA. It is a company owned by Cindi and Alan Heyen and employs about 30 people. JED Pool Tools makes swimming pool accessories. They make the skimmers and water test kits and other devices that people use in their pools. Northeastern Plastics is the sister company, and they make custom plastic products like locker handles, barber supplies, and all kinds of special order products.

This is a great example of tax reform in action, tax reform that is working for this small business and this employer in Northeastern Pennsylvania. They, like other small businesses, get to discount by 20 percent their net income and pay tax only on the other 80 percent. That frees up cash flow for this business and businesses all across America to go out and purchase new equipment, invest in their employees, grow their business, hire more workers, raise wages. That is exactly what is happening. It is happening at JED Pools, but it is also happening across the country.

In less than 2 months since our legislation passed, over 300 businesses employing over 3 million workers have announced bonuses, wage increases, expanded benefits, contributions to pension plans, and increased investment in charitable contributions. The list goes on and on. These are the ones that cite tax reform as the reason they were able to do these things for their workers, for their business.

In Pennsylvania alone, we have had some recent announcements. Thermo Fisher employs 2,600 people in Pennsylvania. It is a biotech development company. They announced $50 million in additional investments, $34 million in the form of bonuses they are going to pay to each of the company's 68,000 nonexecutive employees. They also announced $16 million in additional research and development programs and support for STEM education. They cited that they are doing this as a direct result of the tax reform that was passed.

Cigna is a big, global health service company. It has 5,900 employees in Pennsylvania. Again, citing our tax reform, they have announced that they are going to increase the minimum wage they pay throughout the company to $16 an hour. That will be the lowest wage anyone at an entry level, starting level, makes at Cigna. They are going to provide an additional $15 million in salary raises to people who are already working there. They are also going to put $30 million more into 401(k) savings programs that their employees participate in—all attributable directly to tax reform.

Take the case of UPS. UPS employees 19,000 Pennsylvanians, and they announced that due to the ''favorable tax law impact''—those are their words—they are committing an additional $7 billion in capital spending over 3 years to build and renovate facilities, to acquire new aircraft and ground fleet vehicles, to enhance their technical platforms. They announced that they are going to contribute an additional $5 billion to their employees' pension plans as well. That comes to about $13,000 per participant. That is a tremendous amount of money for each of their employees.

There are small companies that are sharing the benefits as well. Noah Bank in Elkins Park, PA, said that thanks to the passage of the new tax legislation, this Pennsylvania charter community bank is awarding $1,500 bonuses to all of its employees.

We are seeing it up and down the country, certainly all across Pennsylvania—large firms, small firms, financial firms, manufacturers—across the board. Workers are already benefiting from the tax reform that we passed in December.

Another important indicator that the benefits are likely to grow is in the optimism that workers and businesses have because of the environment they are operating in. It is a really important driver.

UBS does research on investor and business optimism. It recently did a survey of business owners. It asked several questions. One of them was: Is your economic outlook positive? In the fourth quarter of last year, outlook was pretty positive as 65 percent said, yes, their outlook for the economy was positive. This year, it is up to 83 percent.

It asked the question: Is the business outlook stronger now than it was in the past? In the fourth quarter of last year, 77 percent said, yes, it was stronger. In the first quarter of this year, 87 percent said, yes, the business outlook was stronger.

It asked business owners about their plans for hiring and investing. Thirty-six percent plan to hire more workers, and forty-four percent plan to invest more.

This is really important because it is optimism about the future that is a necessary precondition for more investment. After all, that investment depends on a strong economy in going forward to make it worthwhile. That investment is reaching new highs because of the combination of a lighter regulatory touch and much more progrowth tax reform.

I think it is also important to stress that this tax reform is not some kind of short-term sugar high of let's throw money at people and then hope it goes well. It is not that at all. It is a set of different incentives that will lead to a structural change in the economy and, specifically, in a greater productive capacity on the part of our economy by encouraging more investment, by lowering the cost of making that investment, by allowing businesses to retain more of their earnings so that they have more to invest. All of that expands our economy and expands our productive capacity. It creates more of a demand for workers. More of a demand for workers puts upward pressure on workers' wages. What did we see just last week? We saw a major—in fact, the largest increase in average workers' wages that we have seen in many, many years.

I am thrilled that our tax reform is having such a beneficial impact all across the Commonwealth of Pennsylvania and so quickly. I expected upward pressure on wages. I expected more job opportunities. I expected a higher standard of living. I didn't quite expect it to happen this quickly, but I am thrilled that it has, and I am convinced that this is just the beginning.

I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Florida.

Mr. NELSON. Mr. President, I expect Senator RUBIO to be joining me here on the floor as we talk about some of the legislative fixes to some of the problems that have come about as a result of these devastating hurricanes.

It has been 5 months since Hurricane Irma hit Florida, and it has been 4 months since Maria hit Puerto Rico. Irma hit Puerto Rico as well. Of course, before Florida's Hurricane Irma, you had all of the problems with the flooding from another hurricane in Texas and then, later on, from the wildfires in California. So I am happy to finally say that we have a path forward now on a disaster aid bill for all of these natural disasters.

I can't count on the fingers of both hands how many times I have been out here. I could say the same of the letters written and the speeches that Senator RUBIO and I have both given together about this disaster aid and the need for it. Finally, we are seeing some light at the end of the tunnel in that there is a good possibility this is going to happen in the Senate within the next 2 days.

The problem is that, in Puerto Rico, American citizens have been living without power, and schools and businesses are closed. The Federal Government has been dragging its feet to help them. People have been waiting, and they have been suffering. Right now, over one-third of the people in Puerto Rico are closing in on 5 months after the hurricane and are without electricity. Potable water is still a problem in Puerto Rico.

Can you imagine in any other mainland State, nearly 5 months after a hurricane, one-third of its people not having electricity restored? I mean, there would be such outrage and demonstration. This is what is going on in Puerto Rico. Finally, I think we are able to see in this disaster bill some assistance to the island, as well as to the Virgin Islands, and especially to our State of Florida, which was hit so hard.

I will outline some of this and tell Senator RUBIO that I have been talking about all of the things that we have done together ad infinitum in trying to get this disaster aid package finally to the point at which we can say we are so thankful we see a path forward. We have discussed over and over with Senate leadership Florida's agriculture industry, which needs help. Our schools need additional funding to deal with the influx of students from Puerto Rico into Florida. Our critical infrastructure, such as the Lake Okeechobee dike, needs funding to withstand a future storm.

The agriculture industry in our State sustained significant damage after Irma. Citrus growers have suffered approximately $760 million of loss. Why?

Because, right after the hurricane, half the crop of the citrus grove in central Florida that Senator RUBIO and I visited was on the ground. If you go further south in Florida, there are groves where, actually, 100 percent of the oranges have ended up on the ground because of the ferocity of the wind. That crop was a total loss, and the wind was so severe there that it uprooted some of the trees. The loss was crippling to the industry.

Of course, this is an industry that has been battling to keep its lifeblood flowing because it has been battling this bacteria called greening, which will kill a tree in 5 years. We have another program going on by the Citrus Research & Development Foundation that is trying to find the magic cure. In the meantime, they have found some way to keep the trees and some different varieties of trees living longer than the 5 years, but we have to address the problem right now.

If the poor citrus growers didn't have enough trouble with all of the citrus canker from years earlier, they are now producing 46 million boxes a year. By the way, 10 years ago, that used to be in excess of 200 million boxes a year of citrus harvest. The funding in this disaster bill will be essential in helping the citrus industry to recover.

Additionally, Senator RUBIO and I, many times before, have called for Florida school funding in the aftermaths of Irma and Maria. We now know that, as of today, about 12,000 students who evacuated to Florida are enrolled from Puerto Rico. Others from the Virgin Islands have enrolled in Florida's schools. Every child has a right to a quality education, but that can't happen without the appropriate resources. The schools need help. No child should have their education hindered by a natural disaster. This disaster aid bill is going to be crucial for schools' funding in order for them to do their best in ensuring that those students receive the educations they deserve.

This deal also includes $15 billion for the Army Corps of Engineers. It is for mitigation and resiliency projects. Likewise, the two Senators from Florida have been working to ensure that some of those funds are used to expedite the construction of the Lake Okeechobee dike. It is a critical public safety project, and it should be completed as quickly as possible. We want to see its completion accelerated by 3 years, from 2025 to 2022. If the Army Corps of Engineers will take $200 million a year out of these additional resources for the next several years, it will speed up the construction of that dike. We are going to be continuing to have sessions with the Army Corps of Engineers to try to accomplish just that.

There is a long list—an exhaustive list—of Florida's needs after the hurricane, and as we see so many of our fellow U.S. citizens in Puerto Rico, you just can't keep treating U.S. citizens like this. Hopefully, this is going to speed up the recovery efforts. That is why, when the news broke last week that FEMA reportedly planned to end—get this—its distributing of food and water, there was, obviously, outrage, and there was outrage by the two Senators here. We appreciate FEMA making clear the next day that it would continue to provide aid to the people, which includes that food and water. We have discussed with the Senate leadership what is essential in this disaster aid bill, and it is an important step in the recovery of the people of Florida and Puerto Rico.

There is another thing that I have to mention. Can you believe that the Medicaid money that was given to Puerto Rico in a lump sum, called a block grant, is going to end? It is going to run out next month. Yet, with the $4.8 billion in supplemental for Puerto Rico's Medicaid Program, along with the 100-percent Federal match for 2 years, we can guarantee that 1 million of our fellow U.S. citizens on the island will not be denied healthcare coverage when they need it the most. Otherwise, it is going to run out next month. It is long overdue. We can finally provide some much needed relief for disaster affected areas.

So, please, let's pass this aid bill this week and let's send it to the President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I want to add to Senator NELSON's comments. First, let me just say, in a time when there is a lot of noise and news about the divisions in American politics, despite differences of opinion on issues, this is what I believe the people of Florida want us to do; that is, to come here and work together on the issues we can work together on. I must say, the ability to work with Senator NELSON on this has been invaluable, to have two different Senators from two different parties singing from the same song sheet about the priorities that are critical to our State.

What is unique about this storm and disaster relief is, the impact wasn't just on Florida, it was also the impact on Puerto Rico.

When the House passed its relief package at the end of December, it had a lot of good things in it. The President came out with his proposal, and it had some good things, but it needed work. The House took it, and the House added a few things to it.

Over the last 2 months, we have had the ability to work in the Senate, not in front of the cameras and not, obviously, through a series of press conferences, but in the way legislation is put together. The way we worked together and our offices worked together, we were able to come out with a concise, unified position on the needs of both Florida and Puerto Rico, working with the leadership of the Democratic Party on his side and the Republican Party on ours.

I have to tell you, in a place where it is very hard to get 60 percent of what you want—and that is a win—when you start to go through some of the items that are going to be in this relief package, it would be hard to complain.

With perhaps a small exception here or there, virtually all of the things that are critical for disaster relief for Florida—and to a large extent as well for Puerto Rico—are going to be included. I think, while a lot of us are very concerned about how long it took—we should have done this 4 weeks ago or 3 weeks ago—there are other reasons why it was held up. It wasn't disaster relief that was holding it up, it was the other issues at play that were holding it up. In fact, this was being held until the other things were agreed upon.

Now we are able to move forward. I have to state that while no one wants to have a hurricane and no one wants to have a natural disaster, this is a response we should be happy about. I think it is a testament to the sorts of things we can achieve in the Senate when we can put aside our differences on other issues and work together on this.

By the way, I want to state, because I don't want anyone to read into what I said about big differences, that although we may vote differently on a lot of issues, Senator NELSON and I have cooperated on a host of things, from judges to anything that impacts Florida. I hope we can get to doing that more as a Senate, not just for us in Florida. Maybe Senator NELSON and I are just always in a good mood because it doesn't snow in Florida, and it is warm when everybody else is cold, but I think the people of Florida should be pleased with our ability to work together.

Some highlights, and Senator NELSON touched on a lot of them. I will start on the Puerto Rico part because it is the one we still see the impact of on a regular basis.

Let me just, as an aside, say that JENNIFFER GONZÁLEZ, the Resident Commissioner, who is basically the Member of Congress representing Puerto Rico in the House, is an extraordinary advocate for Puerto Rico—not a good one, not a great one, an extraordinary one. She is tireless, nonstop. I am talking about Sunday evenings, Sunday nights, early Monday morning, she is constantly working. She is an incredible partner in this endeavor, and the things she has been able to achieve—because even when we had agreement on many items in the Senate, we had to go to JENNIFFER for her help to make sure the leadership in the House would be on board. The respect that House leadership has for her was instrumental.

In the end, the way this is now lined up, no matter what we agreed to here, if we send it over there, and they don't want it, we couldn't do it. Her ability to get the House to go along with these changes is invaluable, and I just need to say that publicly. So much of this is due directly to her. She is the voice of

Puerto Rico in Washington. To the extent these things are happening above and beyond what would have already happened, it is, in large respect, due to having her here. She is just phenomenal, and the ability to work with her has made this possible.

Senator NELSON talked about the Medicaid cliff Puerto Rico faces. Last year, we were able to fill that gap for 1 year. This measure does it for 2 years, at 100 percent—called FMAP. Now, for the next 2 years, Puerto Rico doesn't have to worry about that. They can focus on other issues.

There is money in disaster relief to repair infrastructure and money to repair hospitals and community health centers. There is $75 million for displaced college students who had to leave their school in Puerto Rico or in the Virgin Islands, for that matter. There is $11 billion for CDBG–DR funds, which will go directly to Puerto Rico and the Virgin Islands, including $2 billion for repairing the electrical grid. There is $45 million to restore the Customs House in San Juan. There is money for Job Corps centers to help retrain and get people going again, to get employment functioning.

There is money for Coast Guard repairs. The U.S. border in the Caribbean is Puerto Rico, so we have the Coast Guard there not only to respond to disasters at sea but to be able to enforce law and prevent drug smuggling. If someone smuggles drugs into Puerto Rico, you are in the United States. There is no Customs from that point forward. It is so critical.

There is also help to repair clinics that were serving women, infants, and children; HHS funding; transportation funding, particularly improvements to the FAA and the facilities at the airport and the Federal highways. Everything that is important is in there.

There is more to do. Next week, we will have a new initiative—and I am not prepared to discuss it yet—in addition, that is separate from disaster relief, to help Puerto Rico not just to recover from the storm but to set itself up for long-term success, and I look forward to unveiling that next week.

For the time being, this is perhaps the first good news the people from Puerto Rico have gotten from Washington since the storm hit, and I just want to say it is due to the partnership of Senator NELSON and myself but also frankly the extraordinary assistance of the leadership of my party in the Senate, Senator MCCONNELL, the Appropriations staff, and Members on both sides of the aisle who have all, from the very beginning, expressed a willingness to be helpful. We don't often come to the floor to talk about the good news of our process, but we couldn't be more pleased.

Senator NELSON talked about the impact on Florida. We will rapidly go through some of those.

We have come to the floor multiple times to talk about the need to help the Florida citrus industry, Florida's signature crop. This has the money to do so. This will be an incredibly large effort for the Secretary of Agriculture to administer this, but I know I speak for Florida's growers when I say this is important work. Feeding our Nation is important work, and I stand committed to working with the Secretary and with our commissioner of agriculture, Adam Putnam, who is aware of this and has been instrumental in putting together this package—really important.

There is important funding for the Emergency Watershed Protection Program, Emergency Conservation Program, rural development water and wastewater grants, Emergency Food Assistance Program, funding to repair the Agricultural Research Service facilities. There are four of these damaged in Florida. Those are the facilities that are going to innovate the cures we need to save Florida citrus in the long term.

There is money for education, particularly educational infrastructure repairs to help displaced students and to hire new teachers. This is especially important. We have now seen thousands of U.S. citizen students who have come from Puerto Rico to Florida to get their education. There is money to help higher education facilities, to rebuild facilities that were damaged in the storm. There is money to help displaced higher education students.

There is $35 million for Project SERV, which are education-related expenses for local education agencies and higher education institutions to help them recover from violent or traumatic events. There is $25 million to assist homeless students, and $650 million for Head Start. I will note there are 45 damaged Head Start facilities in Florida.

There is relief for the community block grant funding to the tune of $28 billion, of which $16 billion will be directed for unmet needs and $12 billion for mitigation to prevent the loss of these facilities in the future.

The list goes on. There is more. We will be putting out even more details. The Army Corps has a lot of important projects in Florida, but there is one in particular that if we go through it, there is over $600 million for repairs to the operations and maintenance funds, $810 million in flood control and coastal emergencies funding.

We had Everglades restoration projects going on in Florida that were damaged by the storm, including these large retaining ponds which are basically lakes—enormous bodies of water that are used to clean out phosphates. Some were overrun and flood-damaged. This helps.

In addition, there is funding to expedite the completion of the Herbert Hoover Dike, which is critically important to the people living in the Glades communities just south of Lake Okeechobee. This expedites that. This wasn't part of the budget in the beginning. This is a project that has already been authorized, but the ability to move that forward is critical because it will help free up funds and time for all the other important projects in regard to restoring the Everglades and preventing the overflow of Lake Okeechobee, which could kill people.

There is one project in particular, the ''South Atlantic Coastal Study.'' It is a Federal project that looks at vulnerabilities of coastal areas to sea level rise and things of that nature. That is going to be a part of this because ongoing in the future we will continue to see the threat posed by storm surge and the like, and there is language in there modeled after a bill I filed that gives the Assistant Secretary for Preparedness and Response direct hiring authority to ensure that HHS has the necessary emergency medical personnel to respond to another natural disaster because the hurricane season is about 5 months away.

There is $60 million for community health center repairs. There are about 28 in Florida and nearly 100 in Puerto Rico, and $50 million for NIH for specific grants and infrastructure repairs. Within the topline numbers for FEMA in this, there will be a total of $33 billion for Stafford reimbursable costs, and we are involved in ongoing discussions with the administration, which is responsible for directly coordinating with the Governors in the States in regard to this, but this should be more than enough to pay the unmet costs for hospital repairs, medical services, et cetera.

A couple more points. We have a massive debris problem, particularly in Monroe County. These canals in the Florida Keys have refrigerators, lawn furniture, sunken boats, and this has money in there to help clean that up. Local governments ran out of money, and they can't do it. This repairs Coast Guard facilities that were damaged by the storms.

There are funds in the amount of $1.65 billion for Small Business Administration loans. The National Park Service—I recently toured the Everglades with Secretary Zinke—this has $207.6 million for construction that will include repairs to the destroyed facilities of the National Park Service. Funding under the Department of Transportation will include $140 million for Florida. That includes $8 million for FAA facilities, $100 million just for Florida's Federal Highway Administration, $27 million for Florida's Transit Administration. Finally, under FEMA, the Disaster Relief Fund is fully funded to meet the unmet needs. This money will ensure that FEMA has the resources needed to assist disaster survivors as well as to repair and restore damaged infrastructure in Florida and in Puerto Rico.

I hope we can get support for this. I saw the Senator from Texas here a few moments ago. I imagine he may speak to this at some point. Texas also suffered terribly. The Virgin Islands suffered. California had the fires.

I would state, it took longer than we wanted to, but I think the people of Florida should be very pleased with the disaster relief package the Senate is about to present and hopefully will pass and pass in the House. This is good news. I was grateful to be a part of it.

I thank my staff. They worked incredibly hard to help advance this. We have been waiting for this day. We are excited this day is finally here. It makes our service here really meaningful when we can take our actions and turn them into progress and results.

This is one of the reasons I ran for reelection, when at one point I didn't think I would. It was to come back and make a difference. Today, I know working with so many others, including JENNIFFER GONZÁLEZ in the House and Senator NELSON and our leadership in the Senate, we are about to make a real difference. It makes our time here rewarding. I am excited to have been a part of it, and I am looking forward to doing more.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of the following nomination: Executive Calendar No. 387. I ask 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. Is there objection?

The Senator from Texas.

Mr. CRUZ. Mr. President, reserving the right to object, I thank my friend from Iowa for his continued efforts both on behalf of Mr. Northey and working to find a commonsense solution to the issue that has thus far delayed Northey's confirmation.

The phrase ''my friend'' is used often in this body. Sometimes it is used in a hollow manner, but in this instance, Senator GRASSLEY is my friend. He and I have worked together closely on a great many matters, especially on the Judiciary Committee, and I have every confidence that we will continue to work together closely for many years to come.

On this issue, Mr. Northey could have been confirmed in November. He could have been confirmed in January. He could have been confirmed this month. But that has not happened yet. It is my hope that Mr. Northey will be confirmed. It is my hope that he will be confirmed swiftly and expeditiously, but the critical element for that to happen is for us to find a solution to a problem that is threatening tens of thousands of jobs across this country. That problem arises from what is known as the Renewable Fuel Standard.

The Renewable Fuel Standard established through the EPA is a system called RINs. Now, most people don't know what a RIN is. A RIN is a renewable identification number. It was something made up by the EPA. It didn't used to exist. They created RINs, and they sell RINs to refineries. RINs are designed to be an enforcement mechanism for the Renewable Fuel Standard, but there is a problem. When they were first introduced, RINs sold for a penny or two pennies each. The EPA assured everyone they would continue to sell for 1 cent or 2 cents each, but since then, we have seen the market for RINs break. RINs have skyrocketed in price to as high as $1.40 each. What does that mean? What does it mean for this fiat, governmentally created, artificial license to be selling at $1.40 a piece, which they hit at their high point? Well, it means thousands upon thousands of blue-collar union jobs are at risk.

This is not a hypothetical threat. Just last month, Philadelphia Energy Solutions, owner of the largest refinery on the east coast, announced that it was going into bankruptcy, and they pointed the finger squarely at the broken RIN system. In their bankruptcy filing, they explained that ''the effect of the RFS Program on the Debtors' business is the primary driver behind the Debtors' decision to seek relief under the Bankruptcy Code.''

That is not a surprising statement given what has happened in the artificial and broken RINs market. In 2012, Philadelphia Energy Solutions paid roughly $10 million for the RINs for the licenses they needed to run their company. By 2017, the Wall Street Journal was estimating that they would pay $300 million—that is $10 million to $300 million.

Mr. President, $300 million is more than double their total payroll. You have spent many years in business. Can you imagine running a business where you spend more than double your payroll to write a check—not to buy anything, not to pay anybody, not to buy any supplies, but simply to purchase a government license, so to speak? That is crushing, and it is destroying jobs.

With respect to Philadelphia Energy Solutions, now in bankruptcy, we are talking about 1,100 jobs. These are blue-collar, working class jobs, the kind that are the backbone of our economy, the kind that keep refineries going.

Ryan O'Callaghan, who heads the Steelworkers local that represents 650 refinery workers, said that the RFS is ''a lead weight around the company.'' He also said that a great many of the union members supported President Trump in the 2016 election because of his promise to reform harmful regulations. Indeed, the president of that union demonstrated great courage in supporting President Trump because he believed the President and the administration would stand for working-class voters, would stand for the working man, and would pull back regulations that are killing jobs.

The American people will be rightfully angry if we don't fix this problem because it is not just one refinery. Nationwide, experts have estimated that anywhere from 75,000 to 150,000 American jobs are potentially at risk if U.S. independent refineries go out of business—75,000 to 150,000 jobs.

My own State of Texas will be deeply affected if we don't take action immediately. Texas's oil and gas sector employs 315,000 people, 100,000 of whom are in refining and petrochemical production. We have 29 refineries that produce over 5.1 million barrels daily, and 22 of these 29 refineries are hurt directly by the artificially high RINs prices. That is why this past December, Texas Governor Greg Abbott wrote to the EPA asking for relief from this Federal mandate. He explained that ''current implementation of this dated federal mandate severely impacts Texas' otherwise strong economy and jeopardizes the employment of hundreds of thousands of Texans.'' Mr. President, let me underscore that. It ''jeopardizes the employment of hundreds of thousands of Texans.''

If you want to know why I am fighting so hard to reach a good solution, you need look no further than that statement. I am elected, like each of the Members of this body, to represent my constituents—in this case, 28 million Texans—and seeing hundreds of thousands of blue-collar workers driven out of business because of a broken regulatory system makes no sense.

Well, perhaps one might think this is simply an instance of parochial differences, of the battles between one State and another or one industry and another. Well, that is not the case because, on substance, there is a win-win solution here. I want a win for blue-collar refinery workers, and I want a win for Iowa corn farmers. I believe there is a win for both. I believe there is a policy solution that will result in Iowa corn farmers selling more corn and also more blue-collar jobs. That should be a solution that makes everybody happy.

However, there is a third player in this equation which consists of Wall Street speculators who are betting on this artificial, government-created market and driving up the prices.

The important thing to realize is that when I talk about Philadelphia Energy Solutions paying $300 million, that $300 million did not go to Iowa farmers. It didn't go to ethanol producers. It went to speculators and large companies outside of Iowa. We can reach a solution that ends the speculating, ends the gamesmanship in this artificial government market, and saves jobs.

With respect to Mr. Northey, I will say that I don't know Mr. Northey personally, but I have heard from a number of people who do. By all accounts,

Mr. Northey has a good and strong reputation in the State of Iowa. He is a fourth-generation farmer. He has impressed many people with the job he has done as the secretary of agricultural in the State of Iowa. I made clear from the beginning that I would have been happy to have seen Mr. Northey confirmed in November, in December, in January, in February, and indeed I have laid out how to make that happen.

On November 14, 2017, I wrote a letter to Iowa Governor Kim Reynolds laying out how Mr. Northey could be confirmed, which is namely to have the stakeholders sit down collaboratively together and solve this problem in a win-win solution that helps Iowa corn farmers and also doesn't bankrupt refineries and drive blue-collar workers out of business.

Indeed, in December, I met with both of the Senators from Iowa, along with Senator TOOMEY, to discuss exactly how we could move forward with Mr. Northey's confirmation promptly, efficiently, and also solve this problem. At that time, it was suggested that we bring the stakeholders together, that we actually have the players in the ethanol industry actually talk with the refiners and find a solution that results in more corn being sold and refiners not going out of business. We left that meeting on December 21 with a plan to have that meeting of stakeholders. Well, I am sorry to tell you that 48 days have passed, and that meeting still hasn't taken place because unfortunately a handful of lobbyists representing the ethanol industry have taken the position that they are unwilling to meet, they are unwilling to speak, they are unwilling to discuss anything with anybody, and apparently, if thousands of people lose their jobs in refineries, that is not their problem. Quite frankly, that is not a reasonable position. That is not a reasonable or rational position.

Mr. Northey would have been confirmed long ago had the lobbyists for the ethanol industry been willing to come to the table and reach a commonsense solution that would have resulted in more money for their industry, more ethanol, more corn. But their position is that they are not interested in a win, because their position has been that they are not willing to talk. Well, I think that is unfortunate, but it is also unacceptable.

So indeed I continue to have productive conversations with the President, with the EPA, with the Department of Agriculture, with the administration about finding a win-win solution, a solution that is good for everyone. And if a handful of lobbyists refuse to come to the table, then they should not be surprised to see the solution proceed without them.

We can find a good, positive solution that benefits the farmers of Iowa, that sells more corn. In 2015 and 2016, I spent a lot of time in the great State of Iowa. Indeed, I had the great privilege and blessing of completing what is affectionately known in that State as the Full Grassley. Now, what is the Full Grassley? There are 99 counties in that beautiful State, and every year, the senior Senator goes to all 99. Now, I can tell you that the Full Grassley is a Herculean accomplishment, rendered all the more remarkable by the fact that the senior Senator does it not once but every year. Well, on election day, I completed the Full Grassley, having visited every county in the State of Iowa. I visited with many wonderful people, including many wonderful corn farmers whom I want to see selling more and more corn. We can have a solution that is a win for those corn farmers but also doesn't bankrupt refineries and drive a bunch of blue-collar workers out of work.

It is important to understand, by the way, that these high RINs prices don't benefit corn farmers at all. In fact, if you look at RINs prices, they are not remotely correlated to the price of corn; if anything, they are inversely correlated. What does that mean? It means that when RINs were selling for 1 cent and 2 cents each, corn was way up here, and when RINs skyrocketed to $1.40 each, the price of corn plummeted. So not only is this not benefiting Iowa corn farmers, you could argue that it may even be hurting them.

The money that is bankrupting refineries and costing people their jobs is not going to the farmers. So my hope is that we reach a solution that lifts regulatory barriers at the EPA so that the Iowa corn farmers can sell more corn in the market in response to real demand, not a government mandate, but there are EPA barriers that stand in the way that cap the sales of ethanol. I see no reason to artificially cap it. If there is demand in the marketplace, they should be able to sell more and more and more corn, expand their market. But they are not benefiting from crushing regulatory costs that are driving people out of business. We can reach a solution to do both.

With respect to Mr. Northey, if and when we see the players come together in a positive way to solve this problem, I will more than readily lift my objection, and I hope Mr. Northey is confirmed and confirmed quickly.

I look forward to working with Mr. Northey in the Department of Agriculture, but first, we need to stop this regulatory failure that is threatening thousands, if not hundreds of thousands, of jobs.

Therefore, looking to find a cooperative win-win solution for everyone, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Did the Senator make his formal objection?

Mr. CRUZ. Yes.

Mr. GRASSLEY. Thank you.

Normally, I would speak right after the Senator from Texas, but I am going to call on three of my colleagues who are here to speak because I have more time than they have. I know the Senator from Texas has to go. He accurately did describe our relationship, generally, in this body as Senators from Iowa and from Texas. I want to let everybody know that we have that good relationship.

We sure disagree on this issue. I am sorry we do. With that said, I am going to defer to the Senator from Michigan. I want to say that she is the ranking member of the Agriculture Committee and represents the farmers of Michigan very well, but also, in her leadership position as former chairman of the Agriculture Committee and now the ranking member, she has done a great job of leadership in the area of agriculture.

Would the Senator proceed.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Thank you very much for those kind words from the senior Senator from Iowa. We have partnered on many things together related to agriculture.

I rise today to support Senator GRASSLEY and Senator ERNST in this motion. We need to fill this position with an eminently qualified person, Bill Northey, right away. It is long overdue.

As the ranking member of the Senate Agriculture Committee, I am in strong support of the nomination of Bill Northey to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services.

Despite historic delays in receiving nominations from the administration, our committee has worked swiftly on a bipartisan basis to put qualified leaders into place at the USDA. When we get qualified nominees, we move them, and Under Secretary nominee Bill Northey is no exception. In fact, I believe that he is a bright star in terms of the nominees and those that will be serving in the USDA.

He was nominated in September of last year. Our committee quickly held a hearing and reported his nomination with unanimous bipartisan support to the floor on October 19.

Mr. Northey is a highly qualified nominee. He is currently serving his third term as secretary of the Iowa Department of Agriculture and Land Stewardship. A farmer himself, he understands what American agriculture needs, and has pledged to be a strong leader for our producers. I have confidence in him.

Unfortunately, instead of serving our farmers and ranchers at USDA, his nomination has languished in partisan limbo because of an unrelated issue raised by a Senate Republican colleague not on the Agriculture Committee.

I appreciate Members have various kinds of concerns, but it is important to note that Mr. Northey's leadership is needed now on a number of issues, including the fact that he would be in charge of disaster recovery for our farmers in Texas, Florida, and Louisiana, and all across the country, who

are serving in the aftermath of hurricanes, wildfires, and drought.

It is also important for him to be at the USDA to support our farmers struggling with low prices. For the better part of a year, I have been working with the leaders of the Appropriations Committee, Senator COCHRAN and Senator LEAHY, to fix a few pieces of the 2014 farm bill that didn't quite work as we intended them—the dairy and cotton safety net provisions.

I do want to indicate, while I am on the floor, that the Senate budget agreement contains significant improvements for both commodities, including more than $1 billion in support for our struggling dairy farmers. These much needed improvements set us up to continue our bipartisan work to write the next farm bill that needs to be done this year. I look forward to working with our chairman, Senator ROBERTS, as well as our two distinguished Members from Iowa, on creating the kind of farm bill that we need for our farmers and ranchers and families.

Unfortunately, though, when politics get in the way, our farmers and our ranchers lose. So I am hopeful that we can resolve whatever issues or at least move them to a different debate, rather than focusing them on this nominee who is very much needed. His leadership is needed right now at the USDA. He has strong bipartisan support.

I think it is very unfortunate that his nomination has gotten caught up in another issue. I am hopeful that we could ask our Senate colleague to choose to address that in another way without getting in the way of critical leadership on disaster assistance and conservation and critical issues on which the USDA needs to have his leadership.

Mr. Northey has strong, bipartisan support and should be advanced quickly. We need his leadership skills. I am going to continue to do everything I can to work with my colleagues to be able to make sure he has the opportunity to serve farmers and ranchers as part of the USDA leadership.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

Mrs. ERNST. Mr. President, I would like to thank the ranking member of the Agriculture Committee for joining us here on the floor today. I appreciate her great bipartisan work on the Agriculture Committee.

I am pleased to be a member of that committee. It is truly one of those committees where we set aside any political differences. We actually work for the good of our Agricultural Committee, our ranchers, and our farmers, regardless of the State they come from. We truly do work together to feed and fuel a nation.

Thank you very much for joining us today, I say to the ranking member.

I wish to thank my senior Senator from Iowa, as well.

I am rising today to join my colleague Senator CHUCK GRASSLEY and others who have joined us on the floor to support the nomination of Bill Northey as Under Secretary for Farm Production and Conservation at the U.S. Department of Agriculture, or the USDA.

I have known Bill Northey for nearly a decade and, to be honest, probably a little more than a decade. He is a great friend. He is a great Iowan. Most importantly, he is a tenacious advocate and a true voice for agriculture and our rural communities. He has worked in agricultural policy at nearly every level of government.

At a time when we need to tackle many critical agricultural priorities, including the farm bill, which the ranking member just mentioned—that farm bill was last authorized 2 years ago, in late 2014—at a time when the President is rightly focusing on economic development and strengthening rural America, and at a time when our government is focused on streamlining and reducing the burdens of environmental regulations, we must have leadership in this position—as I mentioned, the Under Secretary for Farm Production and Conservation at USDA. We must have leadership there that truly gets the real underlying concerns and priorities of America's farmers and ranchers. We need them addressed. Bill Northey is exactly the person to do that.

When I think about the importance of getting someone like Bill Northey in this position, I reflect on the young farmer who is looking to begin a farming operation in rural Iowa to feed his or her family, grow a business, and cultivate a legacy in their own community, all while low commodity prices have pinched margins and extreme weather has decimated our crops. That young farmer needs Washington to get out of the way and give them an opportunity to thrive.

Bill Northey is the right guy to work these issues. He knows his role in Washington will not be to empower a faceless bureaucracy but to make Washington work for its people and give the agriculture industry the tools it needs to prosper. Bill Northey is that average, everyday Iowan who cares about agriculture and its future.

Senate Agriculture Committee Chairman ROBERTS and Ranking Member STABENOW have made it abundantly clear that they have no objection to Mr. Northey, as both indicated in a joint statement that said in part: ''Bill Northey is a qualified and respected public servant who knows agriculture firsthand, and he will serve rural America well at USDA.''

The ranking member joined us earlier, and she went a step further by saying to Bill:

> I know that you are a farmer. You understand these challenges, and know that our farmers need leaders that will speak up for them when their voices are not being heard.

He was voted out of the Ag Committee unanimously. Let me state that again. He was voted out of the Ag Committee unanimously. If you didn't hear that, let me say it a third time. He was voted out of the Ag Committee unanimously.

Democrats and Republicans believe that Bill Northey is a leader, and he is being held hostage over an unrelated issue. Bill Northey's nomination has become entangled in an unrelated policy dispute. I am very disappointed. Bill Northey is an upstanding man, someone we desperately need to serve in our government. We truly want to drain the swamp. Bill Northey is exactly who we need. He is that everyday American fighting for agriculture. We need him desperately. We may not be able to have him serve in our government because this policy dispute has led to a hold on his nomination.

Bill Northey is extremely qualified. He has the experience and the reputation. Most importantly, he has the voice and the heart for American agriculture. I am asking for a quick vote and confirmation of this well-respected, beloved Iowan so that we can get him in place and work on matters that truly are important not just to Iowans and the Midwest but to all of America.

Let's free Bill. Let's free Bill, folks. Let's confirm Bill Northey.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. LEE). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I appreciate the remarks of my colleagues Senator ERNST, Ranking Member STABENOW, and, of course, Senator GRASSLEY. Senators GRASSLEY and ERNST have been such leaders on ag issues in their State.

I come to join Senator GRASSLEY, not only from the other side of the aisle but also, as far as Iowa and Minnesota are concerned, across the border. Our States have rivalries in football and many other things, but one thing we always agree on is having strong people to be the voice of agriculture at the USDA.

I supported Secretary Perdue when President Trump nominated him, and I believe he needs a team to be able to do the complicated work of agriculture. At a time when we have seen difficulty in everything from the dairy industry to cotton, to issues with prices for so many of our commodities, to just only a few years ago the avian flu that was such a threat to the poultry industry in Minnesota and Iowa, the thought that we wouldn't have an Under Secretary in place for farm production and conservation—such an important part of the work of the USDA right now—is just unbelievable to me.

As the nominee for Under Secretary in this area, Mr. Northey would be tasked with guiding some of the USDA's most important agencies that interact with farmers and ranchers on a daily basis, including the Farm Service Agency—which is so important to my farmers when they have questions about how they are supposed to sign up for things and complex programs; they

are small farmers trying to do their job, and they need that Farm Service Agency—the Natural Resources Conservation Service, and the Risk Management Agency.

As we prepare to write and pass a bipartisan farm bill, Mr. Northey's technical and legal assistance from the USDA is going to be critical. The absence of an Under Secretary for this critical mission area also has a domino effect that is leaving important USDA agencies without leadership and without guidance. This is not good governance.

Secretary Perdue picked him because he was someone who had served as a State agriculture commissioner. As Senator ERNST has pointed out, he is not someone who has lived inside the beltway his whole life. This is someone who knows a State that has a lot of ag.

When he came before the Senate Agriculture Committee last October, I had the opportunity to question him about his priorities for the USDA. He has spent his entire life in agriculture. He knows farmers, he knows rural economy, and he knows what is needed.

I appreciated the fact that he honestly answered questions about the renewable fuel standard. He sees it, as I do in Minnesota, as a homegrown economic generator.

We are a State that is right next door to North Dakota. We appreciate their ethanol and their oil industries. These are part and parcel of Minnesota and our country's energy. That being said, we see biofuel as an economic generator. We want to make sure we are keeping strong industries alive so the farmers and the workers of the Midwest are taking part in energy just as much as the oil industries in the Mideast.

The final rule for 2018 and 2019 that went through two administrations kept volume requirements for ethanol steady and made some improvement in blend targets of advanced biofuels. The final rule was a declarative statement by the administration that renewable fuels are simply an important part of our transportation fuel supply and an important part of our economy, but that is not what this is about.

Our friend from Texas, Senator CRUZ, has decided to hold up the nomination of someone who has done nothing but serve our country and serve the State of Iowa as the agriculture secretary there—the agriculture commissioner—with merit.

I don't believe we should be holding nominees hostage. It is not something I have done as a Senator. Senator CRUZ and I have debated this in the past when he held up the Ambassadors to Norway and Sweden—two Ambassador positions that were very important to Iowa and Minnesota because of our Scandinavian populations, and yet we went for years without Ambassadors to those really important allied countries. We went for years with two qualified people who could have taken over a year before, who had unanimously gone through—just like this nominee—the Foreign Relations Committee without objection. Yet Senator CRUZ was concerned about the naming of a street in front of the Embassy of China, which was completely unrelated.

So while I appreciate his representing interest in his State, and I appreciate the fact that we have to have legitimate debates about energy and energy policy, I just don't believe you should be holding qualified nominees hostage.

In the case of the Ambassadors to Norway and Sweden, we were ultimately triumphant because people from the Republican side of the aisle and the Democratic side of the aisle came together and said: Enough is enough. We need people who are qualified to fill these important positions in our government.

That is exactly what is happening again. This is a qualified nominee, and the Senate should not be a place where someone with his qualifications should be blocked for an important position just as we are considering the farm bill, just as we are dealing with disaster recovery all over the Nation, including in places like Texas and Florida. I just don't believe in this scorched-earth policy. I believe, as we do on the Agriculture Committee, in working things out. We work things out. We may have differences of opinion, but we let people fill an important position like this.

I am glad our colleague from Texas has remained through this discussion, with his friend from the Midwest, and we just hope some of that Midwestern common sense will come his way. Like Senator GRASSLEY, I visit every county in Minnesota every year—all 87 counties—and I can tell you that when I want to hear what the farmers think, I listen to Senator GRASSLEY, but, most importantly, I listen to the people in my State. They want to have a USDA that is functioning and working and ready for all the issues we are confronting right now in agriculture and the United States.

Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank my colleague who spoke very highly of the qualifications of Mr. Northey to be Under Secretary at the Department of Agriculture. I may say just a little bit about his qualifications, but I want to spend most of my time expressing my thoughts to my colleagues in the Senate, and to Senator CRUZ primarily, on what I think about the argument over RINs being an impediment to some refineries operating efficiently, going into bankruptcy, or other problems they have.

Senator CRUZ has said there are some things that could be put together to help this situation. I will name three of them that I think would work, and then I will say why I disagree with the Senator from Texas about the RINs issue and why he thinks that is a solution to it and why I feel it is not a solution to it.

First of all, my colleague from Texas said there is a problem with Wall Street speculators. I don't know whether that happens every day, but it happens sometimes, and it is something that should be taken care of. I recognized that back in November of 2013, when I wrote a letter on that very subject urging the regulators to take a position on that.

I think greater transparency of this whole market would be very good as well. I think that is a possibility. That is something the Senator and I have discussed as being very helpful, the EPA putting out regulations on vapor so we could get more ethanol in the percentage of E15.

I would say his idea of putting caps on RINs will not work because when you do that, you are getting—the marketplace isn't working. I suppose I am a little surprised that a free market person like Senator CRUZ would suggest the government step in and cap that. Also, I would like to speak to the point that in November of last year, 2017, as an agency, the EPA itself said the RINs market was working, which puts the Agency in a little bit different position than where we think Mr. Pruitt, the Administrator of EPA, is coming from.

So, with that in mind, I am going to go to my remarks right now and express that it is very unfortunate that there is an objection to advancing President Trump's nomination of Iowa secretary of agriculture Bill Northey to be Under Secretary at the Department of Agriculture all because of unrelated concerns over the renewable fuel standard, which is a law passed by Congress and obviously administered by the EPA.

I am very disappointed that a highly qualified and honorable man like Bill Northey is being held up for an issue unrelated to his position. As you heard my colleague say, Secretary Northey enjoyed unanimous support from the Senate Agriculture Committee and has the support of numerous agriculture groups from around the country.

Now I will get to the RINs issue and my feeling that this is not a legitimate reason for either holding up this nomination for the bankruptcy that has been referred to or for any other refinery that has trouble.

I think it is a manufactured and baseless rumor that the RFS, the renewable fuel standard, has caused an oil refinery in Pennsylvania to file for bankruptcy. This example has been cited repeatedly as a justification for forcing the renewable fuel standard supporters to agree to sudden and drastic changes in how the renewable fuel standard was designed.

I have been trying to work in good faith with the Senator from Texas and have offered several options—some of them I have just expressed here in my off-the-cuff remarks—that would result

in lower prices on the RINs issue. As has been said, that stands for renewable identification number. That is what we call the compliance credits—to make sure the refineries use the right amount of ethanol to meet the renewable fuel standard.

However, I keep being told by the Senator from Texas that I need to accept a proposal for a guaranteed cap on RIN prices in the short term to save this Philadelphia refinery. Unfortunately for those who are spreading the rumors that the problems the Philadelphia refinery has are due to high RIN prices, from my point of view—and I hope I backed this up in a paper that we have widely disseminated within the last week—the facts don't add up very well for the people making the argument that RIN prices are the problem.

My staff and other analysts have read the SEC filings and the bankruptcy filings of the refinery in question and have come to the conclusion that the Philadelphia refinery cannot pin its problems on the renewable fuel standard. The No. 1 problem the Philadelphia refinery has faced is the result of the petroleum export ban being lifted, which cost it access to cheaper feedstocks. Another reason, and the second biggest problem it has, is that a pipeline opened which diverted rail shipment of Bakken crude oil away from the east coast because of the pipeline sending it someplace else, obviously raising the price of the feedstock to the Philadelphia refinery.

We keep being told the refinery is facing hardship because it cannot afford to buy enough RINs to comply with the renewable fuel standard. If that is the case, then why did this Philadelphia refinery sell off a significant quantity of RINs just last fall? That is quite odd, considering the company needs to turn them in later this month for compliance with the renewable fuel standard.

Some have said it is executing a market short on RINs, which is dependent on some sort of Federal action that will suddenly drive down the cost of RINs. I would point out that shorting the RIN market is something Carl Icahn is reportedly being investigated for by Federal investigators. I hope that the Philadelphia refinery is not trying to follow that same playbook. I certainly want nothing to do with that kind of chicanery.

Finally, the Philadelphia refinery could have avoided needing to buy any RINs at all if it had just invested in blending infrastructure years ago like many of its fellow merchant refineries did. In fact, the Philadelphia refinery is partly owned by Sunoco, which owns blending infrastructure.

We also know that refinery has an arrangement whereby it supplies ethanol with RINs attached to Sunoco for blending with its gasoline. Other independent refiners with similar arrangements have an agreement to return the RINs to the refiner once they are detached.

The RFS was created to bring cleaner burning renewable fuels to consumers. The RINs system was developed as a flexible system that would allow obligated parties to choose between investing in blending infrastructure or buying RINs for Renewable Fuel Standard compliance. The Philadelphia refinery made the decision to buy RINs instead. That hasn't worked out very well for that refinery apparently, but that was the bet that refinery made. A cheaper option for Renewable Fuel Standard compliance exists, and the Philadelphia refinery chose to pursue other investments.

None of this has anything to do with President Trump's choice to oversee farm programs at the U.S. Department of Agriculture.

Bill Northey should be confirmed by this body. He has overwhelming bipartisan support. Taking a nominee hostage to try to force an ill-conceived policy change is only going to cause more problems for this body in the future.

I don't know what the next step is, but I think that Bill Northey is such a good person for this position, I am going to continue to work as long as he wants me to work for his nomination to proceed.

Before I yield the floor, I ask unanimous consent to have printed in the RECORD an article on this issue of the Philadelphia refinery.

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

[From Oil Price Information Service (OPIS), Feb. 6, 2018]

(By Tom Kloza)

VERLEGER: PES BANKRUPTCY JUDGE COULD INFLICT LEHMAN-LIKE MOMENT

Noted oil economist Phil Verleger has read the Philadelphia Energy Solutions (PES) bankruptcy filing and makes no bones about his verdict. The company is scapegoating the Renewable Fuel Standard for its financial woes, Verleger says, instead of properly attributing the demise of the 330,000-b/d refinery to the end of the long-time crude oil export ban, antiquated equipment and a lack of investment that kept the plant competitive with other northeastern refineries.

But most importantly, Verleger sees a possibility that the bankruptcy judge just might render a decision that could wreak havoc with the RFS and throw the RINs market into utter chaos. Bankruptcy papers clearly indicate that PES would like to get its RIN obligation discharged in the reorganization. If not, the company would have to purchase and retire RINs with an aggregate market value of approximately $350 million at current market prices before a compliance deadline this spring. It would also need to buy about 550 million 2018 vintage RINs. A buyer of that quantity under current circumstances might lead to a quick doubling of the renewable credit asking prices.

But if a bankruptcy judge allows cancellation of the RINs' obligation, any credibility associated with the RFS program might be thrown out the window.

There is a legal obligation to blend ethanol and other biocomponents into transportation fuels and the EPA might have great difficulty administering the program, even though the agency has been an advocate. A court decision granting PES' request for relief might lead to a ''Lehman-like moment'' that could completely halt RINs' trading, plunge the value of accumulated RINs to near zero and bring about pure chaos.

PES' owners blame the U.S. renewable fuels' standard for their woes, but Verleger disagrees. Failure came about because the refinery complex is out of date and it is a merchant refinery with no downstream outlets. It also operates in a region where flat demand is a victory and decelerating demand a probability. Financially solvent and technologically advanced companies can operate under these circumstances, but the noted oil economist finds no evidence that critical investments were made PES in the refinery.

The PES bankruptcy filing took place on Jan. 22, and the RINs' cost of $217 million was the largest expense other than crude oil costs. When the Trump administration reaffirmed the government's commitment to the RFS in the autumn, it dealt a blow to merchant refiners and other processors who hoped to shift the compliance burden to others. PES CEO Gregory Gatta told the Philadelphia Inquirer: ''It is unfortunate that the company was driven to this result by the failed RFS policy and excessive RIN costs.'' He added that the company ''can only hope that our filing . . . will provide the necessary catalyst for meaningful long-term reform of the RFS program.''

In contrast, Verleger notes that megarefiner Valero reported net income of $4.1 billion for the year and saw a quarterly profit of $509 million excluding the Trump tax cut benefits. Expense for RINs was $311 million in the fourth quarter, but the company invested $2.4 billion, with half of it going to ''growth projects.''

Some of those past investments have included logistical additions and refinery tweaks so that properties could run heavily discounted Canadian crude.

''Valero invested. Canadian producers have not. And clearly, PES has not,'' notes Verleger.

He backdates the lack of investment for several decades. Some 35 years ago, the Washington Post acknowledged that the refinery owner at the time (Sun Oil, and then Sunoco) bucked the trend toward expensive refinery upgrades in favor of keeping a light sweet more expensive feedstock dependence.

That luck ran out for Sunoco, but PES had a run of several years during which it could bring inexpensive landlocked U.S. crude to Philadelphia, thanks to the U.S. export ban. An investment was made in a $186 million rail-unloading facility, but refineries were not upgraded. Nowadays, Bakken crude trades within a few dollars of WTI, so shipping the North Dakota crude to the East Coast doesn't make economic sense.

In contrast, Delta Air Lines bought the closed ConocoPhillips refinery in Trainer, Pa., in 2012, renamed it Monroe Energy and upgraded the refinery to meet tougher U.S. specifications. In 2016, some $70 million was invested so that the plant could produce the lower-sulfur gasoline required by EPA.

PES hoped to make investments in the refinery from funds from a proposed IPO, but investors balked at terms. There was no IPO and no investment.

The end of the export ban on U.S. crude combined with the completion of the Dakota Access Pipeline eliminated PES' access to favorably priced crudes. PES had a favorable position only so long as the export ban was in effect, notes Verleger.

The refinery isn't just dependent on expensive light sweet crude. It also produces about 12% of low valued industrial products that ultimately fetch prices beneath crude costs. It is much less competitive than nearby PBF, which boasts about double the PES margins.

''The owners (of PES) gambled that the large discount of U.S. crude to world prices would continue enabling the refinery to continue earning profits.''

Verleger concludes that PES lost the gamble and the growth of U.S. crude exports has made it impractical and unprofitable to move Midcontinent crude to East Coast sweet refineries.

Verleger acknowledges that the RIN market isn't a particularly efficient market, with inequities incurred by small marketers who don't get RIN discounts passed along. Distortions can create an unequal playing field. But finding the source of the problems is a difficult task, with possible flaws including hoarding by large traders in the credits.

But he suggests that rather than declaring amnesty on RIN obligations, a more appropriate decision might be to scrap the refinery, which was once headed for closure earlier in the decade. Part-owner Carlyle Group gambled with its own money (and some government funds) that it could profitably rail crude to Philadelphia and make money. Instead, the export ban was lifted, dooming that flawed strategy.

Mr. GRASSLEY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, a few observations about the colloquy that has occurred.

No. 1, we had two friends of ours from the Democratic side of the aisle who spoke energetically in support of this nomination, but I found it striking that our Democratic friends had nothing to say to the union members who are faced with the risk of losing their jobs. Senate Democrats often portray themselves as friends of organized labor, friends of union members. Yet it was striking that when they came to the floor, they had no answer to union members in Philadelphia being told they are at risk of being unemployed because of a broken regulatory system. Instead, it is a conservative Republican Texan who is fighting for the jobs of those union members.

I would also note that my efforts in this are not alone. Indeed, in December, I brought 12 Senators—12 Members of this body—to the White House to meet with the President, working to find a solution to this problem. Those Senators included Senator CORNYN, Senator CASSIDY, Senator KENNEDY, Senator ENZI, Senator BARRASSO, Senator LEE, Senator TOOMEY, Senator INHOFE, and Senator LANKFORD. Those are Senators from a wide geographic array, all facing significant job losses, potentially, and all interested in a positive solution to this problem.

In the remarks we just heard on the Senate floor, none of the Senators proposed any relief to the potentially hundreds of thousands of blue-collar workers being driven out of work by a broken regulatory system—no relief whatsoever. Indeed, none of the Senators disputed the fact that the RFS worked and worked just fine when RINs were selling for a penny.

This debate is not about the RFS—should we continue it or not. When I was a candidate for President, I campaigned on ending it. I didn't win. I lost that election. This is not a fight about ending the RFS. The current administration is committed to continuing the RFS. That is the prerogative of this administration. This is instead a search for a solution that would save tens of thousands, if not hundreds of thousands of jobs.

The senior Senator from Iowa said: Gosh, it is not a free-market solution to cap the price of RINs. Well, if RINs were an actual commodity that existed in the real world, I would agree with that. I wouldn't support capping the price of corn or the price of gasoline or the price of widgets or anything else that people were making. But RINs are an artificial, made-up government fix. They don't exist. No one manufactures a RIN. It is a government ID number. And it worked initially when they were trading at 1 and 2 cents apiece. But when it skyrocketed, going all the way up to $1.40 each—it is now threatening thousands upon thousands of blue-collar jobs.

The Senator from Iowa suggested that RINs are not the cause of the bankruptcy of the Philadelphia Energy Solutions refinery. Well, I would note that the explicit text of the bankruptcy filing is to the contrary. Indeed, this is a quote from their bankruptcy filing: ''The effect of the RFS Program on the Debtor's business is the primary driver behind the Debtor's decision to seek relief under the Bankruptcy Code.'' It does not say ''is a factor'' or ''is a problem'' but ''is the primary driver.'' That is what they wrote in their bankruptcy papers.

None of the Senators who spoke disputed that for that refinery, the price of RINs went from $10 million in 2012 to $300 million in 2017. That is unreasonable. That is broken.

The junior Senator from Iowa talked about the need to pull back job-killing regulations. Well, there is a job-killing regulation that we need to pull back.

This is a very important thing for those following this debate to understand: That $300 million—do you know how much of it goes to Iowa farmers? Zero. They are not getting that money. Instead, it is going to speculators and large—many foreign—integrated oil companies. It is an odd thing to see lobbyists for ethanol companies fighting for the profits of giant overseas oil companies. That doesn't make any sense.

Unfortunately, the position of the ethanol lobbyists has been: We are unwilling to speak. We are unwilling to talk. We are unwilling to meet with anyone on the refinery side. We are unwilling to defend our position. We will not attend the meeting.

We have repeatedly extended that invitation to them, and they have said no. That is blatantly unreasonable. Do you know whom the ethanol lobbyists are serving the least? Corn farmers. Repeatedly in the course of this negotiation, I have sought to put on the table policy options that would be a win for corn farmers, that would result in more corn being sold, more Iowa corn being sold, more ethanol being sold. The ethanol lobbyists are so unreasonable, they don't want to win and they don't want to provide any relief for thousands of blue-collar workers being thrown out of work. That is not a reasonable solution.

I hope Mr. Northey will be confirmed. Indeed, I hope he is confirmed soon. He could be confirmed as soon as next week. In November, I laid out a very clear path to Mr. Northey being confirmed. In December, I laid out a very clear path to Mr. Northey being confirmed. The people blocking Mr. Northey's confirmation are the ethanol lobbyists who have said: We are unwilling to have a win/win solution. The answer is, let thousands of people lose their jobs even though doing so doesn't benefit Iowa corn farmers at all. That doesn't make any sense.

Here is a ray of sunshine, a ray of hope. I believe the administration is going to do the right thing. I believe the President wants to see a win/win solution—a solution that is good for Iowa corn farmers. I want to see Iowa corn farmers sell more corn, a solution that results in Mr. Northey being confirmed, and a solution that doesn't bankrupt refineries and cost a bunch of blue-collar union members their jobs. That is a win for everybody. I believe that is where the President and the administration want to go, and I think that is where we will end up. I am hopeful we will arrive on that solution, which is consistent with the responsibilities of all of us.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I just need 1 minute because all of my colleagues are waiting to speak now.

For the benefit of the Senator from Texas, I wish to just say one thing. I don't question that he accurately quoted the union leader at the Philadelphia refinery, but I also, maybe within the last 2 weeks, read a statement by the so-called president—and I believe it is the same person whom we are talking about—that RINs were not an issue.

The other thing that I would add just for clarification of what the Senator said, that nobody has offered any relief, I have offered to make two offers. One of them would be the Reid vapor pressure thing, the issue connected with E15—that could be done by a regulation out of EPA—and also transparency to make sure the markets work.

I thank the Senator from Texas for his consideration of my effort to get Secretary Northey confirmed. I am sorry that he has objected, but that is the way the Senate can work and will work, and we will have to keep working to get Secretary Northey confirmed.

I thank my colleagues for their patience.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I don't want to get in the way of a disagreement between two of my colleagues on the other side of the aisle. I would just say to Senator GRASSLEY that there was a hearing today before the Environment and Public Works Committee, on which I serve as the senior Democrat. The subject of the Renewable Fuel Standard actually came up in the discussion. We had a number of folks from the agriculture community from across the country—one, the current secretary of agriculture from the State of Delaware. We talked about the Renewal Fuel Standard and its effect on the economy.

One of the reasons we encourage farms through our Federal Government policies—the reason we encourage farmers to raise, say, corn is that we can use it, and we frankly use a lot of other substances that they raise to create energy, to fuel us. Not only can our farmers feed us, they can also fuel us. This really got underway with the George W. Bush administration trying to do a better job of getting farmers involved to reduce our dependence on foreign oil by creating biofuels, advanced biofuels, ethanol, and corn ethanol.

I will mention one of the things we talked about today, and then I will talk about what I am really supposed to be here to talk about, which is DREAMers and the economic security of this country.

In the State of Delaware, we have only three counties: New Castle County, Kent County, and Sussex County, the third largest county in America. I think we raise more chickens there than any county in America. The last time I checked, we raise more soybeans there. We raise more lima beans there. Agriculture is a big deal for us. We also have great beaches in Delaware. We have Rehoboth Beach, Dewey Beach, Bethany Beach, and others. And there are a lot of interesting people who live close to the beach and not so close to the beach in Sussex County, so there is pressure from development. Sometimes we have the interests of farmers and that community coming up against the interests of developers.

One of the ways we decided to ensure that we still have farmland and don't overdevelop our counties and our State is to make sure that farmers can make money and support themselves. One of the ways they can do that is through the ability to not only feed us with the commodities they raise but also to fuel us.

There is something called RINs, or renewable identification numbers, a commodity traded on the market. The value of the RINs should literally be measured in pennies. Over the last year or so, it has been measured in more than a dollar for RINs. The refinery that has been discussed, which is up in Philadelphia, spent a lot of money on purchasing RINs in the last year or so. That shouldn't be the case. Our committee has been reaching out to the Commodity Futures Trading Commission in order to get them involved to say: How do we make this RINs market less volatile? How do we bring down the price of RINs? How do we enable us to do both, for our ag community and farmers to feed us, as a nation and a world, and also to fuel us?

DACA

Mr. President, I am really here to applaud the work of a number of our colleagues—Senator DURBIN, who is on the floor, and Senator GRAHAM—for the great leadership they have provided to make sure that, at the end of the day, we do the morally right thing—to make sure that we don't send away 700,000 or 800,000 or more people who were born in other countries but who were brought here by their parents at very young ages, grew up here, were educated here, are working here, and are making a contribution here. Why does it make sense to send them home?

Discover, one of the companies headquartered in Illinois—a State that Senator DURBIN has represented for as long as I have been privileged to represent Delaware—has operations in my State as well. They sent a letter that basically says:

> One of the basic tenets of our culture is to ''Do the Right Thing''—and we urge Congress to do the same, without delay . . . We are proud to count Dreamers as part of the Discover community and believe they should have the ability to continue pursuing their American dreams.

Every now and then we have the opportunity to do something right and beneficial. Some have heard the saying: It is possible to do good and do well. With respect to Dreamers, I think it is possible to do good and do well.

These are logos of about 100 companies—large and small, from coast to coast, from north and south, east and west—that believe it is in their best interests as employers to have a strong, capable, able, educated workforce, where people come to work and will work a day's work for a day's pay, will make a contribution, and will enable the company to be successful. They are companies on the east coast, on west coast, in the north, and in the south. They are all over the place. Some are big; some are small.

These companies have shared with me—and I have shared with others on both sides of the aisle—that they think the morally right thing to do with respect to Dreamers is to say: You came here not of your own volition. You were brought and raised here by your parents and now you are making a contribution.

Again, over 100 companies are listed here, and these companies want their employees to be able to stay and continue making a contribution.

Here we have a comment from the U.S. Chamber of Commerce. These are the words of Tom Donahue, president of the U.S. Chamber of Commerce, who is very vocal on this subject:

> A great place to reform our immigration system to meet the needs of our economy is by retaining the over 1 million individuals who are currently allowed to work here legally but are at risk of losing that status. [This] includes the Dreamers, some 690,000 young people brought here illegally as children, through no fault of their own. These hard-working individuals contribute their talents to our economy in integral ways, and we'll lose them if Congress doesn't act early this year.

A lot of times we talk about what is the morally right thing to do. Sometimes we talk about what is economically smart for our economy. We just got the jobs report for our country for the month of January about a week ago, and the jobs report is encouraging. The longest running economic expansion in our country began, I think, in the first year of the Obama-Biden administration. We are now into our eighth or maybe our ninth year.

One of the keys to maintaining an ongoing economic expansion is to make sure we have a workforce that is able, trained, and educated and with the work ethic and the skills needed to fill the jobs we have in this country.

When the jobs report came out last Friday from the Department of Labor for the month of January, they reported an unemployment rate for the country at about 4.1 percent. We are essentially at full employment. There were about 2 million to 3 million jobs last month that went unfilled. Nobody showed up to do those jobs, in some cases because folks applying for those jobs didn't have the education, the skills, the work ethic, or the willingness to do those jobs, or maybe there was the inability to pass a drug test. What those people can do is to enable a lot of companies in our country to be successful.

There is something I call economic insanity. We can talk all we want about what is the morally right thing to do with respect to the Dreamers. I think we ought to think about what is in our naked self-interest as a country with an eye on our economy. We are not going to always have an economic expansion, but we want to keep it going for as long as we can and have smart policies. One of the smart policies is to make sure we have the right workers, who show up and do the work that needs to be done in the workplace.

As it turns out, there is an impact that Dreamers have collectively on the annual GDP loss for the U.S. if we don't pass the Dream Act, authored by Senators DURBIN and GRAHAM and sponsored by a number of Democrats and Republicans. The annual GDP loss for the United States over 10 years if we don't pass the DREAM Act by March 5 is $460 billion.

Just in Delaware alone, we have 1,400 Dreamers. The impact on GDP in Delaware if Congress doesn't pass the Dream Act by March 5—in a tiny little State—is $88 million. That is an eye-popping number. It is in our naked self-interest to find a path forward to make sure these folks don't head back to the country where they were born years ago and maybe start their own businesses and compete with us rather than be productive citizens here.

This is a commentary from the Center for American Entrepreneurship, from earlier this year. The message that we received said:

The reduction in immigration mandated by the RAISE Act—

That is the administration's broad policy on immigration reform, which the administration has proposed—

would reduce economic growth by two to three tenths of a percentage point every year over the next decade.

Now, that doesn't sound like a lot, does it, to reduce it every year by 0.2 to 0.3 percentage points for the next decade? So that would be a reduction in economic growth in our country over the next 10 years.

Right now we are doing pretty well. As I said, we are in the eighth or ninth year of the longest running economic expansion in the history of our country. Right now we are doing pretty well. The stock market has been up and down, kind of crazy and haywire. But we can't afford to do this. We would be foolish to throw away 2 or 3 percentage points of economic growth over the next decade. That would be crazy. It means slower growth, fewer jobs, less opportunity, and stagnant wages—none of which benefits our people or our country.

We don't have to make a foolish decision like the administration's proposal would have us make. I am tempted to call it economic insanity. I think it is morally wrong. This is one of those places where doing the right thing actually lines up with enabling us to do good and do well at the same time. That is what we should do.

I want to thank Senator DURBIN, Senator LINDSEY GRAHAM, and a bunch of other colleagues—Democrat and Republican, from one end of the spectrum to the other—who have been working very hard to do right and do what is in the economic best interest of our country.

I thank my friend from Illinois for allowing me to go ahead of him.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President I thank my colleague from Delaware, Senator TOM CARPER. He and I came to the House of Representatives together many years ago. He went off on another assignment as Governor of his State, and then came back and ran for the U.S. Senate. We are lucky to have him. He is a great Senator, a great friend, and a great colleague. He takes on important issues every day on behalf of his State and the Nation, and I thank him for his support for this conversation about DACA and Dreamers.

I would like to take a little different approach to this than I usually do on the floor, and I have come to the floor many times to talk about it.

I would like for everyone here who is listening to this debate to pause and think for a minute: What is the worst job you have ever had—the worst job? Maybe it was the worst job because it was boring, and boring jobs are terrible. But there are some pretty bad jobs out there.

I could tell you my worst job. I was working my way through college in what we euphemistically call a packinghouse. In the old days, they called them slaughterhouses. What happened was that hogs came off the truck in one door, and two days later pork chops and bacon went out the back door. In between, there were some pretty awful jobs—hot, dirty, smelly, and dangerous jobs.

I took it as a college student because it paid $3.65 an hour in the 1960s—pretty darned good, in fact, better than anything else I could find. I raised enough money working there four different summers to go to college. There was never any doubt at the end of the summer that I was going to stay with my job and not go to college. I couldn't wait to go to college in the hopes that I would never have to work in a packinghouse or slaughterhouse again in my life.

Take a look today at the packinghouses, slaughterhouses, and poultry processing places across the United States of America, and I will tell you, almost without exception, what you will find. Take a look at the workers who come out of those places at the end of the workday. They are tired, they are sweaty, and they are dirty, and they are, by and large, immigrants—people who come to this country from other places.

In Beardstown, IL, there is a processing place, near the central part of my State, and the workers there are largely Hispanic and African. They are immigrants who have come to this country and, like generations of immigrants before them, were prepared to take the worst, dirtiest, hardest jobs available just to make it in America.

Go to the restaurants in Chicago, if you want a contrast from what I just described. We are lucky. I am lucky to represent that city, but we are lucky to have some of the greatest restaurants, I think, in our country. I would put them up against any city. I sat down with a person who owned some of those restaurants and talked to him about the immigration issue.

He said: Senator, if you took the undocumented people and the immigrant people out of the restaurants and hotels of Chicago, we would close our doors. We couldn't operate without them.

Oh, you don't see them in the front of the house—not your waiter and not the maitre d' or the person who takes your reservation. But just look at who carried the dishes off the table, and take a look through that door when it swings open at who is working back there in that hot kitchen. Over and over, you are going to find immigrants and undocumented people. So they are part of America, and they are part of our economy and, even more, they are part of our history.

We have had debates about immigration from the beginning. I say jokingly that when the Mayflower landed and they got off the boats, a lot of them looked over their shoulders and said: I hope no more of these folks are coming.

But they kept coming. They came in the thousands, even in the millions, from all over the world, anxious to be a part of the future of the United States of America.

A ship landed in Baltimore in July of 1911, and a woman came down the gangplank with three kids. She was coming from Lithuania. She landed in Baltimore with those three kids—one of them a 2-year-old girl she was holding in her arms—and tried to find her way around Baltimore, MD, because she didn't speak English.

Somehow or another she found that train station, got on the Baltimore and Ohio Railroad, and somehow or another she made it to East St. Louis, IL—her idea of a land of opportunity in 1911. There she was reunited with her husband, and there she made a life—a hard, challenging life but one that led to good things. The 2-year-old girl she was carrying was my mother, and my mother was an immigrant to this country. In my office upstairs behind my desk is my mother's naturalization certificate. I keep it there to remind myself and everyone visiting who I am, my family's story, and America's story.

If you think that we have come to accept immigration as part of America, then you don't understand the history. We have had our ups and downs when it comes to immigration laws. There have been times when in this Chamber—in this Senate Chamber—there were debates that led to the decision to exclude people from certain parts of the world who were no longer welcome in America. The most notorious in modern times was in 1924. The object of our immigration exclusionary law was to keep out undesirable people from the United States of America. Who fell into that category in 1924? Jewish people, Italians, people from Eastern Europe—people from where my family came from. We made it clear in the law there would be quotas, and we were not going to accept people who were not desirable for the future of America. That was in 1924.

Let me read you this incredible statement that was made. When President Calvin Coolidge signed the 1924 law justifying the quotas excluding Jews, Italians, Eastern Europeans, and others, here is what the President of the United States said in 1924:

There are racial considerations too grave to be brushed aside. Biological laws tell us that certain people will not mix or blend. The Nordics propagate themselves successfully. With other races, the outcome shows deterioration on both sides.

President Calvin Coolidge, 1924, signed that immigration law. That was the law in the land of America for 41 years. Our attitude toward parts of the world and whether people from those parts were welcome was determined in

1924 and defined by this Presidential statement.

Then, in 1965, we passed the Immigration and Nationality Act that established our current system. Do you know what we said was the bedrock of that system? Reuniting families, bringing people to this country and allowing them to not only make it in America but to make a family in America.

How many times have those of us in politics stood up and talked about faith and family and flag? I believe those words. I think my colleagues do too. When it came to immigration, that was the bedrock of what we were going to do—to make sure that families could be reunited in America.

That 1965 law replaced the strict national origin quotas of the 1924 immigration law that favored Northern Europeans and excluded Asians. That was one of the other groups excluded under the 1924 law.

When President Lyndon Johnson signed that 1965 law, he said: ''It corrects a cruel and enduring wrong. . . . For over four decades the immigration policy of the United States has been twisted and distorted by the harsh injustice of the national origins quota system.''

The Cato Institute is a research group. I don't usually quote them because they are on the other side of the political spectrum. I am on the left side, and they are on the right side. But I am going to quote them tonight because what they had to say about the proposal coming from the White House about immigration is worth hearing. The White House is part of changing immigration laws in America. It wants to dramatically reduce legal immigration by prohibiting American citizens from sponsoring their parents, siblings, and adult or married children as immigrants. We are talking literally about millions of relatives of American citizens who have done the right thing by following our immigration laws, and some have waited in line 20 years to be reunited with their families in America—20 years waiting for the day when their families could be together again. Listen to what the Cato Institute, a conservative think tank, says about the proposal from the White House, which has been introduced in the Senate by two of my colleagues. This is what Cato says:

> [I]n the most likely scenario, the new plan would cut the number of legal immigrants by up to 44 percent or half a million immigrants annually—the largest policy-driven legal immigration cut since the 1920s.
>
> Compared to current law, it would exclude nearly 22 million people from the opportunity to immigrate legally to the United States over the next five decades.

You have to go back to 1924 to find that kind of reduction in legal immigration in America. What is it about? Is it about security? No. Every single person we are talking about has to go through a serious criminal national security background check before they will ever be allowed into the United States. It isn't automatic. You have to be thoroughly investigated. Some of them wait 20 years with all these investigations for the chance.

Is it about jobs? Think back to those jobs these immigrants take in the United States. How many of us would say: My son—I am so proud—didn't know what to do with his life. I told him: Well, why don't you consider washing dishes at a restaurant in Chicago? Why don't you consider working in a packing house in Beardstown, IL? Why don't you consider landscaping?

Those are not the jobs we want to see for our children, and they are jobs that go vacant unless immigrants and people like them are willing to pick our fruit and our vegetables, milk the cows, and do the hard work that is required in so many different parts of America.

We have, at this point, an important decision to make, not just as a Senate but as a nation. On September 5, President Donald Trump announced the end of the DACA Program. March 5 is the deadline. As of March 5, 1,000 young people every single day will lose the protection of DACA and be subject to deportation and unable to work legally in America. Who are they? Twenty thousand of them are teachers—teachers in grade schools and high schools around America who will lose their jobs on March 5 as their DACA protection expires. Nine hundred of them, undocumented, will lose their opportunity to serve in the United States military. That is right—undocumented. They took the oath that they would risk and give their lives for America to serve in our military. On March 5, as their DACA protection expires, they will be asked to leave the military of the United States of America.

I can't tell you how many thousands of students will find it impossible to continue school because they can no longer legally work in America. I can tell you about 30 med students, premed students at Loyola University in Chicago. They told me the reality. At the end of medical school, you finish your education with a clinical experience, a residency—not 40 hours a week, sometimes 80 hours a week, but it is a job. You better take it, and you better learn the clinical side of medicine if you are going to be a good doctor. When they lose their DACA protection, they lose their legal right to work in America, and they cannot apply for a residency. It is an end of their medical education because President Trump had a deadline that said: On March 5, it's over.

Here we are. What have we done in the 5 months since the President challenged us to fix the problem he created? We have done absolutely nothing. Nothing. Not one bill has passed in the House or Senate, despite the President's challenge and despite the disastrous impact this is going to have on hundreds of thousands of people across the United States of America.

I shouldn't say that we have done nothing. Some people in this debate have sent out a lot of tweets. Boy, that sure helps. There have been a lot of press releases and press conferences, but not a single bill has come to the floor. That is going to change. That is going to change very quickly. Senator MCCONNELL, the Republican leader—and I take him at his word because he said it publicly, he said it privately, and I have told him personally ''You said it, and I believe you''—is going to call this measure for a vote in the Senate next week.

For those of you who tune in to C–SPAN or visit in the Chamber here, please show up next week because something is going to happen on the Senate floor that hasn't happened in a year and a half—maybe longer. We are actually going to have a debate. This empty Chamber will have people in it. We will be considering a bill. People will be offering amendments. We will be debating it on the floor. For some of my Senate colleagues, it is the first time they will ever see this happen. We don't do that anymore, but we are going to do it on this important issue, and we should. The reason we should is not just because the President issued the challenge and not just because so many lives are hanging in the balance. It is because when we get down to this issue, it becomes extremely personal.

Today for the 108th time, I am going to tell the story of a Dreamer. I use the word ''Dreamer'' because I am proud of it. The President said at the Republican retreat: Don't ever use that word ''Dreamer.''

I use it because I introduced the DREAM Act in 2001. Before I introduced that bill, if you said ''Dreamer,'' people thought you were talking about a British rock group with a guy named Freddie. We created the DREAM Act, and I want to tell you the story of this Dreamer. This is Saba Nafees. She is the 108th Dreamer I have told the story of on the floor. When she was 11 years old, they brought her to the United States from Pakistan. She grew up in Fort Worth, TX. In high school, she played piano, sang in the choir, and played tennis. She then studied mathematics at Texas Tech. She was ineligible for any government assistance to go to school. She had to work, borrow money. That is how she went to school—a mathematics degree at Texas Tech. There she was, a research scholar, co-vice president of the Student Service Organization, president of the Texas chapter of the National Mathematics Honor Society. She participated in premed and math mentoring programs for younger students. She was awarded the Texas Tech department of mathematics prize for excellence in mathematics by an undergraduate woman.

In 2014, Saba graduated from Texas Tech Honors College with a bachelor of science in mathematics, with the highest honors. Today, Saba is a Ph.D. candidate studying mathematical biology. Please do not ask me on the final what

mathematical biology is, but she is majoring in it at Texas Tech. She is focusing on a better understanding of biological data and disease. She teaches undergraduate students as a graduate teaching assistant. What is her dream in America? To use mathematics to advance research to cure diseases like cancer.

Let me read you what she wrote to me. She said:

I am an aspiring scientist and hope to continue my research in mathematical biology. Currently, there's an ever increasing need for computational and mathematical analysis of biological phenomena, specifically in the areas of bioinformatics and medicine. I hope to contribute to this field and give back to my country just as this country has contributed to my education. . . . Without DACA, I would have been forced to continue living a life in the shadows, a life with constant upper bounds, and a life that is imprisoned in the very country I call home.

Saba is what this debate is all about. There are those who say: We are too busy to do this; we will get back to it later. There are those who say: Well, I am sure she is a very talented person, but she is illegal, you know.

There are those who say we are fools to let a talent like this leave America. We are crazy to give up on such amazing young people.

We are wrong to call them lazy, for goodness' sakes. There isn't a lazy bone in this young woman's body. I don't think so. What she has achieved is nothing short of a miracle as an undocumented student in America.

Some others have argued: Well, she can stay, but you have to punish her parents. We have to make them leave the United States of America.

There has to be a better way. Yes. Was it wrong? Did it, maybe, even violate a law for them to bring her here? What parent wouldn't do it if it meant survival or if it meant a future for a child? We can make them pay a price. In the comprehensive immigration bill, there is a fine and a long waiting period. All of the things could be included in here.

For goodness' sakes, this young lady and her family can be an important part of America's future if and when we decide in the U.S. Senate that she is worth our effort. We will have that chance soon. We will start the debate soon. Young people like her will listen to this debate because they know what is at stake and whether there is any future for them in the United States of America.

For goodness' sakes, in the name of justice, in the name of the values that made this country what it is today, we ought to stand up on a bipartisan basis and solve this problem in a humane and sensible way.

I yield the floor.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, once again, I rise to talk about the Dreamers.

I thank Senator DURBIN for his leadership. I know the leader will be coming in shortly, and I will yield when he arrives.

I thank Senator DURBIN for leading the Dream Act with Senator GRAHAM—for negotiating for years and years to get support on the Republican side of the aisle, for never giving up, and for telling the stories, as we have just heard, to bring this home to people—so people understand that this is not just a number, that this is not just a statistic, that this is not just someone whom you call a name. These are people who are part of the United States of America. Ninety-seven percent of them work or are in school. The average age they were brought over was 6½ years old.

Like Senator DURBIN, Senator GRAHAM, and many of my colleagues on both sides of the aisle, I am and always have been committed to passing a legislative solution to protect Dreamers. I appreciate the Presiding Officer's interest in this issue and the group that we have, the Common Sense Caucus, that has been working together in debating this and trying to come together to allow for the Dreamers to have a path to citizenship, to allow them to stay in our country, to stop the deportation of what would be something like 800,000 people—something the President of the United States has firmly said he does not want to do. He wants to see a path to citizenship along with increased border security.

I see that the leader has arrived, and I will continue my remarks when he has completed his.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 599 and 602.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Barbara Stewart, of Illinois, to be Chief Executive Officer of the Corporation for National and Community Service; and Brett Giroir, of Texas, to be Medical Director in the Regular Corps of the Public Health Service, subject to the qualifications therefor as provided by law and regulations, and to be an Assistant Secretary of Health and Human Services.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Stewart and Giroir nominations en bloc?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

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

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

SUPPORTING THE OBSERVATION OF ''NATIONAL TRAFFICKING AND MODERN SLAVERY PREVENTION MONTH''

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 385.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 385) supporting the observation of ''National Trafficking and Modern Slavery Prevention Month'' during the period beginning on January 1, 2018, and ending on February 1, 2018, to raise awareness of, and opposition to, human trafficking and modern slavery.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 385) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of January 29, 2018, under ''Submitted Resolutions.'')

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. 397, S. Res. 398, and S. Res. 399.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

CHILD PROTECTION IMPROVEMENTS ACT OF 2017—Continued

The PRESIDING OFFICER. The Senator from Minnesota.

DACA

Ms. KLOBUCHAR. Mr. President, I will continue my remarks about the importance of passing the Dream Act and the work of the Common Sense Caucus, in which the Presiding Officer has been involved, to try to find a path forward to protect these Dreamers while understanding the combination that we could have for increased border security at the same time.

What you have going on right now in our country is fear, as Senator DURBIN has pointed out, with over 800,000 people who have been here, as I said, through no fault of their own and with 97 percent of them working or in school. Just yesterday, I met with the Catholic Conference—people from the Catholic Church in my State—and some of the Dreamers, and I heard again of the account of someone who is in school and is doing well, who wants to work, and who wants to stay in our State. When I hear these stories, I am always reminded of the oldest Dreamer I ever met, Joseph Medina, who was born in Mexico.

He came over to this country and didn't know he had been brought over to the country illegally. His parents had died. He grew up in Sleepy Eye, MN—a little town. He decided to sign up to serve our country during World War II. He then found out he was undocumented. When I met him at age 99, in his words, back then, the military took you over to Canada for a night, and you stayed in a hotel. You came back, and you were a citizen because they wanted you to serve in the military. He then served bravely under General MacArthur. He came back to the United States and got married and had a son. That son served our country in the Vietnam war.

I met their entire family and stood with them in front of the World War II Memorial when he was 99 years old—Joseph Medina—along with two other Dreamers, who were two kids from a Minnesota suburban high school who wanted to join the Air Force, but, at the time, they were not able to. He wanted them to be able to serve our country just as he had served our country. He died just this last year at age 103. I am doing it for him and for the 6,000 Dreamers who live in Minnesota.

As we know, we have been seeing them lose their DACA status since the administration's decision. Not only would this mean deportation if we don't do something about this, it means people will basically be led away from their jobs—people who are teaching school, who are working at jobs in our hospitals and in our neighborhoods, and suddenly they will not be able to work. We cannot let that happen in America, and I cannot let that happen in our State. That is why we must continue this work. We must get this done and the sooner, the better.

The Dream Act is based on a simple principle. Dreamers were brought to the United States as children and only know this country as their home, and they should be given the opportunity to contribute to our Nation and become citizens.

Passing the Dream Act isn't just the morally right thing to do, which the majority of Americans agree with, it also makes economic sense. One recent study estimated that ending DACA could cost the country over $400 billion over the next 10 years. It would cost Minnesota more than $376 million in annual revenue and have an immeasurable impact on families who would be ripped apart.

The unemployment rate in my State is in the 3-percent range, and this population is working in our State and an important part of our State's employment force, just as our legal refugees are. That is why this rhetoric and some of the things we are hearing about Dreamers isn't good.

I truly appreciate those Republicans in the Senate, including the Presiding Officer, who have been willing to work with us on this issue and talk to the people in their States to try to come together on passing some version of the Dream Act and allowing these Dreamers to stay.

We will continue this fight. We stand in support of the Dream Act, we stand in support of those Dreamers, and we work every single day to find a solution.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Thank you, Mr. President.

I am honored to rise after my distinguished colleagues from Minnesota and Illinois to issue a simple demand: We must act now to pass legislation protecting the Dreamers against mass, draconian deportation. We must act now effectively, not cosmetically or superficially. We must act now without unacceptable preconditions and hostage-taking amendments that cut immigration—a betrayal of our American values.

We cannot ask Dreamers to languish in uncertainty any longer. These young people are Americans in all but name. They grew up in this country, and they went to our schools. They serve in our military and support our economy. They epitomize the American dream. These young people work hard, and they give back. Deporting Dreamers would be cruel, irrational, inhumane, and very simply repugnant to the American values that every Member of this Chamber holds dear.

When DACA was adopted in 2012, it changed the lives of these young people. It opened new doors to opportunity. Dreamers could come out of the shadows. They could use driver's licenses, attend college, and fully participate in our economy.

When DACA was adopted, we made a promise to the Dreamers. We promised that if they come forward and provide the U.S. Government with their most basic personal and private information, this information will never be used against them. We assured them that they have a place in this country. Now, with the complicity of this body, that promise is about to be broken. I say ''complicity'' because the President, in September, is the one who committed the act of breaking that promise by saying that he was going to end the DACA Program, and he gave Congress 6 months to remedy that broken promise. He threw to Congress a ticking time bomb that literally would rip apart the lives of 800,000 or 1.8 million—the numbers vary; the principle is the same. Ripping apart their lives would be the consequence.

I have said it before, and I am going to say it again. Great countries do not break their promises. The United States is the greatest country in the history of the world. We should not be breaking our promises. We should not even threaten to break our promises to innocent young people, men and women who know only this country and whose whole lives are here.

The President's decision to rescind DACA threatens to tear them away from their families, their jobs, and their communities, where they make a difference for the better. It is threatening their lives with total disarray, forcing them to go back to countries where they barely lived and have no life. It derails their future. We are a country better than this kind of inhumanity.

I want to talk again about Jonathan Gonzales-Cruz, a college student at Southern Connecticut State University. He is shown here, and I am behind him. He was attending a rally in support of the Dreamers, but I had the privilege of meeting Jonathan well before this rally. He shared his story with me, and I shared it with this Chamber in January.

Jonathan was born in Mexico. He came to the United States when he was just 4 years old. The United States is his home. It is the only country he has ever known. He is set to graduate this spring with honors in economics and math after receiving a full scholarship to attend Southern Connecticut State University.

Like many, due to the President's recision of DACA and this Chamber's

failure to act, which is complicity, Jonathan has been compelled to delay his dream of continuing his education and attending law school. However, Jonathan hasn't abandoned his steadfast commitment to helping others and giving back to Connecticut and this Nation.

I recently had the honor of writing a letter of recommendation on his behalf in his pursuit of a public policy fellowship. Despite the uncertainty around his own immigration status, Jonathan believes so much in this country and our ideals that he continues to seek out opportunities to give back. That is the purpose of his fellowship, and that is the reason I wrote a letter of recommendation.

He first became compelled to tell his story after his father was deported. He was unable to even say goodbye before his father was ripped away from his family.

If Congress fails to act, Jonathan could lose his DACA protection. He could be one of those 800,000 who have legally told the government where they are, what they are doing, how to call them, and he could be deported—one of 800,000 who could be swept away in a mass deportation, unprecedented in this great country.

In the meantime, he is anguished and anxious, as are many other DACA young people who are afraid to go to school or to health clinics or to courts or police stations if they are victims of crimes, such as domestic violence. My office meets with countless numbers of them from Connecticut and across the country. Like Jonathan, they are at risk of losing those DACA protections. They have become moms and dads and leaders in our communities.

Congress must do its job. Congress must act, and it must act now to provide permanent status and a path to citizenship for Jonathan and 1.3, 1.8 million Dreamers in this Nation.

Due to a Federal court order, the U.S. Citizenship and Immigration Services, USCIS, has been ordered to accept renewal applications for DACA recipients. Once again, the courts have been a bulwark for individual rights and liberties, but this reprieve is no final remedy. We must redouble our determination to assist these young people and protect them, which must be done right away because deportation is a continuing threat. President Trump's cruel and unconscionable decision to end this program is intolerable, but so is our complicity if we fail to act.

DACA protections are set to expire in less than a month. There is no more kicking the can down the road. The ticking time bomb thrown by President Trump into this Chamber is set to explode. We have the power to defuse it and to end this awful menace. Refusing to do so would be a grave abdication of responsibility.

Acting now in the service of the American dream is not only the right thing to do, it is in our self-interest to do so. It is in our self-interest in a basic economic sense. In reality, these young people are integral to our economy. If Congress fails to pass the DACA bill, we will lose $500 billion over the next 10 years. We will lose $25 billion in Medicare and Social Security taxes. In my home State alone, we stand to lose more than $300 million a year.

Now is the time to abandon the myth that the Dreamers work on the sidelines of American society. They are part of the economic fabric as well as the social tapestry of this Nation. They help drive our economy. They are small business owners. They are physicians, scientists, and teachers. Continued waiting would mean instability in the job market as companies are forced to fire DACA recipients and train new people in anticipation of the March deadline. As I said before, forcing these outstanding members of our community to leave would be a logistical and humanitarian nightmare.

Time is not on our side. If Congress passes a DACA bill, USCIS will need to develop new regulations. It will have to process applications. It will have to set up the bureaucratic structure and rules of procedure. We cannot delay because the Dreamers stand to lose their protections simply by the passage of time.

Contributing members of our society, like Jonathan, who have done nothing wrong, have no criminal record, will be dragged back into the shadows. They will be unable to attend our colleges, work in jobs. Once again, they will dread the sound of police sirens.

The character of our Nation, who we are, is at stake. So many Americans relate to the story of these Dreamers because they can see themselves through their eyes. They can see their own immigrant story in Jonathan. So many of us—my family included—came to this country with hopes for a better life and a future. Jonathan had no choice; he was brought here as a child. But the American dream belongs to him too.

We must pass DACA legislation now.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. FISCHER). Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. THUNE. Madam President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate at 7:27 p.m., recessed subject to the call of the Chair and reassembled at 11:39 p.m. when called to order by the Presiding Officer (Mr. GARDNER).

The PRESIDING OFFICER. The majority leader.

HONORING HOMETOWN HEROES ACT

Mr. MCCONNELL. Mr. President, I understand that the Senate has received a message from the House to accompany H.R. 1892.

The PRESIDING OFFICER. The leader is correct.

Mr. MCCONNELL. Mr. President, I move that the Chair lay before the Senate the message to accompany H.R. 1892.

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

The motion was agreed to.

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

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1892) entitled ''An Act to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty.'', with an amendment.

MOTION TO CONCUR WITH AMENDMENT NO. 1930

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

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to concur in the House amendment to the Senate amendment with an amendment numbered 1930.

(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 with 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 the Senate amendment with a further amendment to H.R. 1892, an act to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty.

Mitch McConnell, John Cornyn, Chuck Grassley, Tom Cotton, David Perdue, Thom Tillis, James Lankford, John Kennedy, Roy Blunt, Richard C. Shelby, Lisa Murkowski, Susan M. Collins, Steve Daines, John Boozman, John Barrasso, James M. Inhofe, Orrin G. Hatch.

Mr. MCCONNELL. I ask for the yeas and nays on my motion to concur with further amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1931 TO AMENDMENT NO. 1930

Mr. MCCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 1931 to amendment No. 1930.

The amendment is as follows:

At the end add the following.

''This Act shall take effect 1 day after the date of enactment.''

MOTION TO REFER WITH AMENDMENT NO. 1932

Mr. MCCONNELL. Mr. President, I move to refer the House message on H.R. 1892 to the Committee on Appropriations to report back forthwith with instructions.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to refer the House message to accompany H.R. 1892 to the Committee on Appropriations to report back forthwith with instructions, being amendment numbered 1932.

The amendment is as follows:

At the end add the following.

''This Act shall take effect 2 days after the date of enactment.''

Mr. MCCONNELL. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1933

Mr. MCCONNELL. Mr. President, I have an amendment to the instructions.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 1933 to the instructions of the motion to refer H.R. 1892.

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

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

The amendment is as follows:

Strike ''2'' and insert ''3''

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1934 TO AMENDMENT NO. 1933

Mr. MCCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 1934 to amendment No. 1933.

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

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

The amendment is as follows:

Strike ''3 days'' and insert ''4 days''

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

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

MORNING BUSINESS

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

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

OFFSHORE OIL AND GAS DRILLING

Ms. COLLINS. Mr. President, I wish to join my colleagues in expressing my serious concern with the 5-year oil and gas leasing plan released by the Interior Department that proposes opening up vast portions of U.S. waters for possible oil exploration and development, including along the Atlantic seaboard and the coast of Maine.

I am opposed to any effort to open waters off the coast of Maine or any proximate area to offshore drilling, which could negatively affect the health of Maine's fisheries and other coastal resources, threatening to harm not only the environment but the State's economy as well. The Maine lobster industry, for example, has an estimated $1.7 billion impact to the State's economy annually, not to mention the many other fishing, aquaculture, and coastal tourism industries that help to drive the State's economy. These critical industries are dependent on Maine's pristine waters, and even a minor spill could damage irreparably the ecosystem in the gulf of Maine and create serious economic disruption.

I look forward to working with the administration to ensure that the Interior Department's plan is revised to pose no unnecessary threats to the economy and way of life in coastal Maine.

DARPA'S 60TH ANNIVERSARY

Mr. REED. Mr. President, today I pay tribute to DARPA, the Defense Advanced Research Projects Agency, on the 60th anniversary of its inception. After the Soviet Union launched Sputnik I, President Eisenhower determined that the United States would never again be caught off guard by technological surprise. DARPA was established to anticipate new technological capabilities and pursue strategic technological surprise for our military forces.

DARPA works collaboratively with academic institutions, corporate and government R&D labs, and small business enterprise. While the primary focus is to discover fundamental new concepts that lead to breakthrough technologies for national security, many of DARPA's advances also benefit greater society. Some well-known examples include precision-guided weapons systems with miniaturized GPS components also found on many consumer products; the internet, used initially to link DARPA with performer partners, now widely used in commerce and every aspect of our lives; advanced antenna systems enabling more efficient warfighter communications and satellite signal reception for consumers; new breakthroughs in robotic technology for national security applications and the development of advanced prosthetic arms for wounded warriors and civilians alike. The list goes on.

By not accepting the parameters of what is widely accepted as the known possible, DARPA has proven that amazing achievements can be had by stretching to reach for what was once deemed impossible. In the realm of national defense, DARPA has pursued new systems, including unmanned aerial and underwater vehicles, hypersonic flight research, and new frontiers in biomedical research. From the giant engines of the Saturn V rocket that took Americans to the Moon to the smallest microelectronics that populate our smartphones, DARPA has been ahead of the cutting edge of technological innovation.

By focusing its efforts at the boundaries of fundamental research in physics, chemistry, biology, mathematics, materials science, electronics, and engineering, DARPA has helped create new communities of scientists and engineers, both inside and beyond the traditional defense community. Along the way, new businesses and sometimes entire industries have sprung from DARPA-funded research, reflecting the Agency's commitment to pursue its ideas all the way from initial concept to demonstration of practical feasibility through prototype development.

DARPA programs are led by program managers who come from universities, industry, national laboratories, and other parts of government for limited postings that typically last 3 to 5 years—a time limit that helps drive the Agency's signature sense of urgency. Recognizing that some revolutionary goals inevitably prove unachievable, DARPA carefully manages risk by establishing appropriate milestone procedures and redirecting or discontinuing programs when further advancement stalls.

I congratulate DARPA for its many achievements over the past 60 years. The true assets that enable this kind of achievement are the men and women who work to make the visions of tomorrow become today's reality.

As DARPA moves into the future, I encourage my colleagues to join with me in recognizing this milestone and

supporting DARPA so that it can continue to keep our warfighters and citizens at the leading edge of technology and out of harm's way.

REMEMBERING WILLIAM J. VAN NESS

Ms. MURKOWSKI. Mr. President, I have come to the floor to pay tribute to William J. Van Ness, an individual who was instrumental in the maturation and development of Alaska as a State and who passed away last November.

Bill's contributions to Alaska began in 1966 when he joined the staff of the Senate Committee on Interior and Insular Affairs, the predecessor to the Committee on Energy and Natural Resources, under the chairmanship of Senator Henry ''Scoop'' Jackson.

As special counsel and later chief counsel for the committee, Bill was one of the architects of the settlement of the aboriginal land claims of Alaska Natives, the Alaska Native Claims Settlement Act of 1971, as well as the Trans-Alaska Pipeline Act of 1973. The enactment of these foundational laws has enabled Alaska to achieve many of the promises of our statehood.

As an Alaskan, a Senator representing Alaska, and the current chairman of the Committee on Energy and Natural Resources, I was saddened to learn of Bill's passing, but am proud to help recognize his contributions to our state.

I ask unanimous consent to have printed in the RECORD an essay made possible by the Henry M. Jackson Foundation, which Bill served as president of from 1988 until 2008. The essay, which appeared on HistoryLink.org, highlights many of Bill's accomplishments.

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

HISTORYLINK: VAN NESS, WILLIAM J. ''BILL'' JR. (1938–2017)

Seattle attorney William J. ''Bill'' Van Ness Jr. worked under U.S. Senator Henry ''Scoop'' Jackson (1912–1983) from 1966 to 1977 on the U.S. Senate Committee on Interior and Insular Affairs. He served first as special counsel and then, beginning in 1970, as chief counsel. During his tenure he drafted several pieces of key environmental legislation that became law, including the Alaska Native Claims Settlement Act (ANCSA) and the National Environmental Policy Act (NEPA).

EARLY YEARS

Bill Van Ness Jr. was born on January 20, 1938, in Wolf Point, Montana, the son of William J. Van Ness and Mary Armyda Thomas. About 1942 the family moved to Port Orchard (Kitsap County), where his father took a job at the Bremerton Naval Yard. They stayed for three years in Port Orchard, then moved to Chimacum, Washington, (Jefferson County), a small, unincorporated community located about eight miles south of Port Townsend. Van Ness attended his early years of grade school in Port Townsend, and graduated from Chimacum High School in 1956.

He worked full time for a couple of years to pay for college, and graduated from Bellingham's Western Washington State College (now [2011] Western Washington University) in 1962 with a double major in English and Philosophy. After graduation Van Ness worked for a year, then went to law school at the University of Washington in Seattle, where he served as articles editor on the UW Law Review in his final year. In 1966 he graduated near the top of his class, and attracted the notice of some of his law professors, who ended up steering his career in a different direction than he was planning.

A DIFFERENT DIRECTION

Van Ness had a Sterling fellowship to go to Yale Law School, and his goal was to get a J.S.D. in Law and become a law professor. But he first needed to get a job to pay his college bills. He was thinking of staying in Seattle, but soon got a phone call that changed it all. Evidently one or more of his law professors had spotted the young graduate's potential and passed this information on to U.S. Senator Henry ''Scoop'' Jackson. Jackson had become chairman of the Senate's Committee on Interior and Insular Affairs (now the Committee on Energy and Natural Resources) in 1963, and now invited Van Ness to interview for a position as special counsel on the committee.

Van Ness wasn't a particular fan of politics and wasn't particularly interested in moving to Washington, D.C., either, but he needed a job, so he took the interview. He liked what he saw in Jackson, and described his first impressions in a June 2011 interview: ''He was a hell of a nice man, with an open mind, and full of common sense'' (Phil Dougherty interview). Jackson was likewise impressed, and offered Van Ness the job. He accepted and moved with his family to the other Washington in August 1966.

He found the issues and opportunities presented in his new position invigorating and challenging.

ALASKA NATIVE LAND CLAIMS

One of Van Ness's first assignments involved structuring a settlement of the longstanding Alaska Native land claims. He began his research in the autumn of 1966 and soon found that there was virtually no information on who the Alaska Natives were, what their claims were, or even how many Alaska Natives there were. Realizing that far more in-depth research was necessary, he got authority to commission the Federal Field Committee for Development Planning to do a study. This committee, which had been formed to deal with reconstruction in southern Alaska after the great Alaska earthquake of 1964, prepared a comprehensive 565–page report in 1968 titled ''Alaska Natives and the Land,'' which addressed virtually all factual questions which could be asked about the Alaska Native issue.

That same year oil was discovered at Prudhoe Bay, Alaska, which made settling Alaska Native land claims more urgent. Thus the timing of the committee's report, completed late in 1968, couldn't have been better. It became the basis for hearings and eventually shaped legislation (which Van Ness drafted and Jackson introduced into the Senate) that became known as the Alaska Native Claims Settlement Act (ANCSA). Congress passed the act and it was signed by President Richard Nixon (1913–1994) in December 1971.

ANCSA was a wide-ranging act that paid $962 million to Alaska Natives in exchange for their claims to many of their native lands. The act also transferred approximately 45 million acres of federal land to 12 regional and some 200 village corporations in the state (a 13th regional corporation was later set up in Seattle to handle claims of Alaska Natives no longer living in Alaska). These corporations were formed under the act to manage the lands and to create for-profit business ventures. Since 1971 the Alaska Native corporations have become an important part of Alaska's economy and provide thousands of jobs to Alaskans as well as millions of dollars for scholarships and cultural programs. In 2009 total revenues for the dozen regional corporations in Alaska were more than $7.2 billion.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

In 1967 Van Ness took on another project which eventually became the National Environmental Policy Act, more commonly known by its acronym NEPA. Environmental issues were coming to the forefront in 1960s America, but they were dealt with by multiple agencies with different priorities and approaches that often arrived at conflicting positions. Van Ness realized that there needed to be a process to identify all of the positions and then pinpoint the common goals to provide a basis for a better plan of action and better federal policy and decision-making.

Jackson, along with Representative John Dingell (b. 1926) of Michigan and others, had introduced legislation in Congress in 1966 to establish an environmental policy council. Van Ness took it a step further. In 1967 he prepared a memo to Jackson that argued the need for a comprehensive national environmental policy, pointing out that there might be one in the future in any event. He drafted legislation that eventually became Senate Bill (S.) 1075, the template for NEPA, and added that his draft was vetted by fellow committee member Daniel Dreyfus: ''He had experience that I didn't have, and kept me grounded in reality. And he was a great critic'' (Dougherty interview). In 1968 Van Ness helped draft an additional report that outlined the need for a uniform approach to national environmental policy. With this background in place, Jackson introduced S. 1075 in the Senate in February 1969.

The concept of the Environmental Impact Statement (EIS), now a key component of NEPA, was introduced in April 1969 during Senate hearings on the bill. The purpose of the EIS is to require federal agencies to provide analytic review of proposed major federal actions that would have a significant impact on the surrounding environment. The EIS must identify and address the environmental impact (particularly adverse environmental effects) of the proposed action and examine alternatives to it. Van Ness, assisted by Dreyfus, drafted the EIS requirement, which ultimately became Section 102 of NEPA. ''Nobody seemed to pay much attention to it'' [at the time], remarked Van Ness. ''I wanted the EIS to be short enough to be easily read and understood by cabinet officers and other federal decision makers'' (Dougherty interview).

The Senate passed S. 1075 in July and referred the bill to the House, which had conducted hearings earlier in the year on a similar bill introduced by Dingell. The House passed Dingell's bill (H.R. 12549) in September, after which the two bills went to a joint Senate-House committee to hammer out their differences. This was accomplished in December 1969, and the House and Senate both passed the final version of the act the week before Christmas. President Richard Nixon signed NEPA into law on January 1, 1970.

Today NEPA is regarded as a milestone in environmental legislation. It provides transparency and discipline for decision-making in a process that is open to the public. NEPA legislation has since been adopted by many states (including Washington state) as well as by other nations.

THE ALASKA PIPELINE AND ENERGY CONSERVATION

Van Ness took the lead in drafting two other significant acts that were enacted in

the 1970s: the Trans-Alaska Pipeline Authorization Act and the Energy Policy Conservation Act. The Trans-Alaska Pipeline Authorization Act resulted from the discovery of oil at Prudhoe Bay in 1968. There was plenty of oil but no reliable way to get it to the lower 48 states. Oil companies determined that the cheapest way would be to build a pipeline through Alaska from the Arctic Ocean to Valdez, where the oil could then be shipped south.

Environmentalists fiercely resisted construction of a pipeline through Alaska. It took the 1973 Arab oil embargo and resulting gas shortages to tip the scales in favor of legislation authorizing construction. ''It's doubtful it would've passed if people weren't forced to sit in long gas lines,'' Van Ness observed (Dougherty interview). Even then the Senate deadlocked when the act came up for a vote, and it took a tie-breaker vote by Vice President Spiro Agnew (1918–1996) to break the deadlock. President Nixon signed the act in November 1973.

The Energy Policy and Conservation Act (EPCA), introduced by Senator Jackson in February 1975, was probably the least controversial of the four acts discussed in this essay, and ''fairly straightforward,'' commented Van Ness (Dougherty interview). It passed the Senate in April, the House in September, and President Gerald Ford (1913–2006) signed it in December 1975. EPCA created the Strategic Petroleum Reserve, mandated automobile fuel economy standards, and extended oil price controls until 1979.

MOVING ON TO PRIVATE PRACTICE

By 1977, Van Ness had decided it was time for a change. He had actually considered leaving sooner: ''I tried to leave numerous times to go practice law, but Scoop was very persuasive. He was a fun guy to work with—great instincts and a great mind. Every time I tried to leave he always persuaded me to stay two more years. The last time I sent him a memo and was pretty firm that it was time for me to move on'' (Dougherty interview).

Van Ness established the firm of Van Ness, Feldman, Curtis and Sutcliffe in 1977, partnering with three other attorneys who had also worked as counsel or chief counsel to various committees in both the House and Senate. The firm specialized in handling energy, environmental, and transportation issues; one of its first clients was the Arctic Slope Regional Corporation. He also registered as a lobbyist, but this was not the central focus of the firm's work. ''None of us [at the firm] wanted to be known as a lobbyist,'' he explained. ''We wanted to be known as legislative craftsmen who know the process in the House and Senate and can achieve substantive results'' (Dougherty interview). Curtis and Sutcliffe eventually moved on, but Howard Feldman remained with the firm, which became known as Van Ness Feldman.

In 1988 Van Ness returned to Seattle, opening an office of the firm in the Emerald City the following year. Also in 1988 he became president of the Henry M. Jackson Foundation, a position he held until 2008. The foundation, formed in 1983 after Jackson's sudden death, makes grants and develops initiatives in four areas reflecting issues that Jackson was involved in during his years in Congress: international affairs education, environmental and natural resource management, human rights, and public service. Since it was established, the foundation has committed more than $22 million to nonprofit organizations and educational institutions in both the United States and Russia.

Van Ness also served on the Board of Directors for the University of Washington Medical School for nine years, during a time that the U.S. Department of Justice brought litigation against the UW, alleging massive billing fraud in overbilling government insurance programs such as Medicare and Medicaid. In 2004 the UW and the Department of Justice agreed to a $35 million settlement, but the story remained hot in the press. Later that year the UW Medicine Board named Van Ness head of a committee to review the weaknesses that led to the billing problems and to make recommendations to prevent a recurrence. ''The committee's review was thorough, frank and, in some instances, scathing,'' reported The Seattle Times when the report came out in 2005. ''But it put the issue to bed,'' concluded Van Ness (Dougherty interview).

Van Ness married Patricia ''Pat'' O'Meara (b. 1940) in 1959 and they had four children: Tamara, Keith, Douglas, and Justin. Into his seventies Van Ness went into his law office several days a week and worked from home as needed. When not working he enjoyed spending time at his beach cabin on Marrowstone Island in Jefferson County with his grandchildren, gardening, wood-carving, and fishing in Alaska. Bill Van Ness died on November 22, 2017, at age 79.

Mr. SULLIVAN. Mr. President, I join my colleague from Alaska today in honoring Bill Van Ness. Chairman MURKOWSKI has identified some of the significant contributions that Bill made to Alaska and Alaskans. I would like to focus specifically on one of those contributions, the Alaska Native Claims Settlement Act or ANCSA, and the role that law has played in improving the lives of Alaska's Native people. Through ANCSA, the State of Alaska, the Federal Government, and the Alaska Native community reached a settlement regarding aboriginal claims to lands and resources throughout the State. Alaska Natives set aside those claims in exchange for nearly $1 billion and the right to select approximately 45 million acres of land.

Bill's creativity is evident in the manner in which ANCSA addressed the fundamental question of how to ensure that the thousands of individual Alaska Natives received their fair share of the settlement funds and lands. To answer that question, ANCSA authorized the creation of corporations, in which Alaska Natives are the sole shareholders, to receive the funds and hold title to the selected lands. For the most part, this corporate structure has proved to be very beneficial to the Alaska Native shareholders and to the State of Alaska.

In this regard, I point to the Arctic Slope Regional Corporation, ASRC, which is owned by Alaska Native people who have inhabited the North Slope of Alaska for thousands of years. With strong leadership from its shareholders, officers, and board members, ASRC has grown into a multibillion dollar enterprise that is Alaska's largest domestic company and that provides dividends to its nearly 13,000 Alaska Native shareholder, as well as many jobs to shareholders and other Alaskans. Bill Van Ness's contributions as an author of ANCSA and later as a private attorney representing ASRC were keys to ASRC's success story.

MESSAGE FROM THE HOUSE

At 11:32 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 219. An act to correct the Swan Lake hydroelectric project survey boundary and to provide for the conveyance of the remaining tract of land within the corrected survey boundary to the State of Alaska.

H.R. 772. An act to amend the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants and similar retail food establishments, and to amend the authority to bring proceedings under section 403A.

H.R. 4924. An act to amend the Congressional Accountability Act of 1995 to reform the procedures provided under such Act for the initiation, investigation, and resolution of claims alleging that employing offices of the legislative branch have violated the rights and protections provided to their employees under such Act, including protections against sexual harassment, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 102. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the 200th anniversary of the birth of Frederick Douglass.

H. Con. Res. 104. Concurrent resolution providing for a correction in the enrollment of H.R. 1892.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1892) to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty, with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

The President pro tempore (Mr. HATCH) announced that on today, February 7, 2018, he has signed the following enrolled bill, which was previously signed by the Speaker of the House:

S. 534. An act to prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4924. An act to amend the Congressional Accountability Act of 1995 to reform the procedures provided under such Act for the initiation, investigation, and resolution of claims alleging that employing offices of the legislative branch have violated the rights and protections provided to their employees under such Act, including protections against sexual harassment, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 219. An act to correct the Swan Lake hydroelectric project survey boundary and to provide for the conveyance of the remaining tract of land within the corrected survey boundary to the State of Alaska.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 7, 2018, she had presented to the President of the United States the following enrolled bill:

S. 534. An act to prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. CORKER for the Committee on Foreign Relations.

*Peter Hendrick Vrooman, of New York, 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 Republic of Rwanda.

Nominee: Peter Hendrick Vrooman.

Post: Kigali, Rwanda.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contribution, Amount, Date, and Donee:

1. Self: none.

2. Spouse: Johnette Stubbs: none.

3. Children and Spouses: Zarah Vrooman Hendrick Vrooman: none.

4. Parents: Sally Eaton Vrooman: none; David H. Vrooman, Jr.: deceased.

5. Grandparents: Dorothy Vrooman; David H. Vrooman, Sr.; Frances B. Eaton; Donald Eaton: all deceased.

6. Brothers and Spouses: (Jill Locke, sister-in-law): $100, 9/2/2014, Claire Snyder Hall; Eric D. Vrooman: none; Bruce M. Vrooman: none.

7. Sisters and Spouses: n/a.

*Eric M. Ueland, of Oregon, to be an Under Secretary of State (Management).

By Mr. BARRASSO for the Committee on Environment and Public Works.

*Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–164. A joint resolution adopted by the Legislature of the State of Alaska making application to the United States Congress to call a convention of the states to propose a countermand amendment to the United States Constitution as provided under Article V; and urging the legislatures of the other 49 states to make the same application; to the Committee on the Judiciary.

LEGISLATIVE RESOLVE NO. 49

Whereas, the state's sovereignty has been infringed on by the federal government, including by the federal government's recent denial of and refusal to work with state officials on the construction of a lifesaving road from King Cove to Cold Bay; and

Whereas, the state's right and duty to provide for the use, development, and conservation of natural resources for the maximum benefit of the people has been continually infringed on by various federal agencies; and

Whereas, the United States Congress has, at times, exceeded its delegated powers, the President of the United States has, at times, exceeded the constitutional authority of the office of the President of the United States, and the federal courts have, at times, exceeded their authority by issuing decisions on public policy matters reserved to the states in violation of the principles of federalism and separation of powers, all of which have adversely affected the state and its people; and

Whereas, under the authority of art. V, Constitution of the United States, the several states should apply to the United States Congress to call a convention of the states to amend the United States Constitution and adopt a countermand amendment to authorize the states, upon a vote of three-fifths of the state legislatures, to nullify and repeal a federal statute, executive order, judicial decision, regulatory decision by a federal government agency, or government mandate imposed on the states by law that adversely affects the interests of the states, in order to properly exercise the states' constitutional authority to check federal power, preserve state sovereignty, and protect the rights of the states and the people; and

Whereas, the states have the authority to define and limit the agenda of a convention to a single-issue ''countermand amendment convention'' called for by the states as provided under art. V, Constitution of the United States; and

Whereas, the delegates sent by the states to a countermand amendment convention shall have the limited authority to deliberate on and decide whether the countermand amendment, as preapproved by state legislatures, should be sent back to the state legislatures for ratification: Now, therefore, be it

Resolved, That, under art. V, Constitution of the United States, the Alaska State Legislature directs the United States Congress to call a single-issue convention of the states, called a ''countermand amendment convention,'' for the sole purpose of deciding whether the proposed countermand amendment should be sent back to the state legislatures for ratification; and be it further

Resolved, That the Alaska State Legislature directs the United States Congress to convene the countermand amendment convention within 60 days after the date it receives the 34th call for that convention from state legislatures; and be it further

Resolved, That this application constitutes a continuing application in accordance with art. V, Constitution of the United States, until at least two-thirds of the legislatures of the several states have applied for a similar convention of the states; and be it further

Resolved, that the Alaska State Legislature urges the legislatures of the other 49 states to apply to the United States Congress to call a single-issue countermand amendment convention of the states under art. V, Constitution of the United States.

Copies of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice President of the United States and President of the U.S. Senate; the Honorable Paul D. Ryan, Speaker of the U.S. House of Representatives; the Honorable Mitch McConnell, Majority Leader of the U.S. Senate; the Honorable Julie E. Adams, Secretary of the U.S. Senate; the Honorable Karen L. Haas, Clerk of the U.S. House of Representatives; the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and the presiding officers of the legislatures of each of the other 49 states.

POM–165. A resolution adopted by the Municipal Legislature of Anasco, Puerto Rico opposing the Fair Tax Act of 2017 (H.R. 25); to the Committee on Finance.

POM–166. A petition from a citizen of the State of Texas relative to term limits for Federal judges; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1621. A bill to require the Federal Communications Commission to establish a methodology for the collection by the Commission of information about commercial mobile service and commercial mobile data service, and for other purposes (Rept. No. 115–206).

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 Mrs. CAPITO (for herself, Ms. STABENOW, Mr. WICKER, and Mr. MENENDEZ):

S. 2387. A bill to provide better care and outcomes for Americans living with Alzheimer's disease and related dementias and their caregivers while accelerating progress toward prevention strategies, disease modifying treatments, and, ultimately, a cure; to the Committee on Finance.

By Mr. SANDERS (for himself, Ms. HARRIS, Mr. MARKEY, and Mrs. GILLIBRAND):

S. 2388. A bill to amend the Atomic Energy Act of 1954 to provide for consultation with State, tribal, and local governments, the consideration of State, tribal, and local concerns, and the approval of post-shutdown decommissioning activities reports by the Nuclear Regulatory Commission; to the Committee on Environment and Public Works.

By Mr. TOOMEY (for himself, Mr. COTTON, Mr. CORNYN, and Mr. CRUZ):

S. 2389. A bill to amend title 18, United States Code, to require the impaneling of a new jury if a jury fails to recommend by unanimous vote a sentence for conviction of a crime punishable by death; to the Committee on the Judiciary.

By Ms. DUCKWORTH (for herself, Ms. SMITH, Mrs. FEINSTEIN, and Mr. KAINE):

S. 2390. A bill to amend the Workforce Innovation and Opportunity Act to support

community college and industry partnerships, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COTTON (for himself, Mr. CORNYN, and Mr. RUBIO):

S. 2391. A bill to prohibit the United States Government from using or contracting with an entity that uses certain telecommunications services or equipment, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DAINES:

S. 2392. A bill to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to designate cybersecurity technologies that qualify for protection under systems of risk and litigation management; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COONS (for himself, Mr. KENNEDY, Mr. TILLIS, Mr. CORKER, and Mr. BOOKER):

S. 2393. A bill to amend title 17, United States Code, to provide Federal protection to the digital audio transmission of a sound recording fixed before February 15, 1972, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 2394. A bill to amend the Higher Education Act of 1965 to ensure that public institutions of higher education protect expressive activities in the outdoor areas on campus; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHATZ (for himself, Mr. CASSIDY, and Mr. REED):

S. 2395. A bill to amend title 54, United States Code, to authorize the provision of technical assistance under the Preserve America Program and to direct the Secretary of the Interior to enter into partnerships with communities adjacent to units of the National Park System to leverage local cultural heritage tourism assets; to the Committee on Energy and Natural Resources.

By Ms. HARRIS (for herself, Mr. SANDERS, Mr. MARKEY, and Mrs. GILLIBRAND):

S. 2396. A bill to amend the Atomic Energy Act of 1954 to prohibit certain waivers and exemptions from emergency preparedness and response and security regulations; to the Committee on Environment and Public Works.

By Ms. HASSAN:

S. 2397. A bill to direct the Secretary of Homeland Security to establish a data framework to provide access for appropriate personnel to law enforcement and other information of the Department, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HOEVEN:

S. 2398. A bill to amend title 31, United States Code, to provide that activities relating to the training and readiness of the reserve components of the Armed Forces during a lapse in appropriations shall constitute voluntary services that may be accepted by the United States; to the Committee on Armed Services.

By Mr. MURPHY:

S. 2399. A bill to require the Secretary of the Treasury to mint coins in recognition of American innovation and significant innovation and pioneering efforts of individuals or groups from each of the 50 States, the District of Columbia, and the United States territories, to promote the importance of innovation in the United States, the District of Columbia, and the United States territories, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. MCCASKILL (for herself and Mr. JOHNSON):

S. 2400. A bill to eliminate or modify certain audit mandates of the Government Accountability Office; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRASSLEY:

S. 2401. A bill to amend the Congressional Accountability Act of 1995 to reform the procedures provided under such Act for the initiation, investigation, and resolution of claims alleging that employing offices of the legislative branch have violated the rights and protections provided to their employees under such Act, including protections against sexual harassment, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. THUNE (for himself, Mr. HATCH, Mr. BENNET, Ms. KLOBUCHAR, and Mr. GARDNER):

S. Res. 395. A resolution expressing the sense of the Senate that ambush marketing adversely affects the United States Olympic and Paralympic teams; to the Committee on Commerce, Science, and Transportation.

By Mrs. SHAHEEN (for herself, Mrs. ERNST, Mrs. GILLIBRAND, Ms. STABENOW, Mr. SANDERS, Ms. HASSAN, Mr. VAN HOLLEN, Ms. CORTEZ MASTO, Ms. BALDWIN, Ms. WARREN, Mr. TILLIS, Ms. KLOBUCHAR, Mr. WYDEN, Mr. ISAKSON, Mr. SCOTT, Mr. DAINES, Ms. SMITH, and Mr. BURR):

S. Res. 396. A resolution to establish a special committee of the Senate to address sexual abuse within United States Olympic Gymnastics; to the Committee on Rules and Administration.

By Mrs. MURRAY (for herself, Ms. COLLINS, Ms. BALDWIN, Mrs. FEINSTEIN, Mr. WYDEN, Ms. STABENOW, Mr. COONS, Ms. CANTWELL, Ms. HASSAN, Ms. KLOBUCHAR, Mr. KING, Mr. PETERS, Mr. DURBIN, Mr. MURPHY, Mr. CASEY, and Mr. ISAKSON):

S. Res. 397. A resolution designating the week of February 5 through February 9, 2018, as ''National School Counseling Week''; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Mr. THUNE, Mr. NELSON, Ms. COLLINS, Ms. WARREN, and Mr. DURBIN):

S. Res. 398. A resolution supporting the observation of ''National Girls & Women in Sports Day'' on February 7, 2018, to raise awareness of and celebrate the achievements of girls and women in sports; considered and agreed to.

By Mr. TOOMEY (for himself and Mr. CASEY):

S. Res. 399. A resolution congratulating the Philadelphia Eagles on their triumph in Super Bowl LII; considered and agreed to.

ADDITIONAL COSPONSORS

S. 294

At the request of Mr. NELSON, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 294, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 339

At the request of Mr. NELSON, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 339, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 732

At the request of Mr. BOOZMAN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 732, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit against income tax for the purchase of qualified access technology for the blind.

S. 819

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 819, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 1027

At the request of Mr. HATCH, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Michigan (Mr. PETERS) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 1027, a bill to extend the Secure Rural Schools and Community Self-Determination Act of 2000.

S. 1161

At the request of Ms. DUCKWORTH, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1161, a bill to amend title 38, United States Code, to eliminate copayments by the Department of Veterans Affairs for medicines relating to preventative health services, and for other purposes.

S. 1352

At the request of Ms. CANTWELL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1352, a bill to establish a tax credit for on-site apprenticeship programs, and for other purposes.

S. 1361

At the request of Mr. CRAPO, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 1361, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 1652

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1652, a bill to amend the Fair Labor Standards Act of 1938 and the Portal-to-Portal Act of 1947 to prevent wage theft and assist in the recovery of stolen wages, to authorize the Secretary of Labor to administer grants to prevent wage and hour violations, and for other purposes.

S. 1808

At the request of Ms. BALDWIN, the name of the Senator from Connecticut

(Mr. BLUMENTHAL) was added as a cosponsor of S. 1808, a bill to extend temporarily the Federal Perkins Loan program, and for other purposes.

S. 1917

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina (Mr. BURR), the Senator from Delaware (Mr. COONS), the Senator from Kansas (Mr. ROBERTS), the Senator from Michigan (Mr. PETERS), the Senator from Iowa (Mrs. ERNST) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1917, a bill to reform sentencing laws and correctional institutions, and for other purposes.

S. 2174

At the request of Mr. YOUNG, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2174, a bill to direct the Secretary of Veterans Affairs to conduct a study on the Veterans Crisis Line.

S. 2214

At the request of Mr. ENZI, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2214, a bill to amend title XVIII of the Social Security Act to provide for the recognition of attending physician assistants as attending physicians to serve hospice patients, and for other purposes.

S. 2295

At the request of Mr. SCHATZ, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 2295, a bill to increase the rates of pay under the General Schedule and other statutory pay systems and for prevailing rate employees by 3.0 percent, and for other purposes.

S. 2335

At the request of Mr. ROUNDS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 2335, a bill to authorize the Secretary of the Interior and the Secretary of Agriculture to issue permits for recreation services on lands managed by Federal agencies, and for other purposes.

S. 2360

At the request of Ms. HEITKAMP, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 2360, a bill to provide for the minimum size of crews of freight trains, and for other purposes.

S. 2364

At the request of Mr. BOOZMAN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from West Virginia (Mrs. CAPITO), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 2364, a bill to amend the Water Infrastructure Finance and Innovation Act of 2014 to provide to State infrastructure financing authorities additional opportunities to receive loans under that Act to support drinking water and clean water State revolving funds to deliver water infrastructure to communities across the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAINES:

S. 2392. A bill to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to designate cybersecurity technologies that qualify for protection under systems of risk and litigation management; to the Committee on Homeland Security and Governmental Affairs.

Mr. DAINES. Mr. President, in recent years we have seen the inability of the Federal government to quickly adapt to changing technology and evolving cyber security threats. In June of 2015 the Office of Personnel Management (OPM) announced it had fallen victim to a major cyber breach, compromising the personally identifiable information of more than 22 million current and former Federal employees, including myself. Seven months later, nearly half a million more Americans had their social security numbers stolen when the Internal Revenue Service was hacked. We found out last year that the U.S. Securities and Exchange Commission had been hacked in 2016.

I spent 28 years in the private sector, 12 years with a global cloud computing company. We faced new cyber threats daily and our customers expected security. We delivered, not once was our data compromised.

I know firsthand that industry has the talent and the incentive to revolutionize cyber security and keep their information systems secure. The Federal government should unbridle the private sector whenever possible, utilizing their expertise, learning from their best practices, and facilitating their innovation.

That is why I am introducing the Cyber Support for Anti-Terrorism by Fostering Effective Technologies Act or the Cyber SAFETY Act. Since 2002, the Department of Homeland Security's existing SAFETY Act program has successfully incentivized the private sector's development and deployment of anti-terrorism and security technologies through limited liability protections. It has ensured the threat of litigation does not deter entrepreneurs from developing and commercializing products and services that protect lives and infrastructure. This legislation will simply expand the applicability of the program to ensure that cyber security firms can qualify for these same protections. It will enable cyber security firms to innovate and commercialize new technologies without a technology mandate.

I ask my Senate colleagues to join me in support of this important legislation.

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. 2392

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 ''Cyber Support for Anti-Terrorism by Fostering Effective Technologies Act of 2018'' or the ''Cyber SAFETY Act of 2018''.

SEC. 2. INCLUSION OF QUALIFYING CYBER INCIDENTS.

Subtitle G of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 441 et seq.) is amended—

(1) in section 862(b) (6 U.S.C. 441(b))—

(A) in the heading, by striking ''DESIGNATION OF QUALIFIED ANTI-TERRORISM TECHNOLOGIES'' and inserting ''DESIGNATION OF ANTI-TERRORISM AND CYBERSECURITY TECHNOLOGIES'';

(B) in the matter preceding paragraph (1), by inserting ''or cybersecurity'' after ''anti-terrorism'';

(C) in paragraphs (3), (4), and (5), by inserting ''or cybersecurity'' after ''anti-terrorism'' each place that term appears; and

(D) in paragraph (7)—

(i) by inserting ''or cybersecurity'' after ''Anti-terrorism''; and

(ii) by inserting ''or qualifying cyber incidents'' after ''acts of terrorism'';

(2) in section 863 (6 U.S.C. 442)—

(A) by inserting ''or cybersecurity'' after ''anti-terrorism'' each place that term appears;

(B) by inserting ''or qualifying cyber incident'' after ''act of terrorism'' each place that term appears;

(C) by inserting ''or qualifying cyber incidents'' after ''acts of terrorism'' each place that term appears; and

(D) in subsection (d)(3)—

(i) by striking ''(3) CERTIFICATE.—'' and inserting the following: ''(3) CERTIFICATES.—

''(A) CERTIFICATES FOR ANTI-TERRORISM TECHNOLOGIES.—''; and

(ii) by adding at the end the following:

''(B) CERTIFICATES FOR CYBERSECURITY TECHNOLOGIES.—

''(i) IN GENERAL.—For cybersecurity technology reviewed and approved by the Secretary, the Secretary will issue a certificate of conformance to the Seller and place the cybersecurity technology on an Approved Product List for Homeland Security.

''(ii) SUBSEQUENT REVIEW.—Not less frequently than once every 2 years, the Secretary shall conduct a new review of any cybersecurity technology for which the Secretary issued a certification under clause (i).'';

(3) in section 864 (6 U.S.C. 443)—

(A) by inserting ''or cybersecurity'' after ''anti-terrorism'' each place that term appears; and

(B) by inserting ''or qualifying cyber incident'' after ''act of terrorism'' each place that term appears; and

(4) in section 865 (6 U.S.C. 444)—

(A) in paragraph (1)—

(i) in the heading, by inserting ''OR CYBERSECURITY'' after ''ANTI-TERRORISM'';

(ii) by inserting ''or cybersecurity'' after ''anti-terrorism'';

(iii) by inserting ''or qualifying cyber incidents'' after ''acts of terrorism''; and

(iv) by inserting ''or incidents'' after ''such acts''; and

(B) by adding at the end the following:

''(7) QUALIFYING CYBER INCIDENT.—The term 'qualifying cyber incident' has the meaning given the term 'incident' in section 3552(b) of title 44, United States Code.

''(8) FINAL AGENCY ACTION.—The determination by the Secretary that an act of terrorism or qualifying cyber incident has occurred shall constitute a final agency action subject to review under chapter 7 of title 5, United States Code.''.

By Mr. GRASSLEY:

S. 2401. A bill to amend the Congressional Accountability Act of 1995 to reform the procedures provided under such Act for the initiation, investigation, and resolution of claims alleging that employing offices of the legislative branch have violated the rights and protections provided to their employees under such Act, including protections against sexual harassment, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, two decades ago, I championed passage of the Congressional Accountability Act. It was the first piece of legislation passed by the 104th Congress and the first time in history that Congressional employees enjoyed any legal protections relating to harassment and discrimination.

Today, I am introducing a measure to update and improve this landmark legislation. I call on my colleagues to support these proposed reforms, which already have passed the House of Representatives. Doing so will promote greater transparency, accountability, and an improved work climate in the halls of Congress.

For decades before the enactment of the original Congressional Accountability Act, our branch of government adopted legislation setting workplace safety, civil rights, labor and health policies that directly impacted workers and employers in our hometown communities. Until 1995, Congress was exempt from these Federal laws, which meant that Congressional staff enjoyed none of the employment protections that applied to private sector and executive branch employees.

Because Members of Congress are elected to represent the people, it seemed to me rather disingenuous that the people's branch had authored laws that applied to the men and women on Main Street but didn't apply to the members of Congress who wrote them. Why shouldn't Congress be held to the same set of standards as everyone else?

That's what prompted me to champion the development of the original, bipartisan Congressional Accountability Act.

My initial good government effort wasn't met with open arms on Capitol Hill. It took tremendous effort and half a dozen years to secure enough support to pass these reforms. The Congressional Accountability Act finally passed when Republicans gained majority control of both houses of Congress for the first time in four decades. President Bill Clinton signed this legislation on January 23, 1995.

The Federal legislative branch employs tens of thousands of workers on Capitol Hill, in state offices around the country, and in associated offices, such as the Capitol Police. Thanks to the Congressional Accountability Act, these legislative employees are covered by over a dozen Federal workplace laws, including provisions that mandate minimum wage and regulate overtime; make accommodations for workers with disabilities; spell out anti-discriminatory policies for workers based on race, color, religion, sex, national origin, age, disability or military service; guarantee family and medical leave; require hazard-free workplaces; clarify collective bargaining rights for union members; and explain rules about lie detector tests for employees.

The legislation I'm introducing today makes significant reforms, in three areas, to the Congressional Accountability Act (CAA). The purpose of these reforms is to enhance transparency, ensure accountability, and promote a more respectful work climate in both chambers of Congress.

First, this legislation would streamline and enhance the dispute resolution process for Congressional staff and interns. For example, it would enable Congressional employees to have access to an advocate who can offer assistance in proceedings before the Congressional Office of Compliance. It would require that every Congressional office adopt an anti-harassment policy. It would make it optional, not mandatory, for staffers complaining of harassment to engage in mediation. And it would institute a periodic survey of employees to assess attitudes about harassment in Congress.

Second, this legislation would make Congressional lawmakers personally liable for their harassment of employees and interns. It imposes a 90-day deadline by which Congressional lawmakers must reimburse the Treasury for awards or settlements of harassment claims. It bars the use of official House or Senate funds to cover a settlement of a harassment claim. It also ensures the automatic referral of harassment claims against a lawmaker to the Ethics Committee.

Third, and finally, this measure would increase public transparency of Congressional settlement awards. It does so by ensuring that detailed information on awards and settlements will be reported twice a year and posted online.

These reforms are overdue, and I urge my colleagues to join me in supporting the immediate passage of the Congressional Accountability Act of 1995 Reform Act. I also want to take this opportunity to thank Congressman GREGG HARPER for introducing and championing the passage of very similar legislation in the House of Representatives earlier this week.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 395—EXPRESSING THE SENSE OF THE SENATE THAT AMBUSH MARKETING ADVERSELY AFFECTS THE UNITED STATES OLYMPIC AND PARALYMPIC TEAMS

Mr. THUNE (for himself, Mr. HATCH, Mr. BENNET, Ms. KLOBUCHAR, and Mr. GARDNER) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. RES. 395

Whereas the 2018 Olympic and Paralympic Winter Games will occur on February 9, 2018, through February 25, 2018, and March 9, 2018, through March 18, 2018, respectively, in PyeongChang, South Korea;

Whereas approximately 3,000 athletes representing 90 nations across 7 sports are expected at the Olympic Winter Games PyeongChang 2018 and 670 athletes representing approximately 45 nations across 5 sports at the Paralympic Winter Games PyeongChang 2018;

Whereas American athletes have spent countless days, months, and years training to earn a spot on the United States Olympic or Paralympic teams;

Whereas the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. 220501 et seq.)—

(1) established the United States Olympic Committee as the coordinating body for all Olympic and Paralympic athletic activity in the United States;

(2) gave the United States Olympic Committee the exclusive right in the United States to use the words ''Olympic'', ''Olympiad'', ''Paralympic'', and ''Paralympiad'', the emblem of the United States Olympic Committee, and the symbols of the International Olympic Committee and the International Paralympic Committee; and

(3) empowered the United States Olympic Committee to authorize sponsors that contribute to the United States Olympic or Paralympic teams to use any trademark, symbol, insignia, or emblem of the International Olympic Committee, the International Paralympic Committee, the Pan-American Sports Organization, or the United States Olympic Committee;

Whereas Team USA is significantly funded by 35 sponsors who ensure that the United States has the best Olympic and Paralympic teams possible;

Whereas in recent years, a number of entities in the United States have engaged in marketing strategies that appear to affiliate themselves with the Olympic and Paralympic Games without becoming official sponsors of Team USA;

Whereas any ambush marketing in violation of the Lanham Act (15 U.S.C. 1051 et seq.) undermines sponsorship activities and creates consumer confusion around official Olympic and Paralympic sponsors; and

Whereas ambush marketing impedes the goals of the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. 220501 et seq.) to fund the United States Olympic and Paralympic teams through official sponsorships: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) official sponsor support is critical to the success of Team USA at all international competitions; and

(2) ambush marketing adversely affects the United States Olympic and Paralympic teams and their ability to attract and retain corporate sponsorships.

SENATE RESOLUTION 396—TO ESTABLISH A SPECIAL COMMITTEE OF THE SENATE TO ADDRESS SEXUAL ABUSE WITHIN UNITED STATES OLYMPIC GYMNASTICS

Mrs. SHAHEEN (for herself, Mrs. ERNST, Mrs. GILLIBRAND, Ms. STABENOW, Mr. SANDERS, Ms. HASSAN, Mr. VAN HOLLEN, Ms. CORTEZ MASTO, Ms. BALDWIN, Ms. WARREN, Mr. TILLIS, Ms. KLOBUCHAR, Mr. WYDEN, Mr. ISAKSON, Mr. SCOTT, Mr. DAINES, Ms. SMITH, and Mr. BURR) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 396

Resolved,

SECTION 1. ESTABLISHMENT OF THE SPECIAL COMMITTEE.

(a) ESTABLISHMENT.—There is established a special committee of the Senate to be known as the Special Committee to Investigate Sexual Abuse Within United States Olympic Gymnastics (hereafter in this resolution referred to as the ''special committee'').

(b) PURPOSE.—The purpose of the special committee is—

(1) to investigate the United States Olympic Committee and national sports governing bodies, including USA Gymnastics, and determine the extent to which these organizations were complicit in the criminal or negligent behavior of their employees relating to sexual abuse;

(2) to identify and recommend solutions to the systemic failures at the United States Olympic Committee and national sports governing bodies, including USA Gymnastics, that allowed for pervasive sexual abuse to continue for decades;

(3) to identify actions that must be taken by the United States Olympic Committee and national sports governing bodies, including USA Gymnastics, to ensure increased transparency and protections for children, athletes, and their families;

(4) to make such findings of fact as are warranted and appropriate; and

(5) to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the special committee may determine to be necessary or desirable.

(c) LIMITATION.—No proposed legislation shall be referred to the special committee, and the special committee shall not have power to report by bill or otherwise have legislative jurisdiction.

(d) TREATMENT AS STANDING COMMITTEE.—For purposes of paragraphs 1, 2, 7(a)(1), 7(a)(2), and 10(a) of rule XXVI and rule XXVII of the Standing Rules of the Senate, and subsections (i) and (j) of section 202 of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301), the special committee shall be treated as a standing committee of the Senate.

SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The special committee shall consist of 8 members of the Senate, of whom—

(A) 4 shall be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 4 shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

(2) COMPOSITION.—Not less than 4 of the members appointed under paragraph (1) shall be women.

(3) VACANCIES.—Any vacancy in the membership of the special committee shall—

(A) not affect the authority of the remaining members to execute the functions of the special committee; and

(B) be filled in the same manner as original appointments to the special committee are made.

(4) SERVICE.—For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chair, or vice chair of the special committee shall not be taken into account.

(b) CHAIR AND VICE CHAIR.—

(1) IN GENERAL.—The chair of the special committee shall be selected by the Majority Leader of the Senate and the vice chair of the special committee shall be selected by the Minority Leader of the Senate.

(2) VICE CHAIR DUTIES.—The vice chair shall discharge such responsibilities as the special committee or the chair may assign.

SEC. 3. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—For the purposes of this resolution, the special committee may—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel;

(3) hold hearings;

(4) sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents;

(6) take depositions and other testimony;

(7) issue interim reports, as necessary;

(8) procure the services of individual consultations or organizations thereof in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i)); and

(9) with the prior consent of the Federal department or agency concerned and the Committee on Rules and Administration, use on a nonreimbursable basis the services of personnel of the Federal department or agency.

(b) OATHS FOR WITNESSES.—The chair or any member of the special committee may administer oaths to witnesses.

(c) SUBPOENAS.—A subpoena authorized by the special committee may be—

(1) issued over the signature of—

(A) the chair after consultation with the vice chair; or

(B) any member of the special committee designated by the chair after consultation with the vice chair; and

(2) served by any person designated by the chair or the member signing the subpoena.

(d) ACCESS OF MEMBERS TO INFORMATION.—Each member of the special committee shall have equal and unimpeded access to information collected or otherwise obtained by the special committee.

SEC. 4. REPORT AND TERMINATION.

(a) REPORT.—The special committee shall report the findings of the special committee, together with such recommendations as the special committee deems advisable, to the Senate not later than the last day of the first session of the 116th Congress.

(b) RECORDS.—Upon termination of the special committee, all records, files, documents, and other materials in the possession, custody, or control of the special committee shall be transferred to the Secretary of the Senate under appropriate conditions established by the special committee, including conditions to protect information under the HIPAA privacy and security law, as defined in section 3009(a) of the Public Health Service Act (42 U.S.C. 300jj–19(a)).

SEC. 5. FUNDING.

From the date on which this resolution is agreed to through the termination of the special committee, the special committee shall use such funds as necessary to carry out the duties of the special committee.

SENATE RESOLUTION 397—DESIGNATING THE WEEK OF FEBRUARY 5 THROUGH FEBRUARY 9, 2018, AS ''NATIONAL SCHOOL COUNSELING WEEK''

Mrs. MURRAY (for herself, Ms. COLLINS, Ms. BALDWIN, Mrs. FEINSTEIN, Mr. WYDEN, Ms. STABENOW, Mr. COONS, Ms. CANTWELL, Ms. HASSAN, Ms. KLOBUCHAR, Mr. KING, Mr. PETERS, Mr. DURBIN, Mr. MURPHY, Mr. CASEY, and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 397

Whereas the American School Counselor Association has designated February 5 through 9, 2018, as ''National School Counseling Week'';

Whereas school counselors have long advocated for equal opportunities for all students;

Whereas school counselors help develop well-rounded students by guiding students through academic, social and emotional, and career development;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors play a vital role in ensuring that students are ready for both college and careers;

Whereas school counselors play a vital role in making students aware of opportunities for financial aid and college scholarships;

Whereas school counselors assist with and coordinate efforts to foster a positive school climate, resulting in a safer learning environment for all students;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with personal trauma as well as tragedies in their communities and the United States;

Whereas students face myriad challenges every day, including peer pressure, bullying, mental health issues, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas a school counselor is one of the few professionals in a school building who is trained in both education and social and emotional development;

Whereas the roles and responsibilities of school counselors are often misunderstood;

Whereas the school counselor position is often among the first to be eliminated to meet budgetary constraints;

Whereas the national average ratio of students to school counselors is 482 to 1, almost twice the 250 to 1 ratio recommended by the American School Counselor Association, the National Association for College Admission Counseling, and other organizations; and

Whereas the celebration of National School Counseling Week will increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 5 through 9, 2018, as ''National School Counseling Week''; and

(2) encourages the people of the United States to observe National School Counseling Week with appropriate ceremonies and activities that promote awareness of the role school counselors play in schools and the community at large in preparing students for fulfilling lives as contributing members of society.

SENATE RESOLUTION 398—SUPPORTING THE OBSERVATION OF ''NATIONAL GIRLS & WOMEN IN SPORTS DAY'' ON FEBRUARY 7, 2018, TO RAISE AWARENESS OF AND CELEBRATE THE ACHIEVEMENTS OF GIRLS AND WOMEN IN SPORTS

Mrs. FEINSTEIN (for herself, Mr. THUNE, Mr. NELSON, Ms. COLLINS, Ms. WARREN, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 398

Whereas athletic participation helps develop self-discipline, initiative, confidence, and leadership skills, and opportunities for athletic participation should be available to all individuals;

Whereas, because the people of the United States remain committed to protecting equality, it is imperative to eliminate the existing disparities between male and female youth athletic programs;

Whereas the share of athletic participation opportunities of high school girls has increased more than sixfold since the passage of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) (referred to in this preamble as ''title IX''), but high school girls still experience—

(1) a lower share of athletic participation opportunities than high school boys; and

(2) a lower level of athletic participation opportunities than high school boys enjoyed almost 50 years ago;

Whereas female participation in college sports has nearly tripled since the passage of title IX, but female college athletes still only comprise 44 percent of the total collegiate athlete population;

Whereas, in 1972, women coached more than 90 percent of collegiate women's teams, but now women coach less than 50 percent of all collegiate women teams, and there is a need to restore women to those positions to ensure fair representation and provide role models for young female athletes;

Whereas the long history of women in sports in the United States—

(1) features many contributions made by female athletes that have enriched the national life of the United States; and

(2) includes inspiring figures, such as Gertrude Ederle, Wilma Rudolph, Althea Gibson, Mildred Ella ''Babe'' Didrikson Zaharias, and Patty Berg, who overcame difficult obstacles in their own lives to—

(A) advance participation by women in sports; and

(B) set positive examples for the generations of female athletes who continue to inspire people in the United States today;

Whereas the United States must do all it can to support the bonds built between all athletes to break down the barriers of discrimination, inequality, and injustice;

Whereas girls and young women in minority communities are doubly disadvantaged because—

(1) schools in minority communities overall have fewer athletic opportunities; and

(2) the limited resources for athletic opportunities in those communities are not evenly distributed between male and female students;

Whereas, with the recent passage of bills such as the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (S. 534, 115th Congress), Congress has taken steps to—

(1) protect female athletes from the crime of sexual abuse; and

(2) empower athletes to report sexual abuse when it occurs; and

Whereas, with the beginning of the 2018 Winter Olympics in South Korea, it is more important than ever to ensure the safety and well-being of athletes by protecting those athletes from the crime of sexual abuse, which has harmed so many young athletes within youth athletic organizations: Now, therefore, be it

Resolved, That the Senate supports—

(1) observing ''National Girls & Women in Sports Day'' on February 7, 2018, to recognize—

(A) the female athletes who represent schools, universities, and the United States in their athletic pursuits; and

(B) the vital role that the people of the United States have in empowering girls and women in sports;

(2) marking the observation of National Girls & Women in Sports Day with appropriate programs and activities, including legislative efforts to protect young athletes from the crime of sexual abuse so that future generations of female athletes will not have to experience the pain that so many female athletes have had to endure; and

(3) all ongoing efforts to—

(A) promote equality in sports and access to athletic opportunities for girls and women; and

(B) support the commitment of the United States to expanding athletic participation for all girls and future generations of women athletes.

Mrs. FEINSTEIN. Mr. President, I rise to introduce a Senate Resolution recognizing February 7, 2018 as ''National Girls & Women in Sports Day''. Since the passage of Title IX of the Education Amendments of 1972, our Nation has taken many big steps toward achieving equality for women in our Nation's athletic institutions. In fact, since then, participation by high school girls in athletic programs has increased more than six fold. And in college sports, participation by women athletes has nearly tripled since the passage of Title IX.

However, many disparities still exist between male and female athletic programs in our Nation today. Because there are simply fewer athletic opportunities and programs for girls, there are lower levels of participation in sports amongst present day high school girls than there were for high school boys in the 1970s.

Across college campuses, women athletes still comprise only 44 percent of the collegiate athlete population. And in some instances, the numbers have even shrunk over time. In 1972, women occupied more than 90 percent of coaching positions with collegiate women's teams. Today, women occupy less than half of these coaching positions.

This resolution recognizes how far we have come, but more importantly, it acknowledges how much farther we still have to go to achieve equality for our female athletes. In looking to the future and resolving together that more must be done to provide girls and women equal opportunity in sports, we also celebrate and recognize female athletes from the past who have faced difficult obstacles in their lives to advance the participation of women in sports.

We honor athletes like Althea Gibson, who was the first African-American athlete to break down racial barriers in international tennis and who, in 1956, became the first person of color to win a Grand Slam tennis title with her victory at the French Open.

We celebrate ''Babe'' Didrikson Zaharias, who, in addition to the Olympic medals she won at the 1932 Olympic Games in track and field, challenged conventions in the sport of golf to become the first woman in history who attempted to qualify in the U.S. Open tournament.

We salute Wilma Rudolph, who in the 1960s was considered the fastest woman in the world and, with her performance at the 1960 Olympic Games, was the first American woman to achieve three gold medals at any single Olympics event in history.

Each of these women faced tremendous difficulties to break down barriers in their respective sports to change not just the culture of sports in our Nation, but ultimately, to improve our country. Their names were inscribed in sports history, and in the process they became positive role models for entire generations of female athletes who continue to inspire us all with their talents. Finally, this resolution recognizes the importance of supporting girls and women in sports by holding to account those who use their positions of power—both individual and institutional in nature—to abuse and exploit.

Mr. President, our Nation continues to struggle with the revelations that hundreds of young female athletes were sexually abused within USA Gymnastics affiliated institutions. The stories of these survivors, who endured such horrific abuse at the hands of professionals entrusted to develop their athletic talents, are absolutely heartbreaking and our Nation must do more to prevent these crimes from ever happening again. To put an end to this abuse, on January 30, 2018, Congress passed the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, which I had authored and introduced to require all Olympic sports organizations and amateur sports organizations to immediately report allegations of sexual abuse to law enforcement.

As the Winter Olympics begin this week in South Korea, our Nation must continue to do everything we can to enforce this legislation and advocate on behalf of these young athletes whose lives have been turned upside down by the abuse that they endured.

I would also like to thank the National Women's Law Center and the National Girls & Women in Sports Day Coalition for their support of this resolution. All young people in our Nation deserve equal access to freely participate in athletic programs and to feel safe and secure so they can thrive within their chosen sports. With these goals in mind, I call on all of us to examine the progress we have made and

commit ourselves to addressing the inequalities we must still overcome to empower female athletes in our Nation.

Mr. President, I yield the floor.

SENATE RESOLUTION 399—CONGRATULATING THE PHILADELPHIA EAGLES ON THEIR TRIUMPH IN SUPER BOWL LII

Mr. TOOMEY (for himself and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 399

Whereas, on February 4, 2018, the Philadelphia Eagles became champions of the National Football League by defeating the New England Patriots 41–33 in Super Bowl LII;

Whereas, with this victory the Philadelphia Eagles won their first Super Bowl in franchise history and fourth National Football League Championship;

Whereas the Eagles, a franchise born in the depths of the Great Depression, forged in the furnace of South Philadelphia, has come to represent the resiliency, ingenuity, and fortitude of the great people of the ''City of Brotherly Love'';

Whereas the fans of the Eagles, whose devotion and enthusiasm is renowned throughout sport, have waited for this moment for 58 years;

Whereas this Eagles team, written off by the rest of the world after suffering numerous injuries to key players, took the field in Minneapolis as the underdog, as they had been in every previous playoff game, despite having the best record in the National Football League;

Whereas quarterback Nicholas Edward Foles, stepping in for injured star quarterback Carson James Wentz, commanded the field with an uncanny precision, calmness, and leadership that earned him recognition as the Most Valuable Player of the Super Bowl;

Whereas head coach Douglas Irving Pederson displayed an emotional intelligence, creativity, and aggressiveness exemplified in the ''Philly Special,'' a fourth down play call that involved undrafted rookie running back Corey Joel Clement taking the direct snap and pitching the football to undrafted tight end Trey Burton, who threw the football to the backup quarterback Foles for a touchdown in the last minute of the first half;

Whereas the play of the dominating offensive line, anchored by veterans David Lane Johnson and Jason Kelce, provided peerless protection for the passers, enabled multiple clutch catches by the acrobatic receiving corps and tight ends, and paved the way for hard earned rushing yards by the trio of talented tailbacks;

Whereas the vaunted Eagles defense, engineered by coordinator James John Schwartz, led by All-Pros Fletcher Cox and Malcolm Damari Jenkins, took charge in the waning moments of the fourth quarter when Brandon Lee Graham forced the opposing quarterback to fumble the football into the waiting hands of rookie Derek Anthony Barnett;

Whereas the consistent play of the special teams, led by rookie Jake Daniel Elliot and 14-year veteran Donald Scott ''Bag O'Bones'' Jones, helped seal the fate of the game;

Whereas the ownership of Jeffrey Robert Lurie and the management of Howard Roseman have truly built a franchise that should be recognized as the ''gold standard''; and

Whereas sports talk radio in southeastern Pennsylvania may never be the same: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the entire Philadelphia Eagles organization on their triumph in Super Bowl LII;

(2) commends the Philadelphia Eagles fans for their devotion, enthusiasm, and persistence over the past 58 years; and

(3) requests that the Secretary of the Senate prepare an enrolled version of this resolution for presentation to—

(A) the owner of the Philadelphia Eagles, Jeffrey Robert Lurie; and

(B) the head coach of the Philadelphia Eagles, Douglas Irving Pederson.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1926. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty; which was ordered to lie on the table.

SA 1927. Mr. DAINES submitted an amendment intended to be proposed by him to the bill H.R. 695, of 1993 to establish a voluntary national criminal history background check system and criminal history review program for certain individuals who, related to their employment , have access to children, the elderly, or individuals with disabilities, and for other purposes; which was ordered to lie on the table.

SA 1928. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 695, supra; which was ordered to lie on the table.

SA 1929. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty; which was ordered to lie on the table.

SA 1930. Mr. MCCONNELL proposed an amendment to the bill H.R. 1892, supra.

SA 1931. Mr. MCCONNELL proposed an amendment to amendment SA 1930 proposed by Mr. MCCONNELL to the bill H.R. 1892, supra.

SA 1932. Mr. MCCONNELL proposed an amendment to the bill H.R. 1892, supra.

SA 1933. Mr. MCCONNELL proposed an amendment to amendment SA 1932 proposed by Mr. MCCONNELL to the bill H.R. 1892, supra.

SA 1934. Mr. MCCONNELL proposed an amendment to amendment SA 1933 proposed by Mr. MCCONNELL to the amendment SA 1932 proposed by Mr. MCCONNELL to the bill H.R. 1892, supra.

TEXT OF AMENDMENTS

SA 1926. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. EXTENSION OF THE MATERNAL, INFANT, AND EARLY CHILDHOOD HOME VISITING PROGRAM.

Section 511(j)(1)(H) of the Social Security Act (42 U.S.C. 711(j)(1)(H)) is amended by striking ''fiscal year 2017'' and inserting ''each of fiscal years 2017 through 2019''.

SA 1927. Mr. DAINES submitted an amendment intended to be proposed by him to the bill H.R. 695, of 1993 to establish a voluntary national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 8004.

SA 1928. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 695 of 1993 to establish a voluntary national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—VESSEL INCIDENTAL DISCHARGE ACT

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Vessel Incidental Discharge Act''.

SEC. ___02. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AQUATIC NUISANCE SPECIES.—The term ''aquatic nuisance species'' means a nonindigenous species (including a pathogen, microbe, or virus) that threatens the diversity or abundance of native species or the ecological stability of waters of the United States, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(3) BALLAST WATER.—

(A) IN GENERAL.—The term ''ballast water'' means any water and suspended matter taken on board a commercial vessel—

(i) to control or maintain trim, draught, stability, or stresses of the commercial vessel, regardless of how such water and matter is carried; or

(ii) during the cleaning, maintenance, or other operation of a ballast tank or ballast water management system of the commercial vessel.

(B) EXCLUSIONS.—The term ''ballast water'' does not include any substance that is added to water described in subparagraph (A) that is directly related to the operation of a properly functioning ballast water management system.

(4) BALLAST WATER DISCHARGE STANDARD.—The term ''ballast water discharge standard'' means—

(A) the numerical ballast water discharge standard set forth in section 151.2030 of title 33, Code of Federal Regulations, or section 151.1511 of such title (as in effect on the date of the enactment of this Act); or

(B) if the standard described in subparagraph (A) has been revised under section ____06, such revised standard.

(5) BALLAST WATER MANAGEMENT SYSTEM.—The term ''ballast water management system'' means any system, including all ballast water treatment equipment and all associated control and monitoring equipment, that processes ballast water—

(A) to kill, render nonviable, or remove organisms; or

(B) to avoid the uptake or discharge of organisms.

(6) BEST AVAILABLE TECHNOLOGY ECONOMICALLY ACHIEVABLE.—The term ''best available technology economically achievable'' has the meaning given that term in sections 301(b)(2)(A) and 304(b)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1311(b)(2)(A) and 1314(b)(2)(B)) as such term applies to a mobile point source.

(7) BIOCIDE.—The term ''biocide'' means a substance or organism that is introduced into or produced by a ballast water management system to kill or eliminate aquatic nuisance species as part of the process used to comply with a ballast water discharge standard.

(8) 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.

(9) COMMERCIAL VESSEL.—

(A) IN GENERAL.—The term ''commercial vessel'' means—

(i) a vessel (as defined in section 3 of title 1, United States Code) that is engaged in commercial service (as defined in section 2101(5) of title 46, United States Code); or

(ii) a vessel that is within the scope of the General Permit or Small Vessel General Permit on the day before the date of enactment of this Act.

(B) EXCLUSION.—The term ''commercial vessel'' does not include—

(i) a recreational vessel; or

(ii) a vessel of the armed forces (as defined in section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322)).

(10) DISCHARGE INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.—

(A) IN GENERAL.—The term ''discharge incidental to the normal operation of a commercial vessel'' means—

(i) a discharge into navigable waters of the United States from a commercial vessel of—

(I)(aa) graywater, bilge water, cooling water, oil water separator effluent, anti-fouling hull coating leachate, boiler or economizer blowdown, byproducts from cathodic protection, controllable pitch propeller and thruster hydraulic fluid, distillation and reverse osmosis brine, elevator pit effluent, firemain system effluent, freshwater layup effluent, gas turbine wash water, motor gasoline and compensating effluent, refrigeration and air condensate effluent, seawater piping biofouling prevention substances, boat engine wet exhaust, sonar dome effluent, exhaust gas scrubber wash water, or stern tube packing gland effluent; or

(bb) any other pollutant associated with the operation of a marine propulsion system, shipboard maneuvering system, habitability system, or installed major equipment, or from a protective, preservative, or absorptive application to the hull of a commercial vessel;

(II) deck runoff, deck washdown, above the waterline hull cleaning effluent, aqueous film forming foam effluent, chain locker effluent, non-oily machinery wastewater, underwater ship husbandry effluent, welldeck effluent, or fish hold and fish hold cleaning effluent; or

(III) any effluent from a properly functioning marine engine; or

(ii) a discharge of a pollutant into navigable waters of the United States in connection with the testing, maintenance, or repair of a system, equipment, or engine described in subclause (I)(bb) or (III) of clause (i) whenever the commercial vessel is waterborne.

(B) EXCLUSIONS.—The term ''discharge incidental to the normal operation of a commercial vessel'' does not include—

(i) any discharge into navigable waters of the United States from a commercial vessel of—

(I) ballast water;

(II) rubbish, trash, garbage, incinerator ash, or other such material discharged overboard;

(III) oil or a hazardous substance (as such terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321)); or

(IV) sewage (as defined in section 312(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)(6))); or

(ii) any emission of an air pollutant resulting from the operation onboard a commercial vessel of a commercial vessel propulsion system, motor driven equipment, or incinerator;

(iii) any discharge into navigable waters of the United States from a commercial vessel when the commercial vessel is operating in a capacity other than as a means of transportation on water; or

(iv) any discharge that results from an activity other than the normal operation of a commercial vessel.

(11) EMPTY BALLAST TANK.—The term ''empty ballast tank'' means a tank—

(A) intended to hold ballast water that has been drained to the limit of the functional or operational capabilities of such tank, such as loss of suction, and otherwise recorded as empty on a vessel log; and

(B) that contains unpumpable residual ballast water and sediments.

(12) EXCHANGE.—The term ''exchange'' means, with respect to ballast water, to replace the water in a ballast water tank using one of the following methods:

(A) Flow-through exchange, in which ballast water is flushed out by pumping in mid-ocean water at the bottom of the tank and continuously overflowing the tank from the top until 3 full volumes of water has been changed to minimize the number of original organisms remaining in the tank.

(B) 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 mid-ocean water.

(13) GENERAL PERMIT.—The term ''General Permit'' means the ''Final National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Incidental to the Normal Operation of a Vessel'' noticed in the Federal Register on April 12, 2013 (78 Fed. Reg. 21938).

(14) GREAT LAKES STATES.—The term ''Great Lakes States'' means Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

(15) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

(16) MAJOR CONVERSION.—The term ''major conversion'' has the meaning given that term in section 2101(14a) of title 46, United States Code.

(17) MARINE POLLUTION CONTROL DEVICE.—The term ''marine pollution control device'' means any equipment for installation or use on board a commercial vessel that is—

(A) designed to receive, retain, treat, control, or discharge a discharge incidental to the normal operation of a commercial vessel; and

(B) determined by the Secretary, in consultation with the Administrator, to be the most effective equipment or management practice to reduce the environmental impact of the discharge consistent with the considerations set forth in section ___08(a)(2).

(18) MID-OCEAN WATER.—The term ''mid-ocean water'' means water greater than 200 nautical miles from any shore.

(19) NAVIGABLE WATERS OF THE UNITED STATES.—The term ''navigable waters of the United States'' has the meaning given that term in section 2101(17a) of title 46, United States Code.

(20) OPERATING IN A CAPACITY OTHER THAN AS A MEANS OF TRANSPORTATION ON WATER.—The term ''operating in a capacity other than as a means of transportation on water'' includes—

(A) when in use as an energy or mining facility;

(B) when in use as a storage facility or seafood processing facility;

(C) when secured to a storage facility or seafood processing facility; and

(D) when secured to the bed of the ocean, contiguous zone, or waters of the United States for the purpose of mineral or oil exploration or development.

(21) ORGANISM.—The term ''organism'' means any organism and includes pathogens, microbes, viruses, bacteria, and fungi.

(22) OWNER OR OPERATOR.—The term ''owner or operator'' means a person owning, operating, or chartering by demise a commercial vessel.

(23) PACIFIC COAST REGION.—The term ''Pacific Coast Region'' means Federal and State waters adjacent to Alaska, Washington, Oregon, or California extending from shore and including the entire exclusive economic zone (as defined in section 1001(8) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(8))) adjacent to each such State.

(24) POLLUTANT.—The term ''pollutant'' has the meaning given that term in section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)).

(25) PORT OR PLACE OF DESTINATION.—The term ''port or place of destination'' means any port or place to which a vessel is bound to anchor or moor.

(26) RECREATIONAL VESSEL.—The term ''recreational vessel'' has the meaning given that term in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

(27) RENDER NONVIABLE.—The term ''render nonviable'' means, with respect to organisms in ballast water, the action of a ballast water management system that leaves such organisms permanently incapable of reproduction following treatment.

(28) SALTWATER FLUSH.—The term ''saltwater flush''—

(A) means—

(i) the addition of as much mid-ocean water into each empty ballast tank of a commercial vessel as is safe for such vessel and crew and the mixing of the flushwater with residual water and sediment through the motion of such vessel; and

(ii) the discharge of the mixed water, such that the resultant residual water remaining in the tank has the highest salinity possible, and is at least 30 parts per thousand; and

(B) may require more than one fill-mix-empty sequence, particularly if only small amounts of water can be safely taken onboard the commercial vessel at one time.

(29) SECRETARY.—Except as otherwise specified, the term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

(30) SMALL VESSEL GENERAL PERMIT.—The term ''Small Vessel General Permit'' means the ''Final National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Incidental to the Normal Operation of a Small Vessel'' noticed in the Federal Register on September 10, 2014 (79 Fed. Reg. 53702)

SEC. ___03. TREATMENT OF EXISTING BALLAST WATER REGULATIONS.

(a) EFFECT ON EXISTING REGULATIONS.—Any regulation issued pursuant to the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) that is in effect on the day before the date of the enactment of this Act, and that relates

to a matter subject to regulation under this title, shall remain in full force and effect unless or until superseded by a new regulation issued under this title relating to such matter.

(b) APPLICATION OF OTHER REGULATIONS.—

(1) IN GENERAL.—The regulations issued pursuant to the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) relating to sanctions for violating a regulation under that Act shall apply to violations of a regulation issued under this title.

(2) PENALTIES.—The penalties for violations described in paragraph (1) shall increase consistent with inflation.

SEC. ___04. BALLAST WATER DISCHARGE REQUIREMENTS.

(a) IN GENERAL.—

(1) REQUIREMENTS.—Except as provided in paragraph (7), and subject to sections 151.2035 and 151.2036 of title 33, Code of Federal Regulations (as in effect on the date of the enactment of this Act), an owner or operator may discharge ballast water into navigable waters of the United States from a commercial vessel covered under subsection (b) only if the owner or operator discharges the ballast water in accordance with requirements established by this title or the Secretary.

(2) COMMERCIAL VESSELS ENTERING THE GREAT LAKES SYSTEM.—If a commercial vessel enters the Great Lakes through the mouth of the Saint Lawrence River, the owner or operator shall—

(A) comply with the applicable requirements of—

(i) paragraph (1);

(ii) subpart C of part 151 of title 33, Code of Federal Regulations (or similar successor regulations); and

(iii) section 401.30 of such title (or similar successor regulations); and

(B) after operating—

(i) outside the exclusive economic zone of the United States or Canada, conduct a complete ballast water exchange in an area that is 200 nautical miles or more from any shore before the owner or operator may discharge ballast water while operating in the Saint Lawrence River or the Great Lakes, subject to any requirements the Secretary determines necessary with regard to such exchange or any ballast water management system that is to be used in conjunction with such exchange, to ensure that any discharge of ballast water complies with the requirements under paragraph (1); or

(ii) exclusively within the territorial waters or exclusive economic zone of the United States or Canada, conduct a complete ballast water exchange outside the Saint Lawrence River and the Great Lakes in an area that is 50 nautical miles or more from any shore before the owner or operator may discharge ballast water while operating in the Saint Lawrence River or the Great Lakes, subject to any requirements the Secretary determines necessary with regard to such exchange or any ballast water management system that is to be used in conjunction with such exchange, to ensure that any discharge of ballast water complies with the requirements under paragraph (1), unless traveling 50 nautical miles or more from shore would compromise commercial vessel safety or is otherwise prohibited by any domestic or international regulation.

(3) COMMERCIAL VESSELS OPERATING WITHIN THE PACIFIC COAST REGION.—

(A) IN GENERAL.—Except as provided in subparagraph (C) and paragraph (6), the owner or operator of a commercial vessel described in subparagraph (B) shall conduct a complete ballast water exchange in waters more than 50 nautical miles from shore.

(B) COMMERCIAL VESSEL DESCRIBED.—A commercial vessel described in this subparagraph is a commercial vessel—

(i) operating between 2 ports or places of destination within the Pacific Coast Region; or

(ii) operating between 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 20 degrees north latitude, inclusive of the Gulf of California.

(C) EXEMPTIONS.—Subparagraph (A) shall not apply to the following:

(i) A commercial vessel voyaging between or to a port or place of destination in the State of Washington, if the ballast water to be discharged from such vessel originated solely from waters located between the parallel 43 degrees, 32 minutes 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.

(ii) A commercial vessel voyaging between ports or places of destination in the States of Washington and Oregon if the ballast water to be discharged from such vessel originated solely from waters located between the parallel 40 degrees north latitude and the parallel 50 degrees north latitude.

(iii) A commercial vessel voyaging 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 any ballast water to be discharged from such vessel originated solely from ports or places within such area.

(iv) A commercial vessel voyaging between the Port of Los Angeles, the Port of Long Beach, and the El Segundo offshore marine oil terminal if any ballast water to be discharged from such vessel originated solely from the Port of Los Angeles, the Port of Long Beach, or the El Segundo offshore marine oil terminal.

(v) A commercial vessel voyaging between a port or place in the State of Alaska within a single Captain of the Port Zone.

(4) EMPTY BALLAST TANKS.—

(A) REQUIREMENTS.—Except as provided in subparagraph (B) and paragraph (6), the owner or operator of a commercial vessel with empty ballast tanks shall conduct a saltwater flush—

(i) at least 200 nautical miles from any shore for voyages originating outside the United States or Canadian exclusive economic zone; or

(ii) at least 50 nautical miles from any shore for voyages within the Pacific Coast Region.

(B) EXCEPTION.—The requirements of subparagraph (A) shall not apply—

(i) if a ballast tank's unpumpable residual waters and sediments were subject to a saltwater flush, ballast water exchange, or treatment through a ballast water management system; or

(ii) unless otherwise required under this title, if the ballast tank's unpumpable residual waters and sediments were sourced within the same port or place of destination, or Captain of the Port Zone.

(5) LOW SALINITY BALLAST WATER.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (6), owners or operators of commercial vessels that transport ballast water sourced from waters with a measured salinity of less than 18 parts per thousand, except as provided by a public or commercial source under subsection (b)(2)(C), and voyage to a Pacific Coast Region port or place of destination that has a measured salinity of less than 18 parts per thousand shall conduct a complete ballast water exchange—

(i) more than 50 nautical miles from shore if the ballast water was sourced from a Pacific Coast Region port or place of destination; or

(ii) more than 200 nautical miles from shore if the ballast water was not sourced from a Pacific Coast Region port or place of destination.

(B) EXCEPTION.—The requirements of subparagraph (A) shall not apply to a commercial vessel that has a ballast water management system approved for treating freshwater at concentrations prescribed in section ___06(a)(1)(A) or that retains all of its ballast water.

(6) EXEMPTED VESSELS.—

(A) IN GENERAL.—The requirements of paragraphs (3), (4), and (5) shall not apply to a commercial vessel if—

(i) complying with such requirements would compromise the safety of the commercial vessel;

(ii) design limitations of the commercial vessel prevent ballast water exchange or saltwater flush from being conducted;

(iii) the commercial vessel is certified by the Secretary as having no residual ballast water or sediments on board or retains all its ballast water while in waters subject to such requirements; or

(iv) empty ballast tanks on the commercial vessel are sealed and certified by the Secretary so there is no discharge or uptake and subsequent discharge of ballast waters subject to such requirements.

(B) ADDITIONAL EXEMPTIONS.—The requirements of paragraphs (3) and (4) shall not apply to a commercial vessel if the commercial vessel uses a method of ballast water management approved by the Coast Guard under section ___05 of this title or subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations).

(7) SAFETY EXEMPTION.—Notwithstanding paragraphs (1) through (6), an owner or operator of a commercial vessel may discharge ballast water into navigable waters of the United States from a commercial vessel if—

(A) the ballast water is discharged solely to ensure the safety of life at sea;

(B) the ballast water is discharged accidentally as the result of damage to the commercial vessel or its equipment and—

(i) all reasonable precautions to prevent or minimize the discharge have been taken; and

(ii) the owner or operator did not willfully or recklessly cause such damage; or

(C) the ballast water is discharged solely for the purpose of avoiding or minimizing a discharge from the commercial vessel of a pollutant that would violate a Federal or State law.

(8) LOGBOOK REQUIREMENTS.—Section 11301(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(13) when a commercial vessel does not carry out ballast water management requirements as applicable and pursuant to regulations promulgated and issued by the Secretary, including when such a vessel fails to carry out ballast water management requirements due to an allowed safety exemption, a statement about the failure to comply and the circumstances under which the failure occurred, made immediately after when practicable to do so.''.

(9) LIMITATION OF REQUIREMENTS.—In establishing requirements under this subsection, the Secretary may not require the installation of a ballast water management system on a commercial vessel that—

(A) carries all of its ballast water in sealed tanks that—

(i) are not subject to discharge;

(ii) have been certified by the Secretary; and

(iii) have been noted in the commercial vessel logbook; or

(B) discharges ballast water solely into a reception facility described in subsection (d).

(b) APPLICABILITY.—

(1) COVERED VESSELS.—Except as provided in paragraphs (2) and (3), subsection (a) shall apply to any commercial vessel that is designed, constructed, or adapted to carry ballast water while such commercial vessel is operating in navigable waters of the United States.

(2) EXEMPTED VESSELS.—Subsection (a) shall not apply to a commercial vessel—

(A) that continuously takes on and discharges ballast water in a flow-through system, if such system does not introduce aquatic nuisance species into navigable waters of the United States, as determined by the Secretary;

(B) in the National Defense Reserve Fleet that is scheduled for disposal, if the vessel does not have ballast water management systems or the ballast water management systems of the vessel are inoperable;

(C) that discharges ballast water consisting solely of water taken aboard from a public or commercial source that, at the time the water is taken aboard, meets the applicable regulations or permit requirements for such source under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(D) in an alternative compliance program established pursuant to subsection (c);

(E) that carries all of its permanent ballast water in sealed tanks that are not subject to discharge; or

(F) uses other liquid or material as ballast and does not discharge ballast overboard.

(3) VESSELS OPERATING EXCLUSIVELY WITHIN THE GREAT LAKES AND SAINT LAWRENCE RIVER.—

(A) IN GENERAL.—A commercial vessel that operates exclusively within the Great Lakes and Saint Lawrence River shall be subject to subsection (a).

(B) TRANSITION.—Notwithstanding subparagraph (A), a commercial vessel that operates exclusively within the Great Lakes and Saint Lawrence River that is not required to comply with the ballast water discharge standard on the day before the date of enactment of this Act shall transition into compliance with subsection (a) under the special rules established in subparagraph (C) of this subsection:

(C) SPECIAL RULES.—The Secretary shall require a class of commercial vessels described in subparagraph (B) of this subsection to comply with subsection (a) only if the Secretary—

(i) approves a ballast water management system for such class of commercial vessels under section ____05 of this title or subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulation);

(ii) determines that such ballast water management system meets the operationally practicable criteria described in section ____06 with respect to such class of commercial vessels complying with the ballast water discharge standard;

(iii) determines that requiring such class of commercial vessels to comply with the ballast water discharge standard is operationally practicable for such class of commercial vessels; and

(iv) in coordination with the Administrator, conducts a probabilistic assessment of the benefits to the environment and the costs to industry of compliance with subsection (a) by such class of commercial vessels and determines that such benefits exceed such costs.

(D) RECONSIDERATION.—If the Secretary determines under subparagraph (C)(iv) that such benefits do not exceed such costs, the Secretary, in coordination with the Administrator, shall reconsider the determination of the Secretary under that subparagraph—

(i) if a petition is received from a Governor of a Great Lakes State that—

(I) includes new data or science not considered during such determination; and

(II) is submitted not less than 1 year after the date of such determination; or

(ii) not later than 5 years after the date of such determination.

(E) COMPLIANCE DEADLINE.—A class of commercial vessels that is required by the Secretary to comply with subsection (a) under the special rules established by subparagraph (C) of this subsection shall comply with the ballast water discharge standard—

(i) after completion of the first scheduled vessel dry docking that commences on or after the date that is 3 years after the date that the Secretary requires compliance under subparagraph (C), for a vessel built on or before the date that is 3 years after date the Secretary terminates such exemption; or

(ii) upon entry into the navigable waters of the United States for a vessel that is built after the date that is 3 years after the date the Secretary requires compliance under subparagraph (C) for such class of vessels.

(F) REPORT.—Not less than 60 days after a determination by the Secretary under subparagraph (C)(iv), the Secretary shall provide a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives describing how the costs were considered in the assessment required by that subparagraph.

(c) RECEPTION FACILITIES; TRANSFER STANDARDS.—The Secretary, in coordination with the Administrator, may promulgate standards for the arrangements necessary on a vessel to transfer ballast water to a facility.

SEC. ____05. APPROVAL OF BALLAST WATER MANAGEMENT SYSTEMS.

(a) BALLAST WATER MANAGEMENT SYSTEMS THAT RENDER ORGANISMS NONVIABLE.—Notwithstanding chapter 5 of title 5, United States Code, part 151 of title 33, Code of Federal Regulations (or similar successor regulations), and part 162 of title 46, Code of Federal Regulations (or similar successor regulations), a ballast water management system that renders nonviable organisms in ballast water at the concentrations prescribed in the ballast water discharge standard shall be approved by the Secretary, if—

(1) such system—

(A) undergoes type approval testing at an independent laboratory designated by the Secretary under such regulations; and

(B) meets the requirements of subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations), other than the requirements related to staining methods or measuring the concentration of living organisms; and

(2) such laboratory uses a testing method described in a final policy letter published under subsection (c)(3).

(b) PROHIBITION ON BIOCIDES.—The Secretary shall not approve a ballast water management system under subsection (a) or subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations), if such system—

(1) uses a biocide or generates a biocide that is a pesticide, as defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136), unless the biocide is registered under that Act or the Administrator has approved the use of the biocide in such ballast water management system; or

(2) uses or generates a biocide the discharge of which causes or contributes to a violation of a water quality standard under section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

(c) APPROVAL TESTING METHODS.—

(1) DRAFT POLICY.—Not later than 60 days after the date of the enactment of this Act, 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 that may be used in addition to the methods established in subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations)—

(A) to measure the concentration of organisms in ballast water that are capable of reproduction;

(B) to certify the performance of each ballast water management system under this section; and

(C) to certify laboratories to evaluate such treatment technologies.

(2) PUBLIC COMMENT.—The Secretary shall provide for a period of not more than 60 days for the public to comment on the draft policy letter published under paragraph (1).

(3) FINAL POLICY.—

(A) IN GENERAL.—Not later than 150 days after the date of the enactment of this Act, the Secretary, in coordination with the Administrator, shall publish a final policy letter describing type approval testing methods for ballast water management systems capable of 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 in subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations).

(B) REVISIONS.—The Secretary shall revise the final policy letter published under subparagraph (A) as additional testing methods are determined by the Secretary, in coordination with the Administrator, to be capable of measuring the concentration of organisms in ballast water that are capable of reproduction.

(C) CONSIDERATIONS.—In developing a policy letter under this paragraph, the Secretary, in coordination with the Administrator—

(i) shall consider 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 consider a testing method that relies on a staining method that measures the concentration of organisms greater than or equal to 10 micrometers and organisms less than or equal to 50 micrometers.

SEC. ____06. REVIEW AND RAISING OF BALLAST WATER DISCHARGE STANDARD.

(a) STRINGENCY REVIEWS.—

(1) SIX-YEAR REVIEW.—

(A) IN GENERAL.—Not later than January 1, 2024, and subject to petitions for review under paragraph (3), the Secretary, in concurrence with the Administrator, shall complete a review to determine whether, based on the application of the best available technology economically achievable and operationally practicable, the ballast water discharge standard can be revised such that ballast water discharged in the normal operation of a vessel contains—

(i) less than 1 organism that is living or has not been rendered nonviable per 10 cubic meters that is 50 or more micrometers in minimum dimension;

(ii) less than 1 organism that is living or has not been rendered nonviable per 10 milliliters that is less than 50 micrometers in

minimum dimension and more than 10 micrometers in minimum dimension;

(iii) concentrations of indicator microbes that are less than—

(I) 1 colony-forming unit of toxicogenic Vibrio cholera (serotypes O1 and O139) per 100 milliliters or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

(II) 126 colony-forming units of escherichia coli per 100 milliliters; and

(III) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

(iv) concentrations of such additional indicator microbes and of viruses as may be specified in regulations issued by the Secretary, in consultation with the Administrator and such other Federal agencies as the Secretary and the Administrator consider appropriate.

(B) ALTERNATIVE REVISED STANDARD.—If the Secretary, in concurrence with the Administrator, finds—

(i) that the ballast water discharge standard cannot be revised to reflect the level of stringency set forth in subparagraph (A), the Secretary, in concurrence with the Administrator, shall determine whether the application of the best available technology economically achievable and operationally practicable would result in a reduction of the risk of introduction or establishment of aquatic nuisance species such that the ballast water discharge standard can be revised to be more stringent than the standard set forth in section 151.2030 or 151.1511 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act; or

(ii) that the application of best available technology economically achievable and operationally practicable would result in a reduction of the risk of introduction or establishment of aquatic nuisance species such that the ballast water discharge standard can be revised to be more stringent than the standard under subparagraph (A) with respect to a class of vessels, the Secretary, in concurrence with the Administrator, shall determine which revisions to the ballast water discharge standard shall be made for that class of vessels to incorporate such more stringent standard.

(C) OPERATIONALLY PRACTICABLE.—In determining operational practicability under this subsection, the Secretary, in concurrence with the Administrator, shall consider—

(i) whether a ballast water management system is—

(I) effective and reliable in the shipboard environment;

(II) compatible with the design and operation of a commercial vessel by class, type, and size;

(III) commercially available; and

(IV) safe;

(ii) whether testing protocols can be practicably implemented that can assure accurate measurement of compliance with the ballast water discharge standard as proposed to be revised; and

(iii) other criteria that the Secretary, in concurrence with Administrator, considers appropriate.

(2) TEN-YEAR REVIEWS.—Not later than January 1, 2034, not less frequently than every 10 years thereafter, and subject to petitions for review under paragraph (3), the Secretary, in concurrence with the Administrator, shall conduct a review to determine whether the application of the best available technology economically achievable and operationally practicable as described in paragraph (1)(C) results in a reduction in the risk of the introduction or establishment of aquatic nuisance species such that the ballast water discharge standard can be revised to be more stringent.

(3) STATE PETITIONS FOR REVIEW.—

(A) IN GENERAL.—The Governor of a State may submit a petition requesting the Secretary to conduct a review under paragraph (1) or (2) if there is new information that could reasonably indicate the ballast water discharge standard could be made more stringent to reduce the risk of the introduction or establishment of aquatic nuisance species.

(B) TIMING.—A Governor may not submit a petition under subparagraph (A) during the 1-year period following the date of completion of a review under paragraph (1) or (2).

(C) REQUIRED INFORMATION.—A petition submitted to the Secretary under subparagraph (A) shall include—

(i) a proposed ballast water discharge standard that would result in a reduction in the risk of the introduction or establishment of aquatic nuisance species;

(ii) information regarding any ballast water management systems that may achieve the proposed ballast water discharge standard;

(iii) the scientific and technical information on which the petition is based, including a description of the risk reduction that would result from the proposed ballast water discharge standard included under clause (i); and

(iv) any additional information the Secretary considers appropriate.

(D) PUBLIC AVAILABILITY.—Upon receiving a petition under subparagraph (A), the Secretary shall make publicly available a copy of the petition, including the information included under subparagraph (C).

(E) TREATMENT OF MORE THAN ONE PETITION AS A SINGLE PETITION.—The Secretary may treat more than one petition submitted under subparagraph (A) as a single such petition.

(F) AUTHORITY TO REVIEW.—After receiving a petition that meets the requirements of this paragraph, the Secretary, in concurrence with the Administrator, may conduct a review under paragraph (1) or (2) as the Secretary, in concurrence with the Administrator, determines appropriate.

(4) ISSUANCE OF REVISED BALLAST WATER DISCHARGE STANDARD.—The Secretary shall issue a rule to revise the ballast water discharge standard if the Secretary, in concurrence with the Administrator, determines on the basis of the review under paragraph (1) or (2) that—

(A) a ballast water management system that is capable of achieving the ballast water discharge standard as proposed to be revised is the best available technology economically achievable and operationally practicable; and

(B) testing protocols can be practicably implemented that can assure accurate measurement of compliance with the ballast water discharge standard as proposed to be revised.

(5) REQUIREMENT.—Any revised ballast water discharge standard issued in the rule under paragraph (4) shall be more stringent than the ballast water discharge standard it replaces.

(6) STANDARD NOT REVISED.—If the Secretary, in concurrence with the Administrator, determines that the requirements of this subsection have not been satisfied, the Secretary shall publish a description of how such determination was made.

(b) REVISED BALLAST WATER DISCHARGE STANDARD EFFECTIVE DATE AND COMPLIANCE DEADLINE.—

(1) IN GENERAL.—If the Secretary issues a rule to revise the ballast water discharge standard under subsection (a), the Secretary shall include in such rule—

(A) an effective date for the revised ballast discharge standard that is 3 years after the date on which such rule is published in the Federal Register; and

(B) for the owner or operator of a commercial vessel that is constructed or completes a major conversion on or after the date that is 3 years after the date on which such rule is published in the Federal Register, a deadline to comply with the revised ballast water discharge standard that is the first day on which such commercial vessel operates in navigable waters of the United States.

(2) VESSEL SPECIFIC COMPLIANCE DEADLINES.—The Secretary may establish a deadline for compliance by a commercial vessel (or a class, type, or size of commercial vessel) with a revised ballast water discharge standard that is different than the general deadline established under paragraph (1).

(3) EXTENSIONS.—The Secretary shall establish a process for an owner or operator to submit an application to the Secretary for an extension of a compliance deadline established under paragraphs (1) and (2).

(4) APPLICATION FOR EXTENSION.—An owner or operator shall submit an application for an extension under paragraph (3) not less than 90 days prior to the applicable compliance deadline established under paragraph (1) or (2).

(5) FACTORS.—In reviewing an application under this subsection, the Secretary shall consider, with respect to the ability of an owner or operator to meet a compliance deadline—

(A) whether the ballast water management system to be installed, if applicable, is available in sufficient quantities to meet the compliance deadline;

(B) whether there is sufficient shipyard or other installation facility capacity;

(C) whether there is sufficient availability of engineering and design resources;

(D) commercial vessel characteristics, such as engine room size, layout, or a lack of installed piping;

(E) electric power generating capacity aboard the commercial vessel;

(F) the safety of the commercial vessel and crew; and

(G) any other factor that the Secretary determines appropriate.

(6) CONSIDERATION OF EXTENSIONS.—

(A) DETERMINATIONS.—The Secretary shall approve or deny an application for an extension of a compliance deadline submitted by an owner or operator under this subsection.

(B) DEADLINE.—The Secretary shall—

(i) acknowledge receipt of an application for an extension submitted under paragraph (4) not later than 30 days after the date of receipt of the application; and

(ii) to the extent practicable, approve or deny such an application not later than 90 days after the date of receipt of the application.

(C) FAILURE TO REVIEW.—If the Secretary does not approve or deny an application described in subparagraph (A) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be conditionally approved.

(7) PERIOD OF EXTENSIONS.—An extension granted to an owner or operator under paragraph (3)—

(A) may be granted for an initial period of not more than 18 months;

(B) may be renewed for additional periods of not more than 18 months each; and

(C) may not be in effect for a total of more than 5 years.

(8) PERIOD OF USE OF INSTALLED BALLAST WATER MANAGEMENT SYSTEM.—

(A) IN GENERAL.—Subject to subparagraph (B), an owner or operator shall be considered to be in compliance with the ballast water discharge standard if—

(i) the ballast water management system installed on the commercial vessel complies

with the ballast water discharge standard in effect at the time of installation, notwithstanding any revisions to the ballast water discharge standard occurring after the installation;

(ii) the ballast water management system is maintained in proper working condition, as determined by the Secretary;

(iii) the ballast water management system is maintained and used in accordance with the manufacturer's specifications; and

(iv) the ballast water management system continues to meet the ballast water discharge standard applicable to the commercial vessel at the time of installation, as determined by the Secretary.

(B) LIMITATION.—Subparagraph (A) shall cease to apply with respect to a commercial vessel after—

(i) the expiration of the service life of the ballast water management system of the commercial vessel, as determined by the Secretary;

(ii) the expiration of the service life of the commercial vessel, as determined by the Secretary; or

(iii) the completion of a major conversion of the commercial vessel.

SEC. ___07. NATIONAL BALLAST INFORMATION CLEARINGHOUSE.

Subsection (f) of section 1102 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4712(f)) is amended to read as follows:

''(f) NATIONAL BALLAST INFORMATION CLEARINGHOUSE.—

''(1) IN GENERAL.—The Secretary shall develop and maintain, in consultation and cooperation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), a National Ballast Information Clearinghouse of national data concerning—

''(A) ballasting practices;

''(B) compliance with the guidelines issued pursuant to section 1101(c); and

''(C) any other information obtained by the Task Force pursuant to subsection (b).

''(2) BALLAST WATER REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—The owner or operator of a commercial vessel subject to this title shall submit the current ballast water management report form approved by the Office of Management and Budget (OMB 1625–0069 or a subsequent form) to the National Ballast Information Clearinghouse not later than 6 hours after the arrival of such vessel at a United States port or place, unless such vessel is operating exclusively on a voyage between ports or places within a single Captain of the Port Zone.

''(B) MULTIPLE DISCHARGES WITHIN A SINGLE PORT.—The owner or operator of a commercial vessel subject to this title may submit a single report under subparagraph (A) for multiple ballast water discharges within a single port during the same voyage.

''(C) ADVANCED REPORT TO STATES.—A State may require the owner or operator of a commercial vessel subject to this title to submit directly to the State a ballast water management report form—

''(i) not later than 24 hours prior to arrival at a United States port or place of destination if the voyage of such vessel is anticipated to exceed 24 hours; or

''(ii) before departing the port or place of departure if the voyage of such vessel is not anticipated to exceed 24 hours.

''(3) COMMERCIAL VESSEL REPORTING DATA.—

''(A) DISSEMINATION TO STATES.—Upon receiving submission of a ballast water management report required under paragraph (2), the National Ballast Information Clearinghouse shall—

''(i) in the case of forms submitted electronically, immediately disseminate the report to interested States; or

''(ii) in the case of forms submitted by means other than electronically, disseminate the report to interested States as soon as practicable.

''(B) AVAILABILITY TO THE PUBLIC.—Not later than 30 days after the date of the receipt of a ballast water management report required under paragraph (2), the National Ballast Information Clearinghouse shall make the data in such report fully and readily available to the public in searchable and fully retrievable electronic formats.

''(4) REPORT.—In consultation and cooperation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), the Secretary shall prepare and submit to the Task Force and the appropriate committees of Congress and make available to the public, on a biennial basis not later than 180 days from the end of each odd numbered calendar year, a report that synthesizes and analyzes the data referred to in paragraph (1) for the previous 2 years to evaluate nationwide status and trends relating to—

''(A) ballast water delivery and management; and

''(B) invasions of aquatic nuisance species resulting from ballast water.

''(5) WORKING GROUP.—Not later than 1 year after the date of the enactment of the Vessel Incidental Discharge Act, the Secretary shall establish a working group that includes 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.

''(6) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term 'appropriate committees of Congress' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.''.

SEC. ___08. REQUIREMENTS FOR DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.

(a) MANAGEMENT OF INCIDENTAL DISCHARGE FOR COMMERCIAL VESSELS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary, in concurrence with the Administrator and in consultation with the States, shall publish a final rule in the Federal Register that establishes best management practices for discharges incidental to the normal operation of a commercial vessel for commercial vessels that—

(A) are greater than or equal to 79 feet in length;

(B) are not fishing vessels, including fish processing vessels and fish tender vessels (as such terms are defined in section 2101 of title 46, United States Code); and

(C) are not subject to the best management practices required under section ___09.

(2) ELEMENTS.—The best management practices established under paragraph (1) shall—

(A) mitigate the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel and aquatic invasive species;

(B) use marine pollution control devices when appropriate;

(C) be economically achievable and operationally practicable; and

(D) not compromise the safety of a commercial vessel.

(3) IMPLEMENTATION.—The Secretary shall implement the best management practices established by final rule under paragraph (1) not later than 60 days after the date on which the final rule is published in the Federal Register as required under such paragraph.

(b) TRANSITION.—

(1) IN GENERAL.—Except as provided in section ___09(c) and notwithstanding the expiration date for the General Permit, any practice, limitation, or concentration applicable to any discharge incidental to the normal operation of a commercial vessel that is required by the General Permit on the date of the enactment of this Act, and any reporting requirement required by the General Permit on such date of enactment, shall remain in effect until the implementation date under subsection (a)(3).

(2) PART 6 CONDITIONS.—Except as provided in section ___09(c) and notwithstanding paragraph (1) and any other provision of law, the terms and conditions of Part 6 of the General Permit (relating to specific requirements for individual States or Indian country lands) shall expire on the implementation date under subsection (a)(3).

(c) APPLICATION TO CERTAIN VESSELS.—

(1) APPLICATION OF FEDERAL WATER POLLUTION CONTROL ACT.—No permit shall be required under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) or prohibition enforced under any other provision of law for, nor shall any best management practice regarding a discharge incidental to the normal operation of a commercial vessel under this title apply to, a discharge incidental to the normal operation of a commercial vessel if the commercial vessel—

(A) is less than 79 feet in length; or

(B) is a fishing vessel, including a fish processing vessel or fish tender vessel (as such terms are defined in section 2101 of title 46, United States Code).

(2) APPLICATION OF GENERAL PERMIT AND SMALL VESSEL GENERAL PERMIT.—The terms and conditions of the General Permit and the Small Vessel General Permit shall cease to apply to vessels described in subparagraphs (A) and (B) of paragraph (1) on and after the date of the enactment of this Act.

(d) REVIEW AND REVISION.—The Secretary, in concurrence with the Administrator and in consultation with the States, shall—

(1) review the practices and standards established under subsection (a) not less frequently than once every 10 years; and

(2) revise such practices consistent with the elements described in paragraph (2) of such subsection.

(e) STATE PETITION FOR REVISION OF BEST MANAGEMENT PRACTICES.—

(1) IN GENERAL.—The Governor of a State may submit a petition to the Secretary requesting that the Secretary, in concurrence with the Administrator, revise a best management practice established under subsection (a) if there is new information that could reasonably indicate that—

(A) revising the best management practice would—

(i) mitigate the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel or from aquatic invasive species; and

(ii) reduce the adverse effects on navigable waters of the United States of discharges incidental to the normal operation of a commercial vessel; and

(B) the revised best management practice would be economically achievable and operationally practicable.

(2) REQUIRED INFORMATION.—A petition submitted to the Secretary under paragraph (1) shall include—

(A) the scientific and technical information on which the petition is based; and

(B) any additional information the Secretary and Administrator consider appropriate.

(3) PUBLIC AVAILABILITY.—Upon receiving a petition under paragraph (1), the Secretary shall make publicly available a copy of the petition, including the information included under paragraph (2).

(4) TREATMENT OF MORE THAN ONE PETITION AS A SINGLE PETITION.—The Secretary may treat more than one petition submitted under paragraph (1) as a single petition.

(5) REVISION OF BEST MANAGEMENT PRACTICES.—If, after reviewing a petition submitted by a Governor under paragraph (1), the Secretary, in concurrence with the Administrator, determines that revising a best management practice would mitigate the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel or from aquatic invasive species, the Secretary, in concurrence with the Administrator and in consultation with the States, shall revise such practice consistent with the elements described in subsection (a)(2).

(f) REPEAL OF NO PERMIT REQUIREMENT.—Public Law 110–299 (33 U.S.C. 1342 note) is amended by striking section 2.

SEC. ___09. BEST MANAGEMENT PRACTICES FOR GREAT LAKES VESSELS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in concurrence with the Administrator, shall publish a final rule in the Federal Register that establishes best management practices for—

(1) ballast water for commercial vessels operating in navigable waters of the United States within the Great Lakes and Saint Lawrence River; and

(2) discharges incidental to the normal operation of a commercial vessel in navigable waters of the United States for commercial vessels operating in the Great Lakes and Saint Lawrence River that—

(A) are greater than or equal to 79 feet in length; and

(B) are not fishing vessels, including fish processing vessels and fish tender vessels (as such terms are defined in section 2101 of title 46, United States Code).

(b) ELEMENTS.—The Secretary, in concurrence with the Administrator and in consultation with the Governors of the Great Lakes States and the owners or operators of commercial vessels described in subsection (a), shall ensure that the best management practices established under subsection (a)—

(1) mitigate the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel and aquatic invasive species;

(2) use marine pollution control devices when appropriate;

(3) are economically achievable and operationally practicable;

(4) do not compromise the safety of a commercial vessel; and

(5) to the extent possible, apply consistently to all navigable waters of the United States within the Great Lakes and Saint Lawrence River.

(c) TRANSITION.—

(1) IN GENERAL.—Notwithstanding the expiration date for the General Permit and to the extent to which they do not conflict with section ___04(b), the following best management practices applicable to commercial vessels described in subsection (a) shall remain in effect until the date on which the best management practices described in such subsection are implemented under subsection (g)(1):

(A) Best management practices required by Part 2 of the General Permit.

(B) Such other practices as required by the Secretary.

(2) PART 6 BEST MANAGEMENT PRACTICES.—Notwithstanding the expiration date for the General Permit and to the extent to which they do not conflict with section ___04(b), the best management practices described by the sections in Part 6 of the General Permit applicable to the Great Lakes States that are applicable to commercial vessels described in subsection (a) shall expire on the date on which the best management practices described in subsection (a) are implemented under subsection (g)(1).

(d) OUTREACH.—The Secretary shall solicit recommendations and information from the Great Lakes States, Indian Tribes, owners and operators of vessels described in subsection (a), and other persons that the Secretary considers appropriate in developing best management practices under subsection (a).

(e) REVIEW AND REVISION OF BEST PRACTICES.—Not less frequently than once every 5 years, the Secretary, in coordination with the Administrator, shall review the best management practices established under subsection (a) and revise such practices by rule published in the Federal Register consistent with subsections (b) and (d).

(f) REVISED PRACTICES BY STATE PETITION.—

(1) IN GENERAL.—The Governor of a Great Lakes State may petition the Secretary to revise the best management practices established under subsection (a), including by employing additional best management practices, consistent with the elements described in subsection (b), to address new and emerging aquatic nuisance species or pollution threats, implement more effective practices, or update guidelines to harmonize requirements on owners and operators of commercial vessels described in subsection (a).

(2) DETERMINATION.—

(A) IN GENERAL.—Not later than 180 days after receiving a petition under paragraph (1), the Secretary, in coordination with the Administrator, shall determine which, if any, best management practices included in such petition shall be required of commercial vessels described in subsection (a).

(B) CONSULTATION.—The Secretary shall consult with the Governors of other Great Lakes States and owners or operators of commercial vessels that would be subject to best management practices pursuant to paragraph (1) before making a determination under subparagraph (A).

(3) TREATMENT OF PETITION.—The Secretary may treat more than one petition submitted under paragraph (1) as a single petition.

(4) PUBLIC AVAILABILITY.—The Secretary shall make publicly available a petition and any supporting documentation submitted under paragraph (1) for not less than 60 days prior to approving or disapproving such petition.

(g) IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary shall implement the best management practices established by final rule under subsection (a) not later than 60 days after the date on which the final rule is published in the Federal Register as required by such subsection.

(2) IMPLEMENTATION OF PRACTICES BY STATE PETITION.—Not later than 90 days after making a determination under subsection (f)(2), the Secretary shall, by rule published in the Federal Register, require commercial vessels that would be subject to the revised best management practices described in such subsection to implement such practices.

(h) EMERGENCY BEST MANAGEMENT PRACTICES.—The Secretary, in concurrence with the Administrator, may establish emergency best management practices if the Secretary, in concurrence with the Administrator, determines that such emergency best management practices are necessary to reduce the risk of introduction or establishment of aquatic nuisance species.

(i) PUBLIC AVAILABILITY.—The Secretary shall make publicly available any determination made under this section.

SEC. ___10. JUDICIAL REVIEW.

(a) IN GENERAL.—A person may file a petition for review of a final rule or a final agency action issued under this title in the United States Court of Appeals for the District of Columbia Circuit.

(b) DEADLINE.—

(1) IN GENERAL.—A petition shall be filed under this section not later than 120 days after the date on which the final rule to be reviewed is published in the Federal Register or the final agency action is issued, as the case may be.

(2) EXCEPTION.—Notwithstanding paragraph (1), a petition that is based solely on grounds that arise after the deadline to file a petition under paragraph (1) has passed may be filed not later than 120 days after the date on which such grounds first arise.

SEC. ___11. STATE ENFORCEMENT.

(a) STATE AUTHORITIES.—

(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).

(b) FEES.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), a State that assesses a permit fee, inspection fee, or other fee related to the regulation of ballast water or a discharge incidental to the normal operation of a commercial vessel before the date of the enactment of this Act may assess a fee to cover the costs of program administration, inspection, and enforcement activities by the State.

(2) MAXIMUM FEE.—Except as provided in paragraph (3), a State may assess a fee under this subsection of not more than $1,000 per qualifying voyage to the owner or operator of a commercial vessel arriving at a port or place of destination in the State.

(3) COMMERCIAL VESSELS ENGAGED IN COASTWISE TRADE.—A State may not assess more than $5,000 in fees per vessel each year to the owner or operator of a commercial vessel registered under the laws of the United States and lawfully engaged in the coastwise trade.

(4) ADJUSTMENT FOR INFLATION.—A State may adjust a fee authorized by this subsection 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.

(5) QUALIFYING VOYAGE.—In this subsection, the term ''qualifying voyage'' means a vessel arrival at a port or place of destination in a State by a commercial vessel that has operated outside of that State and excludes movement entirely within a single port or place of destination.

(c) EFFECT ON STATE AUTHORITY.—Except as provided in subsection (a) and as necessary to implement an agreement entered into under such subsection, no State or political subdivision thereof may adopt or enforce any statute, regulation, or other requirement of the State or political subdivision with respect to—

(1) a discharge into navigable waters of the United States from a commercial vessel of ballast water; or

(2) a discharge into navigable waters of the United States incidental to the normal operation of a commercial vessel.

(d) PRESERVATION OF AUTHORITY.—Nothing in this title may be construed as affecting the authority of a State or political subdivision thereof to adopt or enforce any statute, regulation, or other requirement with respect to any water or other substance discharged or emitted from a vessel in preparation for transport of the vessel by land from one body of water to another body of water.

SEC. ___12. EFFECT ON OTHER LAWS.

(a) APPLICATION OF FEDERAL WATER POLLUTION CONTROL ACT.—

(1) IN GENERAL.—Except as provided in sections ___08(b) and ___09(c) of this title, or in section 159.309 of title 33, Code of Federal Regulations (or similar successor regulations), on and after the date of the enactment of this Act, section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) shall not apply to a discharge into navigable waters of the United States of ballast water from a commercial vessel or a discharge incidental to the normal operation of a commercial vessel.

(2) OIL AND HAZARDOUS SUBSTANCE LIABILITY; MARINE SANITATION DEVICES.—Nothing in this title may be construed as affecting the application to a commercial vessel of section 311 or 312 of the Federal Water Pollution Control Act (33 U.S.C. 1321; 1322).

(b) ESTABLISHED REGIMES.—Notwithstanding any other provision of this title, nothing in this title may be construed as affecting the authority of the Federal Government under—

(1) the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the regulation by the Federal Government of any discharge or emission that, on or after the date of the enactment of this Act, is covered under—

(A) the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, with annexes and protocols, done at London February 17, 1978; or

(B) title XIV of division B of the Consolidated Appropriations Act, 2001 (33 U.S.C. 1901 note);

(2) title X of the Coast Guard Authorization Act of 2010 (33 U.S.C. 3801 et seq.) with respect to the regulation by the Federal Government of any anti-fouling system that, on or after the date of the enactment of this Act, is covered under the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001, done at London October 5, 2001; and

(3) section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322).

(c) INTERNATIONAL LAW.—Any action taken under this title shall be taken in accordance with international law.

(d) CONFORMING AMENDMENT.—Section 1205 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4725) is amended by adding at the end the following: ''Ballast water and discharges incidental to the normal operation of a commercial vessel, as such terms are defined in the Vessel Incidental Discharge Act, shall be regulated pursuant to such Act.''.

SEC. ___13. QUAGGA MUSSEL.

The Secretary of the Interior shall prescribe by regulation that the quagga mussel (Dreissena rostriformis bugensis) is a species that is injurious under section 42 of title 18, United States Code.

SEC. ___14. COASTAL AQUATIC INVASIVE SPECIES MITIGATION GRANT PROGRAM AND MITIGATION FUND.

(a) COASTAL AQUATIC INVASIVE SPECIES MITIGATION GRANT PROGRAM.—

(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 a State government, local government, Indian Tribe, nongovernmental organization, or academic institution.

(C) EXCLUSIVE ECONOMIC ZONE.—The term ''Exclusive Economic Zone'' means the Exclusive Economic Zone of the United States, as established by Presidential Proclamation 5030 of 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) PROGRAM.—The term ''Program'' means the Coastal Aquatic Invasive Species Mitigation Grant Program established under paragraph (2).

(2) ESTABLISHMENT.—The Secretary of Commerce and the Foundation shall establish the Coastal Aquatic Invasive Species Mitigation Grant Program to award grants to eligible entities, as described in this subsection.

(3) PURPOSES.—The purposes of the Program are—

(A) to improve the understanding, prevention, and mitigation of, and response to, aquatic invasive species in the coastal zone and the Exclusive Economic Zone;

(B) to support the prevention and mitigation of impacts from aquatic invasive species in the coastal zone of the United States; and

(C) to support the restoration of marine, estuarine, Pacific Island habitats, and the Great Lakes environments in the coastal zone and the Exclusive Economic Zone that are impacted by aquatic invasive species.

(4) USE OF GRANTS.—

(A) 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.

(B) PROHIBITION ON FUNDING LITIGATION.—A grant awarded under the Program may not be used to fund litigation in any matter.

(5) ADMINISTRATION.—Not later than 90 days after the date of enactment of this Act, the Foundation, in consultation with the Secretary of Commerce, shall establish the following:

(A) Application and review procedures for awarding grants under the Program.

(B) Approval procedures for awarding grants under the Program. Such procedures shall require consultation with the Secretary of the Interior and the Administrator.

(C) Performance accountability and monitoring measures for activities funded by a grant awarded under the Program.

(D) Procedures and methods to ensure accurate accounting and appropriate administration of grants awarded under the Program, including standards of record keeping.

(6) MATCHING REQUIREMENT.—Each eligible entity awarded a grant under the Program to carry out an activity shall provide matching funds to carry out such activity, in cash or through in-kind contributions from sources other than the Federal Government, in an amount equal to 50 percent of the cost of such activity.

(7) FUNDING.—The Secretary of Commerce and the Foundation shall use the amounts available in the Coastal Aquatic Invasive Species Mitigation Fund established under subsection (b), to award grants under the Program.

(b) COASTAL AQUATIC INVASIVE SPECIES MITIGATION FUND.—

(1) CREATION OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the ''Coastal Aquatic Invasive Species Mitigation Fund'' (referred to in this section as the ''Fund''), consisting of such amounts as may be appropriated or credited to the Fund as provided in this section or section 9602 of the Internal Revenue Code of 1986.

(2) TRANSFERS TO FUND.—

(A) APPROPRIATION.—There is authorized to be appropriated from the Treasury to the Fund each fiscal year an amount equal to the penalties assessed under section ___03(b) of this title in the prior fiscal year.

(B) AUTHORIZATION OF FURTHER APPROPRIATIONS.—There is authorized to be appropriated to the Fund, in addition to the amounts transferred to the Fund under paragraph (1), $5,000,000 for each fiscal year.

(3) EXPENDITURES FROM FUND.—Amounts in the Fund shall be available without further appropriation to the Secretary of Commerce and the National Fish and Wildlife Foundation established by section 2(a) of the National Fish and Wildlife Foundation Establishment Act to award grants under the Coastal Aquatic Invasive Species Mitigation Grant Program established under subsection (a)(2).

SEC. ___15. RULES OF CONSTRUCTION.

(a) INTERNATIONAL STANDARDS.—Nothing in this title may be construed to impose any design, equipment, or operation standard on a commercial vessel not documented under the laws of the United States and engaged in innocent passage unless the standard implements a generally accepted international rule, as determined by the Secretary.

(b) OTHER AUTHORITIES.—Nothing in this title may construed as affecting the authority of the Secretary of Commerce or the Secretary of the Interior to administer lands or waters under the administrative control of the Secretary of Commerce or the Secretary of the Interior.

SA 1929. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 1892, to amend title

4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—VESSEL INCIDENTAL DISCHARGE ACT

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Vessel Incidental Discharge Act''.

SEC. ___02. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AQUATIC NUISANCE SPECIES.—The term ''aquatic nuisance species'' means a nonindigenous species (including a pathogen, microbe, or virus) that threatens the diversity or abundance of native species or the ecological stability of waters of the United States, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(3) BALLAST WATER.—

(A) IN GENERAL.—The term ''ballast water'' means any water and suspended matter taken on board a commercial vessel—

(i) to control or maintain trim, draught, stability, or stresses of the commercial vessel, regardless of how such water and matter is carried; or

(ii) during the cleaning, maintenance, or other operation of a ballast tank or ballast water management system of the commercial vessel.

(B) EXCLUSIONS.—The term ''ballast water'' does not include any substance that is added to water described in subparagraph (A) that is directly related to the operation of a properly functioning ballast water management system.

(4) BALLAST WATER DISCHARGE STANDARD.—The term ''ballast water discharge standard'' means—

(A) the numerical ballast water discharge standard set forth in section 151.2030 of title 33, Code of Federal Regulations, or section 151.1511 of such title (as in effect on the date of the enactment of this Act); or

(B) if the standard described in subparagraph (A) has been revised under section ___06, such revised standard.

(5) BALLAST WATER MANAGEMENT SYSTEM.—The term ''ballast water management system'' means any system, including all ballast water treatment equipment and all associated control and monitoring equipment, that processes ballast water—

(A) to kill, render nonviable, or remove organisms; or

(B) to avoid the uptake or discharge of organisms.

(6) BEST AVAILABLE TECHNOLOGY ECONOMICALLY ACHIEVABLE.—The term ''best available technology economically achievable'' has the meaning given that term in sections 301(b)(2)(A) and 304(b)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1311(b)(2)(A) and 1314(b)(2)(B)) as such term applies to a mobile point source.

(7) BIOCIDE.—The term ''biocide'' means a substance or organism that is introduced into or produced by a ballast water management system to kill or eliminate aquatic nuisance species as part of the process used to comply with a ballast water discharge standard.

(8) 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.

(9) COMMERCIAL VESSEL.—

(A) IN GENERAL.—The term ''commercial vessel'' means—

(i) a vessel (as defined in section 3 of title 1, United States Code) that is engaged in commercial service (as defined in section 2101(5) of title 46, United States Code); or

(ii) a vessel that is within the scope of the General Permit or Small Vessel General Permit on the day before the date of enactment of this Act.

(B) EXCLUSION.—The term ''commercial vessel'' does not include—

(i) a recreational vessel; or

(ii) a vessel of the armed forces (as defined in section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322)).

(10) DISCHARGE INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.—

(A) IN GENERAL.—The term ''discharge incidental to the normal operation of a commercial vessel'' means—

(i) a discharge into navigable waters of the United States from a commercial vessel of—

(I)(aa) graywater, bilge water, cooling water, oil water separator effluent, anti-fouling hull coating leachate, boiler or economizer blowdown, byproducts from cathodic protection, controllable pitch propeller and thruster hydraulic fluid, distillation and reverse osmosis brine, elevator pit effluent, firemain system effluent, freshwater layup effluent, gas turbine wash water, motor gasoline and compensating effluent, refrigeration and air condensate effluent, seawater piping biofouling prevention substances, boat engine wet exhaust, sonar dome effluent, exhaust gas scrubber wash water, or stern tube packing gland effluent; or

(bb) any other pollutant associated with the operation of a marine propulsion system, shipboard maneuvering system, habitability system, or installed major equipment, or from a protective, preservative, or absorptive application to the hull of a commercial vessel;

(II) deck runoff, deck washdown, above the waterline hull cleaning effluent, aqueous film forming foam effluent, chain locker effluent, non-oily machinery wastewater, underwater ship husbandry effluent, welldeck effluent, or fish hold and fish hold cleaning effluent; or

(III) any effluent from a properly functioning marine engine; or

(ii) a discharge of a pollutant into navigable waters of the United States in connection with the testing, maintenance, or repair of a system, equipment, or engine described in subclause (I)(bb) or (III) of clause (i) whenever the commercial vessel is waterborne.

(B) EXCLUSIONS.—The term ''discharge incidental to the normal operation of a commercial vessel'' does not include—

(i) any discharge into navigable waters of the United States from a commercial vessel of—

(I) ballast water;

(II) rubbish, trash, garbage, incinerator ash, or other such material discharged overboard;

(III) oil or a hazardous substance (as such terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321)); or

(IV) sewage (as defined in section 312(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)(6))); or

(ii) any emission of an air pollutant resulting from the operation onboard a commercial vessel of a commercial vessel propulsion system, motor driven equipment, or incinerator;

(iii) any discharge into navigable waters of the United States from a commercial vessel when the commercial vessel is operating in a capacity other than as a means of transportation on water; or

(iv) any discharge that results from an activity other than the normal operation of a commercial vessel.

(11) EMPTY BALLAST TANK.—The term ''empty ballast tank'' means a tank—

(A) intended to hold ballast water that has been drained to the limit of the functional or operational capabilities of such tank, such as loss of suction, and otherwise recorded as empty on a vessel log; and

(B) that contains unpumpable residual ballast water and sediments.

(12) EXCHANGE.—The term ''exchange'' means, with respect to ballast water, to replace the water in a ballast water tank using one of the following methods:

(A) Flow-through exchange, in which ballast water is flushed out by pumping in mid-ocean water at the bottom of the tank and continuously overflowing the tank from the top until 3 full volumes of water has been changed to minimize the number of original organisms remaining in the tank.

(B) 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 mid-ocean water.

(13) GENERAL PERMIT.—The term ''General Permit'' means the ''Final National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Incidental to the Normal Operation of a Vessel'' noticed in the Federal Register on April 12, 2013 (78 Fed. Reg. 21938).

(14) GREAT LAKES STATES.—The term ''Great Lakes States'' means Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

(15) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

(16) MAJOR CONVERSION.—The term ''major conversion'' has the meaning given that term in section 2101(14a) of title 46, United States Code.

(17) MARINE POLLUTION CONTROL DEVICE.—The term ''marine pollution control device'' means any equipment for installation or use on board a commercial vessel that is—

(A) designed to receive, retain, treat, control, or discharge a discharge incidental to the normal operation of a commercial vessel; and

(B) determined by the Secretary, in consultation with the Administrator, to be the most effective equipment or management practice to reduce the environmental impact of the discharge consistent with the considerations set forth in section ___08(a)(2).

(18) MID-OCEAN WATER.—The term ''mid-ocean water'' means water greater than 200 nautical miles from any shore.

(19) NAVIGABLE WATERS OF THE UNITED STATES.—The term ''navigable waters of the United States'' has the meaning given that term in section 2101(17a) of title 46, United States Code.

(20) OPERATING IN A CAPACITY OTHER THAN AS A MEANS OF TRANSPORTATION ON WATER.—The term ''operating in a capacity other than as a means of transportation on water'' includes—

(A) when in use as an energy or mining facility;

(B) when in use as a storage facility or seafood processing facility;

(C) when secured to a storage facility or seafood processing facility; and

(D) when secured to the bed of the ocean, contiguous zone, or waters of the United States for the purpose of mineral or oil exploration or development.

(21) ORGANISM.—The term ''organism'' means any organism and includes pathogens, microbes, viruses, bacteria, and fungi.

(22) OWNER OR OPERATOR.—The term ''owner or operator'' means a person owning, operating, or chartering by demise a commercial vessel.

(23) PACIFIC COAST REGION.—The term ''Pacific Coast Region'' means Federal and State waters adjacent to Alaska, Washington, Oregon, or California extending from shore and including the entire exclusive economic zone (as defined in section 1001(8) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(8))) adjacent to each such State.

(24) POLLUTANT.—The term ''pollutant'' has the meaning given that term in section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)).

(25) PORT OR PLACE OF DESTINATION.—The term ''port or place of destination'' means any port or place to which a vessel is bound to anchor or moor.

(26) RECREATIONAL VESSEL.—The term ''recreational vessel'' has the meaning given that term in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

(27) RENDER NONVIABLE.—The term ''render nonviable'' means, with respect to organisms in ballast water, the action of a ballast water management system that leaves such organisms permanently incapable of reproduction following treatment.

(28) SALTWATER FLUSH.—The term ''saltwater flush''—

(A) means—

(i) the addition of as much mid-ocean water into each empty ballast tank of a commercial vessel as is safe for such vessel and crew and the mixing of the flushwater with residual water and sediment through the motion of such vessel; and

(ii) the discharge of the mixed water, such that the resultant residual water remaining in the tank has the highest salinity possible, and is at least 30 parts per thousand; and

(B) may require more than one fill-mix-empty sequence, particularly if only small amounts of water can be safely taken onboard the commercial vessel at one time.

(29) SECRETARY.—Except as otherwise specified, the term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

(30) SMALL VESSEL GENERAL PERMIT.—The term ''Small Vessel General Permit'' means the ''Final National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Incidental to the Normal Operation of a Small Vessel'' noticed in the Federal Register on September 10, 2014 (79 Fed. Reg. 53702)

SEC. ___03. TREATMENT OF EXISTING BALLAST WATER REGULATIONS.

(a) EFFECT ON EXISTING REGULATIONS.—Any regulation issued pursuant to the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) that is in effect on the day before the date of the enactment of this Act, and that relates to a matter subject to regulation under this title, shall remain in full force and effect unless or until superseded by a new regulation issued under this title relating to such matter.

(b) APPLICATION OF OTHER REGULATIONS.—

(1) IN GENERAL.—The regulations issued pursuant to the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) relating to sanctions for violating a regulation under that Act shall apply to violations of a regulation issued under this title.

(2) PENALTIES.—The penalties for violations described in paragraph (1) shall increase consistent with inflation.

SEC. ___04. BALLAST WATER DISCHARGE REQUIREMENTS.

(a) IN GENERAL.—

(1) REQUIREMENTS.—Except as provided in paragraph (7), and subject to sections 151.2035 and 151.2036 of title 33, Code of Federal Regulations (as in effect on the date of the enactment of this Act), an owner or operator may discharge ballast water into navigable waters of the United States from a commercial vessel covered under subsection (b) only if the owner or operator discharges the ballast water in accordance with requirements established by this title or the Secretary.

(2) COMMERCIAL VESSELS ENTERING THE GREAT LAKES SYSTEM.—If a commercial vessel enters the Great Lakes through the mouth of the Saint Lawrence River, the owner or operator shall—

(A) comply with the applicable requirements of—

(i) paragraph (1);

(ii) subpart C of part 151 of title 33, Code of Federal Regulations (or similar successor regulations); and

(iii) section 401.30 of such title (or similar successor regulations); and

(B) after operating—

(i) outside the exclusive economic zone of the United States or Canada, conduct a complete ballast water exchange in an area that is 200 nautical miles or more from any shore before the owner or operator may discharge ballast water while operating in the Saint Lawrence River or the Great Lakes, subject to any requirements the Secretary determines necessary with regard to such exchange or any ballast water management system that is to be used in conjunction with such exchange, to ensure that any discharge of ballast water complies with the requirements under paragraph (1); or

(ii) exclusively within the territorial waters or exclusive economic zone of the United States or Canada, conduct a complete ballast water exchange outside the Saint Lawrence River and the Great Lakes in an area that is 50 nautical miles or more from any shore before the owner or operator may discharge ballast water while operating in the Saint Lawrence River or the Great Lakes, subject to any requirements the Secretary determines necessary with regard to such exchange or any ballast water management system that is to be used in conjunction with such exchange, to ensure that any discharge of ballast water complies with the requirements under paragraph (1), unless traveling 50 nautical miles or more from shore would compromise commercial vessel safety or is otherwise prohibited by any domestic or international regulation.

(3) COMMERCIAL VESSELS OPERATING WITHIN THE PACIFIC COAST REGION.—

(A) IN GENERAL.—Except as provided in subparagraph (C) and paragraph (6), the owner or operator of a commercial vessel described in subparagraph (B) shall conduct a complete ballast water exchange in waters more than 50 nautical miles from shore.

(B) COMMERCIAL VESSEL DESCRIBED.—A commercial vessel described in this subparagraph is a commercial vessel—

(i) operating between 2 ports or places of destination within the Pacific Coast Region; or

(ii) operating between 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 20 degrees north latitude, inclusive of the Gulf of California.

(C) EXEMPTIONS.—Subparagraph (A) shall not apply to the following:

(i) A commercial vessel voyaging between or to a port or place of destination in the State of Washington, if the ballast water to be discharged from such vessel originated solely from waters located between the parallel 43 degrees, 32 minutes 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.

(ii) A commercial vessel voyaging between ports or places of destination in the States of Washington and Oregon if the ballast water to be discharged from such vessel originated solely from waters located between the parallel 40 degrees north latitude and the parallel 50 degrees north latitude.

(iii) A commercial vessel voyaging 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 any ballast water to be discharged from such vessel originated solely from ports or places within such area.

(iv) A commercial vessel voyaging between the Port of Los Angeles, the Port of Long Beach, and the El Segundo offshore marine oil terminal if any ballast water to be discharged from such vessel originated solely from the Port of Los Angeles, the Port of Long Beach, or the El Segundo offshore marine oil terminal.

(v) A commercial vessel voyaging between a port or place in the State of Alaska within a single Captain of the Port Zone.

(4) EMPTY BALLAST TANKS.—

(A) REQUIREMENTS.—Except as provided in subparagraph (B) and paragraph (6), the owner or operator of a commercial vessel with empty ballast tanks shall conduct a saltwater flush—

(i) at least 200 nautical miles from any shore for voyages originating outside the United States or Canadian exclusive economic zone; or

(ii) at least 50 nautical miles from any shore for voyages within the Pacific Coast Region.

(B) EXCEPTION.—The requirements of subparagraph (A) shall not apply—

(i) if a ballast tank's unpumpable residual waters and sediments were subject to a saltwater flush, ballast water exchange, or treatment through a ballast water management system; or

(ii) unless otherwise required under this title, if the ballast tank's unpumpable residual waters and sediments were sourced within the same port or place of destination, or Captain of the Port Zone.

(5) LOW SALINITY BALLAST WATER.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (6), owners or operators of commercial vessels that transport ballast water sourced from waters with a measured salinity of less than 18 parts per thousand, except as provided by a public or commercial source under subsection (b)(2)(C), and voyage to a Pacific Coast Region port or place of destination that has a measured salinity of less than 18 parts per thousand shall conduct a complete ballast water exchange—

(i) more than 50 nautical miles from shore if the ballast water was sourced from a Pacific Coast Region port or place of destination; or

(ii) more than 200 nautical miles from shore if the ballast water was not sourced from a Pacific Coast Region port or place of destination.

(B) EXCEPTION.—The requirements of subparagraph (A) shall not apply to a commercial vessel that has a ballast water management system approved for treating freshwater at concentrations prescribed in section ___06(a)(1)(A) or that retains all of its ballast water.

(6) EXEMPTED VESSELS.—

(A) IN GENERAL.—The requirements of paragraphs (3), (4), and (5) shall not apply to a commercial vessel if—

(i) complying with such requirements would compromise the safety of the commercial vessel;

(ii) design limitations of the commercial vessel prevent ballast water exchange or saltwater flush from being conducted;

(iii) the commercial vessel is certified by the Secretary as having no residual ballast water or sediments on board or retains all its ballast water while in waters subject to such requirements; or

(iv) empty ballast tanks on the commercial vessel are sealed and certified by the Secretary so there is no discharge or uptake and subsequent discharge of ballast waters subject to such requirements.

(B) ADDITIONAL EXEMPTIONS.—The requirements of paragraphs (3) and (4) shall not apply to a commercial vessel if the commercial vessel uses a method of ballast water management approved by the Coast Guard under section ____05 of this title or subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations).

(7) SAFETY EXEMPTION.—Notwithstanding paragraphs (1) through (6), an owner or operator of a commercial vessel may discharge ballast water into navigable waters of the United States from a commercial vessel if—

(A) the ballast water is discharged solely to ensure the safety of life at sea;

(B) the ballast water is discharged accidentally as the result of damage to the commercial vessel or its equipment and—

(i) all reasonable precautions to prevent or minimize the discharge have been taken; and

(ii) the owner or operator did not willfully or recklessly cause such damage; or

(C) the ballast water is discharged solely for the purpose of avoiding or minimizing a discharge from the commercial vessel of a pollutant that would violate a Federal or State law.

(8) LOGBOOK REQUIREMENTS.—Section 11301(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(13) when a commercial vessel does not carry out ballast water management requirements as applicable and pursuant to regulations promulgated and issued by the Secretary, including when such a vessel fails to carry out ballast water management requirements due to an allowed safety exemption, a statement about the failure to comply and the circumstances under which the failure occurred, made immediately after when practicable to do so.''.

(9) LIMITATION OF REQUIREMENTS.—In establishing requirements under this subsection, the Secretary may not require the installation of a ballast water management system on a commercial vessel that—

(A) carries all of its ballast water in sealed tanks that—

(i) are not subject to discharge;

(ii) have been certified by the Secretary; and

(iii) have been noted in the commercial vessel logbook; or

(B) discharges ballast water solely into a reception facility described in subsection (d).

(b) APPLICABILITY.—

(1) COVERED VESSELS.—Except as provided in paragraphs (2) and (3), subsection (a) shall apply to any commercial vessel that is designed, constructed, or adapted to carry ballast water while such commercial vessel is operating in navigable waters of the United States.

(2) EXEMPTED VESSELS.—Subsection (a) shall not apply to a commercial vessel—

(A) that continuously takes on and discharges ballast water in a flow-through system, if such system does not introduce aquatic nuisance species into navigable waters of the United States, as determined by the Secretary;

(B) in the National Defense Reserve Fleet that is scheduled for disposal, if the vessel does not have ballast water management systems or the ballast water management systems of the vessel are inoperable;

(C) that discharges ballast water consisting solely of water taken aboard from a public or commercial source that, at the time the water is taken aboard, meets the applicable regulations or permit requirements for such source under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(D) in an alternative compliance program established pursuant to subsection (c);

(E) that carries all of its permanent ballast water in sealed tanks that are not subject to discharge; or

(F) uses other liquid or material as ballast and does not discharge ballast overboard.

(3) VESSELS OPERATING EXCLUSIVELY WITHIN THE GREAT LAKES AND SAINT LAWRENCE RIVER.—

(A) IN GENERAL.—A commercial vessel that operates exclusively within the Great Lakes and Saint Lawrence River shall be subject to subsection (a).

(B) TRANSITION.—Notwithstanding subparagraph (A), a commercial vessel that operates exclusively within the Great Lakes and Saint Lawrence River that is not required to comply with the ballast water discharge standard on the day before the date of enactment of this Act shall transition into compliance with subsection (a) under the special rules established in subparagraph (C) of this subsection:

(C) SPECIAL RULES.—The Secretary shall require a class of commercial vessels described in subparagraph (B) of this subsection to comply with subsection (a) only if the Secretary—

(i) approves a ballast water management system for such class of commercial vessels under section ____05 of this title or subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulation);

(ii) determines that such ballast water management system meets the operationally practicable criteria described in section ____06 with respect to such class of commercial vessels complying with the ballast water discharge standard;

(iii) determines that requiring such class of commercial vessels to comply with the ballast water discharge standard is operationally practicable for such class of commercial vessels; and

(iv) in coordination with the Administrator, conducts a probabilistic assessment of the benefits to the environment and the costs to industry of compliance with subsection (a) by such class of commercial vessels and determines that such benefits exceed such costs.

(D) RECONSIDERATION.—If the Secretary determines under subparagraph (C)(iv) that such benefits do not exceed such costs, the Secretary, in coordination with the Administrator, shall reconsider the determination of the Secretary under that subparagraph—

(i) if a petition is received from a Governor of a Great Lakes State that—

(I) includes new data or science not considered during such determination; and

(II) is submitted not less than 1 year after the date of such determination; or

(ii) not later than 5 years after the date of such determination.

(E) COMPLIANCE DEADLINE.—A class of commercial vessels that is required by the Secretary to comply with subsection (a) under the special rules established by subparagraph (C) of this subsection shall comply with the ballast water discharge standard—

(i) after completion of the first scheduled vessel dry docking that commences on or after the date that is 3 years after the date that the Secretary requires compliance under subparagraph (C), for a vessel built on or before the date that is 3 years after date the Secretary terminates such exemption; or

(ii) upon entry into the navigable waters of the United States for a vessel that is built after the date that is 3 years after the date the Secretary requires compliance under subparagraph (C) for such class of vessels.

(F) REPORT.—Not less than 60 days after a determination by the Secretary under subparagraph (C)(iv), the Secretary shall provide a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives describing how the costs were considered in the assessment required by that subparagraph.

(c) RECEPTION FACILITIES; TRANSFER STANDARDS.—The Secretary, in coordination with the Administrator, may promulgate standards for the arrangements necessary on a vessel to transfer ballast water to a facility.

SEC. ____05. APPROVAL OF BALLAST WATER MANAGEMENT SYSTEMS.

(a) BALLAST WATER MANAGEMENT SYSTEMS THAT RENDER ORGANISMS NONVIABLE.—Notwithstanding chapter 5 of title 5, United States Code, part 151 of title 33, Code of Federal Regulations (or similar successor regulations), and part 162 of title 46, Code of Federal Regulations (or similar successor regulations), a ballast water management system that renders nonviable organisms in ballast water at the concentrations prescribed in the ballast water discharge standard shall be approved by the Secretary, if—

(1) such system—

(A) undergoes type approval testing at an independent laboratory designated by the Secretary under such regulations; and

(B) meets the requirements of subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations), other than the requirements related to staining methods or measuring the concentration of living organisms; and

(2) such laboratory uses a testing method described in a final policy letter published under subsection (c)(3).

(b) PROHIBITION ON BIOCIDES.—The Secretary shall not approve a ballast water management system under subsection (a) or subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations), if such system—

(1) uses a biocide or generates a biocide that is a pesticide, as defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136), unless the biocide is registered under that Act or the Administrator has approved the use of the biocide in such ballast water management system; or

(2) uses or generates a biocide the discharge of which causes or contributes to a violation of a water quality standard under section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313).

(c) APPROVAL TESTING METHODS.—

(1) DRAFT POLICY.—Not later than 60 days after the date of the enactment of this Act, 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 that may be used in addition to the methods established in subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations)—

(A) to measure the concentration of organisms in ballast water that are capable of reproduction;

(B) to certify the performance of each ballast water management system under this section; and

(C) to certify laboratories to evaluate such treatment technologies.

(2) PUBLIC COMMENT.—The Secretary shall provide for a period of not more than 60 days for the public to comment on the draft policy letter published under paragraph (1).

(3) FINAL POLICY.—

(A) IN GENERAL.—Not later than 150 days after the date of the enactment of this Act, the Secretary, in coordination with the Administrator, shall publish a final policy letter describing type approval testing methods for ballast water management systems capable of 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 in subpart 162.060 of title 46, Code of Federal Regulations (or similar successor regulations).

(B) REVISIONS.—The Secretary shall revise the final policy letter published under subparagraph (A) as additional testing methods are determined by the Secretary, in coordination with the Administrator, to be capable of measuring the concentration of organisms in ballast water that are capable of reproduction.

(C) CONSIDERATIONS.—In developing a policy letter under this paragraph, the Secretary, in coordination with the Administrator—

(i) shall consider 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 consider a testing method that relies on a staining method that measures the concentration of organisms greater than or equal to 10 micrometers and organisms less than or equal to 50 micrometers.

SEC. ___06. REVIEW AND RAISING OF BALLAST WATER DISCHARGE STANDARD.

(a) STRINGENCY REVIEWS.—

(1) SIX-YEAR REVIEW.—

(A) IN GENERAL.—Not later than January 1, 2024, and subject to petitions for review under paragraph (3), the Secretary, in concurrence with the Administrator, shall complete a review to determine whether, based on the application of the best available technology economically achievable and operationally practicable, the ballast water discharge standard can be revised such that ballast water discharged in the normal operation of a vessel contains—

(i) less than 1 organism that is living or has not been rendered nonviable per 10 cubic meters that is 50 or more micrometers in minimum dimension;

(ii) less than 1 organism that is living or has not been rendered nonviable per 10 milliliters that is less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

(iii) concentrations of indicator microbes that are less than—

(I) 1 colony-forming unit of toxicogenic Vibrio cholera (serotypes O1 and O139) per 100 milliliters or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

(II) 126 colony-forming units of escherichia coli per 100 milliliters; and

(III) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

(iv) concentrations of such additional indicator microbes and of viruses as may be specified in regulations issued by the Secretary, in consultation with the Administrator and such other Federal agencies as the Secretary and the Administrator consider appropriate.

(B) ALTERNATIVE REVISED STANDARD.—If the Secretary, in concurrence with the Administrator, finds—

(i) that the ballast water discharge standard cannot be revised to reflect the level of stringency set forth in subparagraph (A), the Secretary, in concurrence with the Administrator, shall determine whether the application of the best available technology economically achievable and operationally practicable would result in a reduction of the risk of introduction or establishment of aquatic nuisance species such that the ballast water discharge standard can be revised to be more stringent than the standard set forth in section 151.2030 or 151.1511 of title 33, Code of Federal Regulations, as in effect on the date of the enactment of this Act; or

(ii) that the application of best available technology economically achievable and operationally practicable would result in a reduction of the risk of introduction or establishment of aquatic nuisance species such that the ballast water discharge standard can be revised to be more stringent than the standard under subparagraph (A) with respect to a class of vessels, the Secretary, in concurrence with the Administrator, shall determine which revisions to the ballast water discharge standard shall be made for that class of vessels to incorporate such more stringent standard.

(C) OPERATIONALLY PRACTICABLE.—In determining operational practicability under this subsection, the Secretary, in concurrence with the Administrator, shall consider—

(i) whether a ballast water management system is—

(I) effective and reliable in the shipboard environment;

(II) compatible with the design and operation of a commercial vessel by class, type, and size;

(III) commercially available; and

(IV) safe;

(ii) whether testing protocols can be practicably implemented that can assure accurate measurement of compliance with the ballast water discharge standard as proposed to be revised; and

(iii) other criteria that the Secretary, in concurrence with Administrator, considers appropriate.

(2) TEN-YEAR REVIEWS.—Not later than January 1, 2034, not less frequently than every 10 years thereafter, and subject to petitions for review under paragraph (3), the Secretary, in concurrence with the Administrator, shall conduct a review to determine whether the application of the best available technology economically achievable and operationally practicable as described in paragraph (1)(C) results in a reduction in the risk of the introduction or establishment of aquatic nuisance species such that the ballast water discharge standard can be revised to be more stringent.

(3) STATE PETITIONS FOR REVIEW.—

(A) IN GENERAL.—The Governor of a State may submit a petition requesting the Secretary to conduct a review under paragraph (1) or (2) if there is new information that could reasonably indicate the ballast water discharge standard could be made more stringent to reduce the risk of the introduction or establishment of aquatic nuisance species.

(B) TIMING.—A Governor may not submit a petition under subparagraph (A) during the 1-year period following the date of completion of a review under paragraph (1) or (2).

(C) REQUIRED INFORMATION.—A petition submitted to the Secretary under subparagraph (A) shall include—

(i) a proposed ballast water discharge standard that would result in a reduction in the risk of the introduction or establishment of aquatic nuisance species;

(ii) information regarding any ballast water management systems that may achieve the proposed ballast water discharge standard;

(iii) the scientific and technical information on which the petition is based, including a description of the risk reduction that would result from the proposed ballast water discharge standard included under clause (i); and

(iv) any additional information the Secretary considers appropriate.

(D) PUBLIC AVAILABILITY.—Upon receiving a petition under subparagraph (A), the Secretary shall make publicly available a copy of the petition, including the information included under subparagraph (C).

(E) TREATMENT OF MORE THAN ONE PETITION AS A SINGLE PETITION.—The Secretary may treat more than one petition submitted under subparagraph (A) as a single such petition.

(F) AUTHORITY TO REVIEW.—After receiving a petition that meets the requirements of this paragraph, the Secretary, in concurrence with the Administrator, may conduct a review under paragraph (1) or (2) as the Secretary, in concurrence with the Administrator, determines appropriate.

(4) ISSUANCE OF REVISED BALLAST WATER DISCHARGE STANDARD.—The Secretary shall issue a rule to revise the ballast water discharge standard if the Secretary, in concurrence with the Administrator, determines on the basis of the review under paragraph (1) or (2) that—

(A) a ballast water management system that is capable of achieving the ballast water discharge standard as proposed to be revised is the best available technology economically achievable and operationally practicable; and

(B) testing protocols can be practicably implemented that can assure accurate measurement of compliance with the ballast water discharge standard as proposed to be revised.

(5) REQUIREMENT.—Any revised ballast water discharge standard issued in the rule under paragraph (4) shall be more stringent than the ballast water discharge standard it replaces.

(6) STANDARD NOT REVISED.—If the Secretary, in concurrence with the Administrator, determines that the requirements of this subsection have not been satisfied, the Secretary shall publish a description of how such determination was made.

(b) REVISED BALLAST WATER DISCHARGE STANDARD EFFECTIVE DATE AND COMPLIANCE DEADLINE.—

(1) IN GENERAL.—If the Secretary issues a rule to revise the ballast water discharge standard under subsection (a), the Secretary shall include in such rule—

(A) an effective date for the revised ballast discharge standard that is 3 years after the date on which such rule is published in the Federal Register; and

(B) for the owner or operator of a commercial vessel that is constructed or completes a major conversion on or after the date that is 3 years after the date on which such rule is published in the Federal Register, a deadline to comply with the revised ballast water discharge standard that is the first day on which such commercial vessel operates in navigable waters of the United States.

(2) VESSEL SPECIFIC COMPLIANCE DEADLINES.—The Secretary may establish a deadline for compliance by a commercial vessel (or a class, type, or size of commercial vessel) with a revised ballast water discharge standard that is different than the general deadline established under paragraph (1).

(3) EXTENSIONS.—The Secretary shall establish a process for an owner or operator to submit an application to the Secretary for an extension of a compliance deadline established under paragraphs (1) and (2).

(4) APPLICATION FOR EXTENSION.—An owner or operator shall submit an application for an extension under paragraph (3) not less than 90 days prior to the applicable compliance deadline established under paragraph (1) or (2).

(5) FACTORS.—In reviewing an application under this subsection, the Secretary shall consider, with respect to the ability of an owner or operator to meet a compliance deadline—

(A) whether the ballast water management system to be installed, if applicable, is available in sufficient quantities to meet the compliance deadline;

(B) whether there is sufficient shipyard or other installation facility capacity;

(C) whether there is sufficient availability of engineering and design resources;

(D) commercial vessel characteristics, such as engine room size, layout, or a lack of installed piping;

(E) electric power generating capacity aboard the commercial vessel;

(F) the safety of the commercial vessel and crew; and

(G) any other factor that the Secretary determines appropriate.

(6) CONSIDERATION OF EXTENSIONS.—

(A) DETERMINATIONS.—The Secretary shall approve or deny an application for an extension of a compliance deadline submitted by an owner or operator under this subsection.

(B) DEADLINE.—The Secretary shall—

(i) acknowledge receipt of an application for an extension submitted under paragraph (4) not later than 30 days after the date of receipt of the application; and

(ii) to the extent practicable, approve or deny such an application not later than 90 days after the date of receipt of the application.

(C) FAILURE TO REVIEW.—If the Secretary does not approve or deny an application described in subparagraph (A) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be conditionally approved.

(7) PERIOD OF EXTENSIONS.—An extension granted to an owner or operator under paragraph (3)—

(A) may be granted for an initial period of not more than 18 months;

(B) may be renewed for additional periods of not more than 18 months each; and

(C) may not be in effect for a total of more than 5 years.

(8) PERIOD OF USE OF INSTALLED BALLAST WATER MANAGEMENT SYSTEM.—

(A) IN GENERAL.—Subject to subparagraph (B), an owner or operator shall be considered to be in compliance with the ballast water discharge standard if—

(i) the ballast water management system installed on the commercial vessel complies with the ballast water discharge standard in effect at the time of installation, notwithstanding any revisions to the ballast water discharge standard occurring after the installation;

(ii) the ballast water management system is maintained in proper working condition, as determined by the Secretary;

(iii) the ballast water management system is maintained and used in accordance with the manufacturer's specifications; and

(iv) the ballast water management system continues to meet the ballast water discharge standard applicable to the commercial vessel at the time of installation, as determined by the Secretary.

(B) LIMITATION.—Subparagraph (A) shall cease to apply with respect to a commercial vessel after—

(i) the expiration of the service life of the ballast water management system of the commercial vessel, as determined by the Secretary;

(ii) the expiration of the service life of the commercial vessel, as determined by the Secretary; or

(iii) the completion of a major conversion of the commercial vessel.

SEC. ___07. NATIONAL BALLAST INFORMATION CLEARINGHOUSE.

Subsection (f) of section 1102 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4712(f)) is amended to read as follows:

''(f) NATIONAL BALLAST INFORMATION CLEARINGHOUSE.—

''(1) IN GENERAL.—The Secretary shall develop and maintain, in consultation and cooperation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), a National Ballast Information Clearinghouse of national data concerning—

''(A) ballasting practices;

''(B) compliance with the guidelines issued pursuant to section 1101(c); and

''(C) any other information obtained by the Task Force pursuant to subsection (b).

''(2) BALLAST WATER REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—The owner or operator of a commercial vessel subject to this title shall submit the current ballast water management report form approved by the Office of Management and Budget (OMB 1625–0069 or a subsequent form) to the National Ballast Information Clearinghouse not later than 6 hours after the arrival of such vessel at a United States port or place, unless such vessel is operating exclusively on a voyage between ports or places within a single Captain of the Port Zone.

''(B) MULTIPLE DISCHARGES WITHIN A SINGLE PORT.—The owner or operator of a commercial vessel subject to this title may submit a single report under subparagraph (A) for multiple ballast water discharges within a single port during the same voyage.

''(C) ADVANCED REPORT TO STATES.—A State may require the owner or operator of a commercial vessel subject to this title to submit directly to the State a ballast water management report form—

''(i) not later than 24 hours prior to arrival at a United States port or place of destination if the voyage of such vessel is anticipated to exceed 24 hours; or

''(ii) before departing the port or place of departure if the voyage of such vessel is not anticipated to exceed 24 hours.

''(3) COMMERCIAL VESSEL REPORTING DATA.—

''(A) DISSEMINATION TO STATES.—Upon receiving submission of a ballast water management report required under paragraph (2), the National Ballast Information Clearinghouse shall—

''(i) in the case of forms submitted electronically, immediately disseminate the report to interested States; or

''(ii) in the case of forms submitted by means other than electronically, disseminate the report to interested States as soon as practicable.

''(B) AVAILABILITY TO THE PUBLIC.—Not later than 30 days after the date of the receipt of a ballast water management report required under paragraph (2), the National Ballast Information Clearinghouse shall make the data in such report fully and readily available to the public in searchable and fully retrievable electronic formats.

''(4) REPORT.—In consultation and cooperation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), the Secretary shall prepare and submit to the Task Force and the appropriate committees of Congress and make available to the public, on a biennial basis not later than 180 days from the end of each odd numbered calendar year, a report that synthesizes and analyzes the data referred to in paragraph (1) for the previous 2 years to evaluate nationwide status and trends relating to—

''(A) ballast water delivery and management; and

''(B) invasions of aquatic nuisance species resulting from ballast water.

''(5) WORKING GROUP.—Not later than 1 year after the date of the enactment of the Vessel Incidental Discharge Act, the Secretary shall establish a working group that includes 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.

''(6) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term 'appropriate committees of Congress' means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.''.

SEC. ___08. REQUIREMENTS FOR DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.

(a) MANAGEMENT OF INCIDENTAL DISCHARGE FOR COMMERCIAL VESSELS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary, in concurrence with the Administrator and in consultation with the States, shall publish a final rule in the Federal Register that establishes best management practices for discharges incidental to the normal operation of a commercial vessel for commercial vessels that—

(A) are greater than or equal to 79 feet in length;

(B) are not fishing vessels, including fish processing vessels and fish tender vessels (as such terms are defined in section 2101 of title 46, United States Code); and

(C) are not subject to the best management practices required under section ___09.

(2) ELEMENTS.—The best management practices established under paragraph (1) shall—

(A) mitigate the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel and aquatic invasive species;

(B) use marine pollution control devices when appropriate;

(C) be economically achievable and operationally practicable; and

(D) not compromise the safety of a commercial vessel.

(3) IMPLEMENTATION.—The Secretary shall implement the best management practices established by final rule under paragraph (1) not later than 60 days after the date on which the final rule is published in the Federal Register as required under such paragraph.

(b) TRANSITION.—

(1) IN GENERAL.—Except as provided in section ___09(c) and notwithstanding the expiration date for the General Permit, any practice, limitation, or concentration applicable to any discharge incidental to the normal operation of a commercial vessel that is required by the General Permit on the date of the enactment of this Act, and any reporting requirement required by the General Permit on such date of enactment, shall remain in effect until the implementation date under subsection (a)(3).

(2) PART 6 CONDITIONS.—Except as provided in section ___09(c) and notwithstanding

paragraph (1) and any other provision of law, the terms and conditions of Part 6 of the General Permit (relating to specific requirements for individual States or Indian country lands) shall expire on the implementation date under subsection (a)(3).

(c) APPLICATION TO CERTAIN VESSELS.—

(1) APPLICATION OF FEDERAL WATER POLLUTION CONTROL ACT.—No permit shall be required under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) or prohibition enforced under any other provision of law for, nor shall any best management practice regarding a discharge incidental to the normal operation of a commercial vessel under this title apply to, a discharge incidental to the normal operation of a commercial vessel if the commercial vessel—

(A) is less than 79 feet in length; or

(B) is a fishing vessel, including a fish processing vessel or fish tender vessel (as such terms are defined in section 2101 of title 46, United States Code).

(2) APPLICATION OF GENERAL PERMIT AND SMALL VESSEL GENERAL PERMIT.—The terms and conditions of the General Permit and the Small Vessel General Permit shall cease to apply to vessels described in subparagraphs (A) and (B) of paragraph (1) on and after the date of the enactment of this Act.

(d) REVIEW AND REVISION.—The Secretary, in concurrence with the Administrator and in consultation with the States, shall—

(1) review the practices and standards established under subsection (a) not less frequently than once every 10 years; and

(2) revise such practices consistent with the elements described in paragraph (2) of such subsection.

(e) STATE PETITION FOR REVISION OF BEST MANAGEMENT PRACTICES.—

(1) IN GENERAL.—The Governor of a State may submit a petition to the Secretary requesting that the Secretary, in concurrence with the Administrator, revise a best management practice established under subsection (a) if there is new information that could reasonably indicate that—

(A) revising the best management practice would—

(i) mitigate the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel or from aquatic invasive species; and

(ii) reduce the adverse effects on navigable waters of the United States of discharges incidental to the normal operation of a commercial vessel; and

(B) the revised best management practice would be economically achievable and operationally practicable.

(2) REQUIRED INFORMATION.—A petition submitted to the Secretary under paragraph (1) shall include—

(A) the scientific and technical information on which the petition is based; and

(B) any additional information the Secretary and Administrator consider appropriate.

(3) PUBLIC AVAILABILITY.—Upon receiving a petition under paragraph (1), the Secretary shall make publicly available a copy of the petition, including the information included under paragraph (2).

(4) TREATMENT OF MORE THAN ONE PETITION AS A SINGLE PETITION.—The Secretary may treat more than one petition submitted under paragraph (1) as a single petition.

(5) REVISION OF BEST MANAGEMENT PRACTICES.—If, after reviewing a petition submitted by a Governor under paragraph (1), the Secretary, in concurrence with the Administrator, determines that revising a best management practice would mitigate the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel or from aquatic invasive species, the Secretary, in concurrence with the Administrator and in consultation with the States, shall revise such practice consistent with the elements described in subsection (a)(2).

(f) REPEAL OF NO PERMIT REQUIREMENT.—Public Law 110–299 (33 U.S.C. 1342 note) is amended by striking section 2.

SEC. ___09. BEST MANAGEMENT PRACTICES FOR GREAT LAKES VESSELS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in concurrence with the Administrator, shall publish a final rule in the Federal Register that establishes best management practices for—

(1) ballast water for commercial vessels operating in navigable waters of the United States within the Great Lakes and Saint Lawrence River; and

(2) discharges incidental to the normal operation of a commercial vessel in navigable waters of the United States for commercial vessels operating in the Great Lakes and Saint Lawrence River that—

(A) are greater than or equal to 79 feet in length; and

(B) are not fishing vessels, including fish processing vessels and fish tender vessels (as such terms are defined in section 2101 of title 46, United States Code).

(b) ELEMENTS.—The Secretary, in concurrence with the Administrator and in consultation with the Governors of the Great Lakes States and the owners or operators of commercial vessels described in subsection (a), shall ensure that the best management practices established under subsection (a)—

(1) mitigate the adverse impacts on the marine environment from discharges incidental to the normal operation of a commercial vessel and aquatic invasive species;

(2) use marine pollution control devices when appropriate;

(3) are economically achievable and operationally practicable;

(4) do not compromise the safety of a commercial vessel; and

(5) to the extent possible, apply consistently to all navigable waters of the United States within the Great Lakes and Saint Lawrence River.

(c) TRANSITION.—

(1) IN GENERAL.—Notwithstanding the expiration date for the General Permit and to the extent to which they do not conflict with section ____04(b), the following best management practices applicable to commercial vessels described in subsection (a) shall remain in effect until the date on which the best management practices described in such subsection are implemented under subsection (g)(1):

(A) Best management practices required by Part 2 of the General Permit.

(B) Such other practices as required by the Secretary.

(2) PART 6 BEST MANAGEMENT PRACTICES.—Notwithstanding the expiration date for the General Permit and to the extent to which they do not conflict with section ____04(b), the best management practices described by the sections in Part 6 of the General Permit applicable to the Great Lakes States that are applicable to commercial vessels described in subsection (a) shall expire on the date on which the best management practices described in subsection (a) are implemented under subsection (g)(1).

(d) OUTREACH.—The Secretary shall solicit recommendations and information from the Great Lakes States, Indian Tribes, owners and operators of vessels described in subsection (a), and other persons that the Secretary considers appropriate in developing best management practices under subsection (a).

(e) REVIEW AND REVISION OF BEST PRACTICES.—Not less frequently than once every 5 years, the Secretary, in coordination with the Administrator, shall review the best management practices established under subsection (a) and revise such practices by rule published in the Federal Register consistent with subsections (b) and (d).

(f) REVISED PRACTICES BY STATE PETITION.—

(1) IN GENERAL.—The Governor of a Great Lakes State may petition the Secretary to revise the best management practices established under subsection (a), including by employing additional best management practices, consistent with the elements described in subsection (b), to address new and emerging aquatic nuisance species or pollution threats, implement more effective practices, or update guidelines to harmonize requirements on owners and operators of commercial vessels described in subsection (a).

(2) DETERMINATION.—

(A) IN GENERAL.—Not later than 180 days after receiving a petition under paragraph (1), the Secretary, in coordination with the Administrator, shall determine which, if any, best management practices included in such petition shall be required of commercial vessels described in subsection (a).

(B) CONSULTATION.—The Secretary shall consult with the Governors of other Great Lakes States and owners or operators of commercial vessels that would be subject to best management practices pursuant to paragraph (1) before making a determination under subparagraph (A).

(3) TREATMENT OF PETITION.—The Secretary may treat more than one petition submitted under paragraph (1) as a single petition.

(4) PUBLIC AVAILABILITY.—The Secretary shall make publicly available a petition and any supporting documentation submitted under paragraph (1) for not less than 60 days prior to approving or disapproving such petition.

(g) IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary shall implement the best management practices established by final rule under subsection (a) not later than 60 days after the date on which the final rule is published in the Federal Register as required by such subsection.

(2) IMPLEMENTATION OF PRACTICES BY STATE PETITION.—Not later than 90 days after making a determination under subsection (f)(2), the Secretary shall, by rule published in the Federal Register, require commercial vessels that would be subject to the revised best management practices described in such subsection to implement such practices.

(h) EMERGENCY BEST MANAGEMENT PRACTICES.—The Secretary, in concurrence with the Administrator, may establish emergency best management practices if the Secretary, in concurrence with the Administrator, determines that such emergency best management practices are necessary to reduce the risk of introduction or establishment of aquatic nuisance species.

(i) PUBLIC AVAILABILITY.—The Secretary shall make publicly available any determination made under this section.

SEC. ___10. JUDICIAL REVIEW.

(a) IN GENERAL.—A person may file a petition for review of a final rule or a final agency action issued under this title in the United States Court of Appeals for the District of Columbia Circuit.

(b) DEADLINE.—

(1) IN GENERAL.—A petition shall be filed under this section not later than 120 days after the date on which the final rule to be reviewed is published in the Federal Register or the final agency action is issued, as the case may be.

(2) EXCEPTION.—Notwithstanding paragraph (1), a petition that is based solely on grounds that arise after the deadline to file

a petition under paragraph (1) has passed may be filed not later than 120 days after the date on which such grounds first arise.

SEC. ___11. STATE ENFORCEMENT.

(a) STATE AUTHORITIES.—

(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).

(b) FEES.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), a State that assesses a permit fee, inspection fee, or other fee related to the regulation of ballast water or a discharge incidental to the normal operation of a commercial vessel before the date of the enactment of this Act may assess a fee to cover the costs of program administration, inspection, and enforcement activities by the State.

(2) MAXIMUM FEE.—Except as provided in paragraph (3), a State may assess a fee under this subsection of not more than $1,000 per qualifying voyage to the owner or operator of a commercial vessel arriving at a port or place of destination in the State.

(3) COMMERCIAL VESSELS ENGAGED IN COASTWISE TRADE.—A State may not assess more than $5,000 in fees per vessel each year to the owner or operator of a commercial vessel registered under the laws of the United States and lawfully engaged in the coastwise trade.

(4) ADJUSTMENT FOR INFLATION.—A State may adjust a fee authorized by this subsection 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.

(5) QUALIFYING VOYAGE.—In this subsection, the term ''qualifying voyage'' means a vessel arrival at a port or place of destination in a State by a commercial vessel that has operated outside of that State and excludes movement entirely within a single port or place of destination.

(c) EFFECT ON STATE AUTHORITY.—Except as provided in subsection (a) and as necessary to implement an agreement entered into under such subsection, no State or political subdivision thereof may adopt or enforce any statute, regulation, or other requirement of the State or political subdivision with respect to—

(1) a discharge into navigable waters of the United States from a commercial vessel of ballast water; or

(2) a discharge into navigable waters of the United States incidental to the normal operation of a commercial vessel.

(d) PRESERVATION OF AUTHORITY.—Nothing in this title may be construed as affecting the authority of a State or political subdivision thereof to adopt or enforce any statute, regulation, or other requirement with respect to any water or other substance discharged or emitted from a vessel in preparation for transport of the vessel by land from one body of water to another body of water.

SEC. ___12. EFFECT ON OTHER LAWS.

(a) APPLICATION OF FEDERAL WATER POLLUTION CONTROL ACT.—

(1) IN GENERAL.—Except as provided in sections ___08(b) and ___09(c) of this title, or in section 159.309 of title 33, Code of Federal Regulations (or similar successor regulations), on and after the date of the enactment of this Act, section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) shall not apply to a discharge into navigable waters of the United States of ballast water from a commercial vessel or a discharge incidental to the normal operation of a commercial vessel.

(2) OIL AND HAZARDOUS SUBSTANCE LIABILITY; MARINE SANITATION DEVICES.—Nothing in this title may be construed as affecting the application to a commercial vessel of section 311 or 312 of the Federal Water Pollution Control Act (33 U.S.C. 1321; 1322).

(b) ESTABLISHED REGIMES.—Notwithstanding any other provision of this title, nothing in this title may be construed as affecting the authority of the Federal Government under—

(1) the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the regulation by the Federal Government of any discharge or emission that, on or after the date of the enactment of this Act, is covered under—

(A) the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, with annexes and protocols, done at London February 17, 1978; or

(B) title XIV of division B of the Consolidated Appropriations Act, 2001 (33 U.S.C. 1901 note);

(2) title X of the Coast Guard Authorization Act of 2010 (33 U.S.C. 3801 et seq.) with respect to the regulation by the Federal Government of any anti-fouling system that, on or after the date of the enactment of this Act, is covered under the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001, done at London October 5, 2001; and

(3) section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322).

(c) INTERNATIONAL LAW.—Any action taken under this title shall be taken in accordance with international law.

(d) CONFORMING AMENDMENT.—Section 1205 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4725) is amended by adding at the end the following: ''Ballast water and discharges incidental to the normal operation of a commercial vessel, as such terms are defined in the Vessel Incidental Discharge Act, shall be regulated pursuant to such Act.''.

SEC. ___13. QUAGGA MUSSEL.

The Secretary of the Interior shall prescribe by regulation that the quagga mussel (Dreissena rostriformis bugensis) is a species that is injurious under section 42 of title 18, United States Code.

SEC. ___14. COASTAL AQUATIC INVASIVE SPECIES MITIGATION GRANT PROGRAM AND MITIGATION FUND.

(a) COASTAL AQUATIC INVASIVE SPECIES MITIGATION GRANT PROGRAM.—

(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 a State government, local government, Indian Tribe, nongovernmental organization, or academic institution.

(C) EXCLUSIVE ECONOMIC ZONE.—The term ''Exclusive Economic Zone'' means the Exclusive Economic Zone of the United States, as established by Presidential Proclamation 5030 of 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) PROGRAM.—The term ''Program'' means the Coastal Aquatic Invasive Species Mitigation Grant Program established under paragraph (2).

(2) ESTABLISHMENT.—The Secretary of Commerce and the Foundation shall establish the Coastal Aquatic Invasive Species Mitigation Grant Program to award grants to eligible entities, as described in this subsection.

(3) PURPOSES.—The purposes of the Program are—

(A) to improve the understanding, prevention, and mitigation of, and response to, aquatic invasive species in the coastal zone and the Exclusive Economic Zone;

(B) to support the prevention and mitigation of impacts from aquatic invasive species in the coastal zone of the United States; and

(C) to support the restoration of marine, estuarine, Pacific Island habitats, and the Great Lakes environments in the coastal zone and the Exclusive Economic Zone that are impacted by aquatic invasive species.

(4) USE OF GRANTS.—

(A) 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.

(B) PROHIBITION ON FUNDING LITIGATION.—A grant awarded under the Program may not be used to fund litigation in any matter.

(5) ADMINISTRATION.—Not later than 90 days after the date of enactment of this Act, the Foundation, in consultation with the Secretary of Commerce, shall establish the following:

(A) Application and review procedures for awarding grants under the Program.

(B) Approval procedures for awarding grants under the Program. Such procedures shall require consultation with the Secretary of the Interior and the Administrator.

(C) Performance accountability and monitoring measures for activities funded by a grant awarded under the Program.

(D) Procedures and methods to ensure accurate accounting and appropriate administration of grants awarded under the Program, including standards of record keeping.

(6) MATCHING REQUIREMENT.—Each eligible entity awarded a grant under the Program to carry out an activity shall provide matching funds to carry out such activity, in cash or through in-kind contributions from sources other than the Federal Government, in an amount equal to 50 percent of the cost of such activity.

(7) FUNDING.—The Secretary of Commerce and the Foundation shall use the amounts available in the Coastal Aquatic Invasive Species Mitigation Fund established under subsection (b), to award grants under the Program.

(b) COASTAL AQUATIC INVASIVE SPECIES MITIGATION FUND.—

(1) CREATION OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the ''Coastal Aquatic Invasive Species Mitigation Fund'' (referred to in this section as the ''Fund''), consisting of such amounts as may be appropriated or credited to the Fund as provided in this section or section 9602 of the Internal Revenue Code of 1986.

(2) TRANSFERS TO FUND.—

(A) APPROPRIATION.—There is authorized to be appropriated from the Treasury to the Fund each fiscal year an amount equal to the penalties assessed under section ____03(b) of this title in the prior fiscal year.

(B) AUTHORIZATION OF FURTHER APPROPRIATIONS.—There is authorized to be appropriated to the Fund, in addition to the amounts transferred to the Fund under paragraph (1), $5,000,000 for each fiscal year.

(3) EXPENDITURES FROM FUND.—Amounts in the Fund shall be available without further appropriation to the Secretary of Commerce and the National Fish and Wildlife Foundation established by section 2(a) of the National Fish and Wildlife Foundation Establishment Act to award grants under the Coastal Aquatic Invasive Species Mitigation Grant Program established under subsection (a)(2).

SEC. ____15. RULES OF CONSTRUCTION.

(a) INTERNATIONAL STANDARDS.—Nothing in this title may be construed to impose any design, equipment, or operation standard on a commercial vessel not documented under the laws of the United States and engaged in innocent passage unless the standard implements a generally accepted international rule, as determined by the Secretary.

(b) OTHER AUTHORITIES.—Nothing in this title may construed as affecting the authority of the Secretary of Commerce or the Secretary of the Interior to administer lands or waters under the administrative control of the Secretary of Commerce or the Secretary of the Interior.

SA 1930. Mr. MCCONNELL proposed an amendment to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty, as follows:

In lieu of the matter proposed to be inserted insert the following:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Bipartisan Budget Act of 2018''.

DIVISION B—SUPPLEMENTAL APPROPRIATIONS, TAX RELIEF, AND MEDICAID CHANGES RELATING TO CERTAIN DISASTERS AND FURTHER EXTENSION OF CONTINUING APPROPRIATIONS

Subdivision 1—Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018

The following sums in this subdivision are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2018 and for other purposes, namely:

TITLE I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL PROGRAMS

PROCESSING, RESEARCH AND MARKETING

OFFICE OF THE SECRETARY

For an additional amount for the ''Office of the Secretary'', $2,360,000,000, which shall remain available until December 31, 2019, for necessary expenses related to crops, trees, bushes, and vine losses related to the consequences of Hurricanes Harvey, Irma, Maria, and other hurricanes and wildfires occurring in calendar year 2017 under such terms and conditions as determined by the Secretary: *Provided*, That the Secretary may provide assistance for such losses in the form of block grants to eligible states and territories: *Provided further*, That the total amount of payments received under this heading and applicable policies of crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the Noninsured Crop Disaster Assistance Program (NAP) under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall not exceed 85 percent of the loss as determined by the Secretary: *Provided further*, That the total amount of payments received under this heading for producers who did not obtain a policy or plan of insurance for an insurable commodity for the 2017 crop year, or 2018 crop year as applicable, under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses or did not file the required paperwork and pay the service fee by the applicable State filing deadline for a noninsurable commodity for the 2017 crop year, or 2018 crop year as applicable, under NAP for the crop incurring the losses shall not exceed 65 percent of the loss as determined by the Secretary: *Provided further*, That producers receiving payments under this heading, as determined by the Secretary, shall be required to purchase crop insurance where crop insurance is available for the next two available crop years, and producers receiving payments under this heading shall be required to purchase coverage under NAP where crop insurance is not available in the next two available crop years, as determined by the Secretary: *Provided further*, That, not later than 90 days after the end of fiscal year 2018, the Secretary shall submit a report to the Congress specifying the type, amount, and method of such assistance by state and territory and the status of the amounts obligated and plans for further expenditure and include improvements that can be made to Federal Crop Insurance policies, either administratively or legislatively, to increase participation, particularly among underserved producers, in higher levels of coverage in future years for crops qualifying for assistance under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,500,000, to remain available until expended, for oversight and audit of programs, grants, and activities funded by this subdivision and administered by the Department of Agriculture: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for ''Buildings and Facilities'', $22,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the ''Emergency Conservation Program'', for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria and of wildfires occurring in calendar year 2017, and other natural disasters, $400,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'', for necessary expenses for the Emergency Watershed Protection Program related to the consequences of Hurricanes Harvey, Irma, and Maria and of wildfires occurring in calendar year 2017, and other natural disasters, $541,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL DEVELOPMENT PROGRAMS

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for ''Rural Housing Insurance Fund Program Account'', $18,672,000, to remain available until September 30, 2019, for the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for the rehabilitation of section 515 rental housing (42 U.S.C. 1485) in areas impacted by Hurricanes Harvey, Irma, and Maria where owners were not required to carry national flood insurance: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

For an additional amount for the ''Rural Water and Waste Disposal Program Account'', $165,475,000, to remain available until expended, for grants to repair drinking water systems and sewer and solid waste disposal systems impacted by Hurricanes Harvey, Irma, and Maria: *Provided*, That not to exceed $2,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste

systems pursuant to section 306(a)(22) of the Consolidated Farm and Rural Development Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the ''Special Supplemental Nutrition Program for Women, Infants, and Children'', $14,000,000, to remain available until September 30, 2019, for infrastructure grants to the Commonwealth of Puerto Rico and the U.S. Virgin Islands to assist in the repair and restoration of buildings, equipment, technology, and other infrastructure damaged as a consequence of Hurricanes Irma and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMODITY ASSISTANCE PROGRAM

For an additional amount for ''Commodity Assistance Program'' for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), $24,000,000, to remain available until September 30, 2019, for necessary expenses of those jurisdictions that received a major disaster or emergency declaration pursuant to section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191) related to the consequences of Hurricanes Harvey, Irma, and Maria or due to wildfires in 2017: *Provided*, That notwithstanding any other provisions of the Emergency Food Assistance Act of 1983, the Secretary of Agriculture may provide resources to Puerto Rico, the Virgin Islands of the United States, and affected States, as determined by the Secretary, to assist affected families and individuals without regard to sections 204 and 214 of such Act (7 U.S.C. 7508, 7515) by allocating additional foods and funds for administrative expenses from resources specifically appropriated, transferred, or reprogrammed: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Buildings and Facilities'', $7,600,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount may be transferred to ''Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses'' for costs related to repair of facilities, for replacement of equipment, and for other increases in facility-related costs: *Provided further*, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds appropriated by this paragraph: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 20101. (a) Section 1501(b) of the Agricultural Act of 2014 (7 U.S.C. 9081(b)) is amended—

(1) in paragraph (1), in the matter before subparagraph (A), by inserting ''sold livestock for a reduced sale price, or both'' after ''normal mortality,'';

(2) in paragraph (2), by striking ''applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.'' and inserting the following: ''affected livestock, as determined by the Secretary, on, as applicable—

''(A) the day before the date of death of the livestock; or

''(B) the day before the date of the event that caused the harm to the livestock that resulted in a reduced sale price.''; and

(3) by adding at the end the following new paragraph:

''(4) A payment made under paragraph (1) to an eligible producer on a farm that sold livestock for a reduced sale price shall—

''(A) be made if the sale occurs within a reasonable period following the event, as determined by the Secretary; and

''(B) be reduced by the amount that the producer received for the sale.''.

(b) Section 1501(d)(1) of the Agricultural Act of 2014 (7 U.S.C. 9081(d)(1)) is amended by striking ''not more than $20,000,000 of''.

(c) Section 1501(e)(4)(C) of the Agricultural Act of 2014 (7 U.S.C. 9081(e)(4)(C)) is amended by striking ''500 acres'' and inserting ''1,000 acres''.

(d) Section 1501 of the Agricultural Act of 2014 (7 U.S.C. 9081) is amended—

(1) in subsection (e)(4)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C), as amended by subsection (c), as subparagraph (B); and

(2) in subsection (f)(2), by striking ''subsection (e)'' and inserting ''subsections (b) and (e)''.

(e) Section 1501 of the Agricultural Act of 2014 (7 U.S.C. 9081), as amended by this section, shall apply with respect to losses described in such section 1501 incurred on or after January 1, 2017.

(f) The amounts provided by subsections (a) through (e) for fiscal year 2018 are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for ''Economic Development Assistance Programs'' for necessary expenses related to flood mitigation, disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation as a result of Hurricanes Harvey, Irma, and Maria, and of wildfires and other natural disasters occurring in calendar year 2017 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $600,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That within the amount appropriated, up to 2 percent of funds may be transferred to the ''Salaries and Expenses'' account for administration and oversight activities: *Provided further*, That within the amount appropriated, $1,000,000 shall be transferred to the ''Office of Inspector General'' account for carrying out investigations and audits related to the funding provided under this heading.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $120,904,000, to remain available until September 30, 2019, as follows:

(1) $12,904,000 for repair and replacement of observing assets, Federal real property, and equipment;

(2) $18,000,000 for marine debris assessment and removal;

(3) $40,000,000 for mapping, charting, and geodesy services; and

(4) $50,000,000 to improve weather forecasting, hurricane intensity forecasting and flood forecasting and mitigation capabilities, including data assimilation from ocean observing platforms and satellites:

Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this subdivision.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $79,232,000, to remain available until September 30, 2020, as follows:

(1) $29,232,000 for repair and replacement of Federal real property and observing assets; and

(2) $50,000,000 for improvements to operational and research weather supercomputing infrastructure and for improvement of satellite ground services used in hurricane intensity and track prediction:

Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this subdivision.

FISHERIES DISASTER ASSISTANCE

For an additional amount for ''Fisheries Disaster Assistance'' for necessary expenses associated with the mitigation of fishery disasters, $200,000,000, to remain available until expended: *Provided*, That funds shall be used for mitigating the effects of commercial fishery failures and fishery resource disasters declared by the Secretary of Commerce in calendar year 2017, as well those declared by the Secretary to be a direct result of Hurricanes Harvey, Irma, or Maria: *Provided further*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $2,500,000: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $21,200,000: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $11,500,000: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $16,000,000: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUILDINGS AND FACILITIES

For an additional amount for ''Buildings and Facilities'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $34,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for ''Construction and Environmental Compliance and Restoration'' for repairs at National Aeronautics and Space Administration facilities damaged by hurricanes during 2017, $81,300,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for ''Research and Related Activities'' for necessary expenses to repair National Science Foundation radio observatory facilities damaged by hurricanes that occurred during 2017, $16,300,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the National Science Foundation shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this subdivision.

RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for ''Payment to the Legal Services Corporation'' to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria and of the calendar year 2017 wildfires, $15,000,000: *Provided*, That the amount made available under this heading shall be used only to provide the mobile resources, technology, and disaster coordinators necessary to provide storm-related services to the Legal Services Corporation client population and only in the areas significantly affected by Hurricanes Harvey, Irma, and Maria and by the calendar year 2017 wildfires: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of the funds appropriated in this subdivision to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this subdivision to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2017 and 2018, respectively, and except that sections 501 and 503 of Public Law 104–134 (referenced by Public Law 105–119) shall not apply to the amount made available under this heading: *Provided further*, That, for the purposes of this subdivision, the Legal Services Corporation shall be considered an agency of the United States Government.

GENERAL PROVISION—THIS TITLE

SEC. 20201. (a) In recognition of the consistency of the Mid-Barataria Sediment Diversion, Mid-Breton Sound Sediment Diversion, and Calcasieu Ship Channel Salinity Control Measures projects, as selected by the 2017 Louisiana Comprehensive Master Plan for a Sustainable Coast, with the findings and policy declarations in section 2(6) of the Marine Mammal Protection Act (16 U.S.C. 1361 et seq., as amended) regarding maintaining the health and stability of the marine ecosystem, within 120 days of the enactment of this section, the Secretary of Commerce shall issue a waiver pursuant to section 101(a)(3)(A) and this section to section 101(a) and section 102(a) of the Act, for such projects that will remain in effect for the duration of the construction, operations and maintenance of the projects. No rulemaking, permit, determination, or other condition or limitation shall be required when issuing a waiver pursuant to this section.

(b) Upon issuance of a waiver pursuant to this section, the State of Louisiana shall, in consultation with the Secretary of Commerce:

(1) To the extent practicable and consistent with the purposes of the projects, minimize impacts on marine mammal species and population stocks; and

(2) Monitor and evaluate the impacts of the projects on such species and population stocks.

TITLE III

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $20,110,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $267,796,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $17,920,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $20,916,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,650,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $12,500,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $2,922,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $5,770,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an

emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $55,471,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'' $18,000,000, to remain available until September 30, 2020, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'' for the Navy Working Capital Fund, $9,486,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for operation and maintenance for ''Defense Health Program'', $704,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

INVESTIGATIONS

For an additional amount for ''Investigations'' for necessary expenses related to the completion, or initiation and completion, of flood and storm damage reduction, including shore protection, studies which are currently authorized or which are authorized after the date of enactment of this subdivision, to reduce risk from future floods and hurricanes, at full Federal expense, $135,000,000, to remain available until expended: *Provided*, That of such amount, not less than $75,000,000 is available for such studies in States and insular areas that were impacted by Hurricanes Harvey, Irma, and Maria: *Provided further*, That funds made available under this heading shall be for high-priority studies of projects in States and insular areas with more than one flood-related major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in calendar years 2014, 2015, 2016, or 2017: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, including new studies selected to be initiated using funds provided under this heading, beginning not later than 60 days after the enactment of this subdivision.

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses to address emergency situations at Corps of Engineers projects, and to construct, and rehabilitate and repair damages caused by natural disasters, to Corps of Engineers projects, $15,055,000,000, to remain available until expended: *Provided*, That of such amount, $15,000,000,000 is available to construct flood and storm damage reduction, including shore protection, projects which are currently authorized or which are authorized after the date of enactment of this subdivision, and flood and storm damage reduction, including shore protection, projects which have signed Chief's Reports as of the date of enactment of this subdivision or which are studied using funds provided under the heading ''Investigations'' if the Secretary determines such projects to be technically feasible, economically justified, and environmentally acceptable, in States and insular areas with more than one flood-related major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in calendar years 2014, 2015, 2016, or 2017: *Provided further*, That of the amounts in the preceding proviso, not less than $10,425,000,000 shall be available for such projects within States and insular areas that were impacted by Hurricanes Harvey, Irma, and Maria: *Provided further*, That all repair, rehabilitation, study, design, and construction of Corps of Engineers projects in Puerto Rico and the United States Virgin Islands, using funds provided under this heading, shall be conducted at full Federal expense: *Provided further*, That for projects receiving funding under this heading, the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to these funds: *Provided further*, That the completion of ongoing construction projects receiving funds provided under this heading shall be at full Federal expense with respect to such funds: *Provided further*, That using funds provided under this heading, the non-Federal cash contribution for projects eligible for funding pursuant to the first proviso shall be financed in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years from the date of completion of the project or separable element: *Provided further*, That up to $50,000,000 of the funds made available under this heading shall be used for continuing authorities projects to reduce the risk of flooding and storm damage: *Provided further*, That any projects using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring, where applicable, the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' for necessary expenses to address emergency situations at Corps of Engineers projects, and to construct, and rehabilitate and repair damages to Corps of Engineers projects, caused by natural disasters, $770,000,000, to remain available until expended: *Provided*, That of such amount, $400,000,000 is available to construct flood and storm damage reduction projects which are currently authorized or which are authorized after the date of enactment of this subdivision: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' for necessary expenses to dredge Federal navigation projects in response to, and repair damages to Corps of Engineers Federal projects caused by, natural disasters, $608,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters, as authorized by law, $810,000,000, to remain available until expended: *Provided*, That funding utilized for authorized shore protection projects shall restore such projects to the full project profile at full Federal expense: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

EXPENSES

For an additional amount for ''Expenses'' for necessary expenses to administer and oversee the obligation and expenditure of

amounts provided in this title for the Corps of Engineers, $20,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this subdivision.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For an additional amount for ''Electricity Delivery and Energy Reliability'', $13,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, including technical assistance related to electric grids: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STRATEGIC PETROLEUM RESERVE

For an additional amount for ''Strategic Petroleum Reserve'', $8,716,000, to remain available until expended, for necessary expenses related to damages caused by Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 20401. In fiscal year 2018, and each fiscal year thereafter, the Chief of Engineers of the U.S. Army Corps of Engineers shall transmit to the Congress, after reasonable opportunity for comment, but without change, by the Assistant Secretary of the Army for Civil Works, a monthly report, the first of which shall be transmitted to Congress not later than 2 days after the date of enactment of this subdivision and monthly thereafter, which includes detailed estimates of damages to each Corps of Engineers project, caused by natural disasters or otherwise.

SEC. 20402. From the unobligated balances of amounts made available to the U.S. Army Corps of Engineers, $518,900,000 under the heading ''Corps of Engineers—Civil, Flood Control and Coastal Emergencies'' and $210,000,000 under the heading ''Corps of Engineers—Civil, Operations and Maintenance'' in title X of the Disaster Relief Appropriations Act, 2013 (Public Law 113–2; 127 Stat. 25) shall be transferred to ''Corps of Engineers—Civil, Construction'', to remain available until expended, to rehabilitate, repair and construct Corps of Engineers projects: *Provided*, That those projects may only include construction expenses, including cost sharing, as described under the heading ''Corps of Engineers—Civil, Construction'' in title X of that Act or other construction expenses related to the consequences of Hurricane Sandy: *Provided further*, That amounts transferred pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

TITLE V

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to be deposited in the ''Federal Buildings Fund'', $126,951,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Maria, and Irma for repair and alteration of buildings under the custody and control of the Administrator of General Services, and real property management and related activities not otherwise provided for: *Provided*, That funds may be used to reimburse the ''Federal Buildings Fund'' for obligations incurred for this purpose prior to enactment of this subdivision: *Provided further*, That not more than $15,000,000 shall be available for tenant improvements in damaged U.S. courthouses: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SMALL BUSINESS ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the ''Office of Inspector General'', $7,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Disaster Loans Program Account'' for the cost of direct loans authorized by section 7(b) of the Small Business Act, $1,652,000,000, to remain available until expended: *Provided*, That up to $618,000,000 may be transferred to and merged with ''Salaries and Expenses'' for administrative expenses to carry out the disaster loan program authorized by section 7(b) of the Small Business Act: *Provided further*, That none of the funds provided under this heading may be used for indirect administrative expenses: *Provided further*, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT, OPERATIONS, INTELLIGENCE, AND OVERSIGHT

OFFICE OF INSPECTOR GENERAL

OPERATIONS AND SUPPORT

For an additional amount for ''Operations and Support'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $25,000,000, to remain available until September 30, 2020, for audits and investigations of activities funded by this title: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

For an additional amount for ''Operations and Support'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $104,494,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That not more than $39,400,000 may be used to carry out U.S. Customs and Border Protection activities in fiscal year 2018 in Puerto Rico and the United States Virgin Islands, in addition to any other amounts available for such purposes.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Procurement, Construction, and Improvements'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, including for the reconstruction of facilities affected, $45,000,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That funds are provided to carry out U.S. Customs and Border Protection activities in Puerto Rico and the United States Virgin Islands, in addition to any other amounts available for such purposes.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

For an additional amount for ''Operations and Support'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $30,905,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Procurement, Construction, and Improvements'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $33,052,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TRANSPORTATION SECURITY ADMINISTRATION

OPERATIONS AND SUPPORT

For an additional amount for ''Operations and Support'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $10,322,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $112,136,000, to remain available until September 30, 2019: *Provided*,

That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for ''Environmental Compliance and Restoration'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $4,038,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for Acquisition, Construction, and Improvements'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, Maria, and Matthew, $718,919,000, to remain available until September 30, 2022: *Provided*, That, not later than 60 days after enactment of this subdivision, the Secretary of Homeland Security, or her designee, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds appropriated under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

For an additional amount for ''Operations and Support'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $58,800,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Procurement, Construction, and Improvements'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $1,200,000, to remain available until September 30, 2020: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER RELIEF FUND

For an additional amount for ''Disaster Relief Fund'' for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $23,500,000,000, to remain available until expended: *Provided*, That the Administrator of the Federal Emergency Management Agency shall publish on the Agency's website not later than 5 days after an award of a public assistance grant under section 406 or 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172 or 5189f) that is in excess of $1,000,000, the specifics of each such grant award: *Provided further*, That for any mission assignment or mission assignment task order to another Federal department or agency regarding a major disaster in excess of $1,000,000, not later than 5 days after the issuance of such mission assignment or mission assignment task order, the Administrator shall publish on the Agency's website the following: the name of the impacted State, the disaster declaration for such State, the assigned agency, the assistance requested, a description of the disaster, the total cost estimate, and the amount obligated: *Provided further*, That not later than 10 days after the last day of each month until a mission assignment or mission assignment task order described in the preceding proviso is completed and closed out, the Administrator shall update any changes to the total cost estimate and the amount obligated: *Provided further*, That for a disaster declaration related to Hurricanes Harvey, Irma, or Maria, the Administrator shall submit to the Committees on Appropriations of the House of Representatives and the Senate, not later than 5 days after the first day of each month beginning after the date of enactment of this subdivision, and shall publish on the Agency's website, not later than 10 days after the first day of each such month, an estimate or actual amount, if available, for the current fiscal year of the cost of the following categories of spending: public assistance, individual assistance, operations, mitigation, administrative, and any other relevant category (including emergency measures and disaster resources): *Provided, further*, That not later than 10 days after the first day of each month, the Administrator shall publish on the Agency's website the report (referred to as the Disaster Relief Monthly Report) as required by Public Law 114–4: *Provided further*, That of the amounts provided under this heading for the Disaster Relief Fund, up to $150,000,000 shall be transferred to the Disaster Assistance Direct Loan Program Account for the cost to lend a territory or possession of the United States that portion of assistance for which the territory or possession is responsible under the cost-sharing provisions of the major disaster declaration for Hurricanes Irma or Maria, as authorized under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162): *Provided further*, That of the amount provided under this paragraph for transfer, up to $1,000,000 may be transferred to the Disaster Assistance Direct Loan Program Account for administrative expenses to carry out the Advance of Non-Federal Share program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

For an additional amount for ''Operations and Support'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $5,374,000, to remain available until September 30, 2019: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Procurement, Construction, and Improvements'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $5,000,000, to remain available until September 30, 2022: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 20601. The Administrator of the Federal Emergency Management Agency may provide assistance, pursuant to section 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), for critical services as defined in section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for the duration of the recovery for incidents DR–4336–PR, DR–4339–PR, DR–4340-USVI, and DR–4335–USVI to—

(1) replace or restore the function of a facility or system to industry standards without regard to the pre-disaster condition of the facility or system; and

(2) replace or restore components of the facility or system not damaged by the disaster where necessary to fully effectuate the replacement or restoration of disaster-damaged components to restore the function of the facility or system to industry standards.

SEC. 20602. Notwithstanding section 404 or 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c and 8187), for fiscal years 2017 and 2018, the President shall provide hazard mitigation assistance in accordance with such section 404 in any area in which assistance was provided under such section 420.

SEC. 20603. The third proviso of the second paragraph in title I of Public Law 115–72 under the heading ''Federal Emergency Management Agency—Disaster Relief Fund'' shall be amended by striking ''180 days'' and inserting ''365 days'': *Provided*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 20604. (a) DEFINITION OF PRIVATE NONPROFIT FACILITY.—Section 102(11)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(11)(B)) is amended to read as follows:

''(A) IN GENERAL.—The term 'private nonprofit facility' means private nonprofit educational (without regard to the religious character of the facility), utility, irrigation, emergency, medical, rehabilitational, and temporary or permanent custodial care facilities (including those for the aged and disabled) and facilities on Indian reservations, as defined by the President.

''(B) ADDITIONAL FACILITIES.—In addition to the facilities described in subparagraph (A), the term 'private nonprofit facility' includes any private nonprofit facility that provides essential social services to the general public (including museums, zoos, performing arts facilities, community arts centers, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, broadcasting facilities, houses of worship, and facilities that provide health and safety services of a governmental nature), as defined by the President. No house of worship may be excluded from this definition because leadership or membership in the organization operating the house of worship is limited to persons who share a religious faith or practice.''.

(b) REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES.—Section 406(a)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(3)) is amended by adding at the end the following:

''(C) RELIGIOUS FACILITIES.—A church, synagogue, mosque, temple, or other house of worship, educational facility, or any other private nonprofit facility, shall be eligible for contributions under paragraph (1)(B), without regard to the religious character of the facility or the primary religious use of the facility. No house of worship, educational facility, or any other private nonprofit facility may be excluded from receiving contributions under paragraph (1)(B) because leadership or membership in the organization operating the house of worship is limited to persons who share a religious faith or practice.''.

(c) APPLICABILITY.—This section and the amendments made by this section shall apply—

(1) to the provision of assistance in response to a major disaster or emergency declared on or after August 23, 2017; or

(2) with respect to—

(A) any application for assistance that, as of the date of enactment of this Act, is pending before Federal Emergency Management Agency; and

(B) any application for assistance that has been denied, where a challenge to that denial is not yet finally resolved as of the date of enactment of this Act.

SEC. 20605. (a) The Federal share of assistance, including direct Federal assistance, provided under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173), with respect to a major disaster declared pursuant to such Act for damages resulting from a wildfire in calendar year 2017, shall be 90 percent of the eligible costs under such section.

(b) The Federal share provided by subsection (a) shall apply to assistance provided before, on, or after the date of enactment of this Act.

FEDERAL COST-SHARE ADJUSTMENTS FOR REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES

SEC. 20606. Section 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(b)) is amended by inserting after paragraph (2) the following:

''(3) INCREASED FEDERAL SHARE.—

''(A) INCENTIVE MEASURES.—The President may provide incentives to a State or Tribal government to invest in measures that increase readiness for, and resilience from, a major disaster by recognizing such investments through a sliding scale that increases the minimum Federal share to 85 percent. Such measures may include—

''(i) the adoption of a mitigation plan approved under section 322;

''(ii) investments in disaster relief, insurance, and emergency management programs;

''(iii) encouraging the adoption and enforcement of the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities that may be eligible for assistance under this Act for the purpose of protecting the health, safety, and general welfare of the buildings' users against disasters;

''(iv) facilitating participation in the community rating system; and

''(v) funding mitigation projects or granting tax incentives for projects that reduce risk.

''(B) COMPREHENSIVE GUIDANCE.—Not later than 1 year after the date of enactment of this paragraph, the President, acting through the Administrator, shall issue comprehensive guidance to State and Tribal governments regarding the measures and investments, weighted appropriately based on actuarial assessments of eligible actions, that will be recognized for the purpose of increasing the Federal share under this section. Guidance shall ensure that the agency's review of eligible measures and investments does not unduly delay determining the appropriate Federal cost share.

''(C) REPORT.—One year after the issuance of the guidance required by subparagraph (B), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the analysis of the Federal cost shares paid under this section.

''(D) SAVINGS CLAUSE.—Nothing in this paragraph prevents the President from increasing the Federal cost share above 85 percent.''.

SEC. 20607. Division F of the Consolidated Appropriations Act, 2017, is amended by inserting the following at the end of Title V:

''SEC. 545. (a) PREMIUM PAY AUTHORITY.—During calendar year 2017, any premium pay that is funded, either directly or through reimbursement, by the 'Federal Emergency Management Agency—Disaster Relief Fund' shall be exempted from the aggregate of basic pay and premium pay calculated under section 5547(a) of title 5, United States Code, and any other provision of law limiting the aggregate amount of premium pay payable on a biweekly or calendar year basis.

''(b) OVERTIME AUTHORITY.—During calendar year 2017, any overtime that is funded, either directly or through reimbursement, by the 'Federal Emergency Management Agency—Disaster Relief Fund' shall be exempted from any annual limit on the amount of overtime payable in a calendar or fiscal year.

''(c) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—In determining whether an employee's pay exceeds the applicable annual rate of basic pay payable under section 5307 of title 5, United States Code, the head of an Executive agency shall not include pay exempted under this section.

''(d) LIMITATION OF PAY AUTHORITY.—Pay exempted from otherwise applicable limits under subsection (a) shall not cause the aggregate pay earned for the calendar year in which the exempted pay is earned to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code.

''(e) EFFECTIVE DATE.—This section shall take effect as if enacted on December 31, 2016.''.

TITLE VII

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $210,629,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the ''Historic Preservation Fund'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $50,000,000, to remain available until September 30, 2019, including costs to States and territories necessary to complete compliance activities required by section 306108 of title 54, United States Code (formerly section 106 of the National Historic Preservation Act) and costs needed to administer the program: *Provided*, That grants shall only be available for areas that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $207,600,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for ''Surveys, Investigations, and Research'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, and in those areas impacted by a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) with respect to wildfires in 2017, $42,246,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For an additional amount for ''Technical Assistance'' for financial management expenses related to the consequences of Hurricanes Irma and Maria, $3,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $2,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL PROTECTION AGENCY

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for ''Hazardous Substance Superfund'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $6,200,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For an additional amount for ''Leaking Underground Storage Tank Fund'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $7,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an

emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for ''State and Tribal Assistance Grants'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria for the hazardous waste financial assistance grants program and for other solid waste management activities, $50,000,000, to remain available until expended: *Provided*, That none of these funds allocated within Region 2 shall be subject to cost share requirements under section 3011(b) of the Solid Waste Disposal Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION—ENVIRONMENTAL PROTECTION AGENCY

Of amounts previously appropriated for capitalization grants for the State Revolving Funds under title VI of the Federal Water Pollution Control Act or under section 1452 of the Safe Drinking Water Act to a State or territory included as part of a disaster declaration related to Hurricanes Irma and Maria, all existing grant funds that are available but not drawn down shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3) of the Federal Water Pollution Control Act nor the matching requirements of section 1452(e) of the Safe Drinking Water Act and shall be awarded to such state or territory: *Provided*, That, notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act or section 1452(f) of the Safe Drinking Water Act, the state or territory shall utilize the full amount of such funds, excluding existing loans, to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: *Provided further*, That such funds may be used for eligible projects whose purpose is to repair damage incurred as a result of Hurricanes Irma and Maria, reduce flood damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or a natural disaster at treatment works as defined by section 212 of the Federal Water Pollution Control Act or a public drinking water system under section 1452 of the Safe Drinking Water Act: *Provided further*, That any project involving the repair or replacement of a lead service line shall replace the entire lead service line, not just a portion.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for ''State and Private Forestry'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $7,500,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FOREST SYSTEM

For an additional amount for ''National Forest System'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, $20,652,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for ''Capital Improvement and Maintenance'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, and the 2017 fire season, $91,600,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 20701. Agencies receiving funds appropriated by this title shall each provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds by account, beginning not later than 90 days after enactment of this Act.

TITLE VIII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Training and Employment Services'', $100,000,000, for the dislocated workers assistance national reserve for necessary expenses directly related to the consequences of Hurricanes Harvey, Maria, and Irma and those jurisdictions that received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) due to wildfires in 2017, which shall be available from the date of enactment of this subdivision through September 30, 2019: *Provided*, That the Secretary of Labor may transfer up to $2,500,000 of such funds to any other Department of Labor account for reconstruction and recovery needs, including worker protection activities: *Provided further*, That these sums may be used to replace grant funds previously obligated to the impacted areas: *Provided further*, That of the amount provided, up to $500,000, to remain available until expended, shall be transferred to ''Office of Inspector General''for oversight of activities responding to such hurricanes and wildfires: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOB CORPS

For an additional amount for ''Job Corps'' for construction, rehabilitation and acquisition for Job Corps Centers in Puerto Rico, $30,900,000, which shall be available upon the date of enactment of this subdivision and remain available for obligation through June 30, 2021: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—DEPARTMENT OF LABOR

DEFERRAL OF INTEREST PAYMENTS FOR VIRGIN ISLANDS

SEC. 20801. Notwithstanding any other provision of law, the interest payment of the Virgin Islands that was due under section 1202(b)(1) of the Social Security Act on September 29, 2017, shall not be due until September 28, 2018, and no interest shall accrue on such amount through September 28, 2018: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FLEXIBILITY IN USE OF FUNDS UNDER WIOA

SEC. 20802. (a) IN GENERAL.—Notwithstanding section 133(b)(4) of the Workforce Innovation and Opportunity Act, in States, as defined by section 3(56) of such Act, affected by Hurricanes Harvey, Irma, and Maria, a local board, as defined by section 3(33) of such Act, in a local area, as defined by section 3(32) of such Act, affected by such Hurricanes may transfer, if such transfer is approved by the Governor, up to 100 percent of the funds allocated to the local area for Program Years 2016 and 2017 for Youth Workforce Investment activities under paragraphs (2) or (3) of section 128(b) of such Act, for Adult employment and training activities under paragraphs (2)(A) or (3) of section 133(b) of such Act, or for Dislocated Worker employment and training activities under paragraph (2)(B) of section 133(b) of such Act among—

(1) adult employment and training activities;

(2) dislocated worker employment and training activities; and

(3) youth workforce investment activities.

(b) THE VIRGIN ISLANDS.—Except for the funds reserved to carry out required statewide activities under sections 127(b) and 134(a)(2) of the Workforce Innovation and Opportunity Act, the Governor of the Virgin Islands may authorize the transfer of up to 100 percent of the remaining funds provided to the Virgin Islands for Program Years 2016 and 2017 for Youth Workforce Investment activities under section 127(b)(1)(B) of such Act, for Adult employment and training activities under section 132(b)(1)(A) of such Act, or for Dislocated Worker employment and training activities under section 133(b)(2)(A) of such Act among—

(1) adult employment and training activities;

(2) dislocated worker employment and training activities; and

(3) youth workforce investment activities.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''CDC-Wide Activities and Program Support'', $200,000,000, to remain available until September 30, 2020, for response, recovery, preparation, mitigation, and other expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds appropriated by this paragraph: *Provided further*, That of the amount provided, not less than $6,000,000 shall be transferred to the ''Buildings and Facilities'' account for the purposes provided herein: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

For an additional amount for fiscal year 2018 for ''Office of the Director'', $50,000,000, to remain available until September 30, 2020, for response, recovery, and other expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That obligations incurred for these purposes prior to the date of enactment of this subdivision may be charged to funds appropriated by this paragraph: *Provided further*, That funds appropriated by this paragraph may be used for construction grants or contracts under section 404I of the Public Health Service Act without regard to section 404I(c)(2): *Provided further*, That such amount

is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for ''Children and Families Services Programs'', $650,000,000, to remain available until September 30, 2021, for Head Start programs, for necessary expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria, including making payments under the Head Start Act: *Provided*, That none of the funds appropriated in this paragraph shall be included in the calculation of the ''base grant'' in subsequent fiscal years, as such term is defined in sections 640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph are not subject to the allocation requirements of section 640(a) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph shall not be available for costs that are reimbursed by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance: *Provided further*, That up to $12,500,000 shall be available for Federal administrative expenses: *Provided further*, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds appropriated under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for the ''Public Health and Social Services Emergency Fund'', $162,000,000, to remain available until September 30, 2020, for response, recovery, preparation, mitigation and other expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria, including activities authorized under section 319(a) of the Public Health Service Act (referred to in this subdivision as the ''PHS Act''): *Provided*, That of the amount provided, $60,000,000 shall be transferred to ''Health Resources and Services Administration—Primary Health Care'', for expenses related to the consequences of Hurricanes Harvey, Irma, and Maria for disaster response and recovery, for the Health Centers Program under section 330 of the PHS Act: *Provided further*, That not less than $50,000,000, of amounts transferred under the preceding proviso, shall be available for alteration, renovation, construction, equipment, and other capital improvement costs as necessary to meet the needs of areas affected by Hurricanes Harvey, Irma, and Maria: Provided further, That the time limitation in section 330(e)(3) of the PHS Act shall not apply to funds made available under the preceding proviso: *Provided further*, That of the amount provided, not less than $20,000,000 shall be transferred to ''Substance Abuse and Mental Health Services Administration—Health Surveillance and Program Support'' for grants, contracts, and cooperative agreements for behavioral health treatment, crisis counseling, and other related helplines, and for other similar programs to provide support to individuals impacted by Hurricanes Harvey, Irma, and Maria: *Provided further*, That of the amount provided, up to $2,000,000, to remain available until expended, shall be transferred to ''Office of the Secretary—Office of Inspector General'' for oversight of activities responding to such hurricanes: *Provided further*, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds appropriated under this heading: *Provided further*, That funds appropriated in this paragraph shall not be available for costs that are reimbursed by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIRECT HIRE AUTHORITY FOR CERTAIN EMERGENCY RESPONSE POSITIONS

SEC. 20803. (a) IN GENERAL.—As the Secretary of Health and Human Services determines necessary to respond to a critical hiring need for emergency response positions, after providing public notice and without regard to the provisions of sections 3309 through 3319 of title 5, United States Code, the Secretary may appoint candidates directly to the following positions, consistent with subsection (b), to perform critical work directly relating to the consequences of Hurricanes Harvey, Irma, and Maria:

(1) Intermittent disaster-response personnel in the National Disaster Medical System, under section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11).

(2) Term or temporary related positions in the Centers for Disease Control and Prevention and the Office of the Assistant Secretary for Preparedness and Response.

(b) EXPIRATION.—The authority under subsection (a) shall expire 270 days after the date of enactment of this section.

DEPARTMENT OF EDUCATION

HURRICANE EDUCATION RECOVERY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Hurricane Education Recovery'' for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, or wildfires in 2017 for which a major disaster or emergency has been declared under sections 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5190) (referred to under this heading as ''covered disaster or emergency''), $2,700,000,000, to remain available through September 30, 2022, for assisting in meeting the educational needs of individuals affected by a covered disaster or emergency: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That—

(1) such funds shall be used—

(A) to make awards to eligible entities for immediate aid to restart school operations, in accordance with paragraph (2);

(B) for temporary emergency impact aid for displaced students, in accordance with paragraph (2);

(C) for emergency assistance to institutions of higher education and students attending institutions of higher education in an area directly affected by a covered disaster or emergency in accordance with paragraph (3);

(D) for payments to institutions of higher education to help defray the unexpected expenses associated with enrolling displaced students from institutions of higher education directly affected by a covered disaster or emergency, in accordance with paragraph (4); and

(E) to provide assistance to local educational agencies serving homeless children and youth in accordance with paragraph (5);

(2) immediate aid to restart school operations and temporary emergency impact aid for displaced students described in subparagraphs (A) and (B) of paragraph (1) shall be provided under the statutory terms and conditions that applied to assistance under sections 102 and 107 of title IV of division B of Public Law 109–148, respectively, except that such sections shall be applied so that—

(A) each reference to a major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) shall be to a major disaster or emergency declared by the President in accordance with section 401 or 501, respectively, of such Act;

(B) each reference to Hurricane Katrina or Hurricane Rita shall be a reference to a covered disaster or emergency;

(C) each reference to August 22, 2005 shall be to the date that is one week prior to the date that the major disaster or emergency was declared for the area;

(D) each reference to the States of Louisiana, Mississippi, Alabama, and Texas shall be to the States or territories affected by a covered disaster or emergency, and each reference to the State educational agencies of Louisiana, Mississippi, Alabama, or Texas shall be a reference to the State educational agencies that serve the states or territories affected by a covered disaster or emergency;

(E) each reference to the 2005–2006 school year shall be to the 2017–2018 school year;

(F) the references in section 102(h)(1) of title IV of division B of Public Law 109–148 to the number of non-public and public elementary schools and secondary schools in the State shall be to the number of students in non-public and public elementary schools and secondary schools in the State, and the reference in such section to the National Center for Data Statistics Common Core of Data for the 2003–2004 school year shall be to the most recent and appropriate data set for the 2016–2017 school year;

(G) in determining the amount of immediate aid provided to restart school operations as described in section 102(b) of title IV of division B of Public Law 109–148, the Secretary shall consider the number of students enrolled, during the 2016–2017 school year, in elementary schools and secondary schools that were closed as a result of a covered disaster or emergency;

(H) in determining the amount of emergency impact aid that a State educational agency is eligible to receive under paragraph (1)(B), the Secretary shall, subject to section 107(d)(1)(B) of such title, provide—

(i) $9,000 for each displaced student who is an English learner, as that term is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

(ii) $10,000 for each displaced student who is a child with a disability (regardless of whether the child is an English learner); and

(iii) $8,500 for each displaced student who is not a child with a disability or an English learner;

(I) with respect to the emergency impact aid provided under paragraph (1)(B), the Secretary may modify the State educational agency and local educational agency application timelines in section 107(c) of such title; and

(J) each reference to a public elementary school may include, as determined by the local educational agency, a publicly-funded preschool program that enrolls children below the age of kindergarten entry and is part of an elementary school;

(3) $100,000,000 of the funds made available under this heading shall be for programs authorized under subpart 3 of Part A, part C of title IV and part B of title VII of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq., 1138 et seq.) for institutions located in

an area affected by a covered disaster or emergency, and students enrolled in such institutions, except that—

(A) any requirements relating to matching, Federal share, reservation of funds, or maintenance of effort under such parts that would otherwise be applicable to that assistance shall not apply;

(B) such assistance may be used for student financial assistance;

(C) such assistance may also be used for faculty and staff salaries, equipment, student supplies and instruments, or any purpose authorized under the Higher Education Act of 1965, by institutions of higher education that are located in areas affected by a covered disaster or emergency; and

(D) the Secretary shall prioritize, to the extent possible, students who are homeless or at risk of becoming homeless as a result of displacement, and institutions that have sustained extensive damage, by a covered disaster or emergency;

(4) up to $75,000,000 of the funds made available under this heading shall be for payments to institutions of higher education to help defray the unexpected expenses associated with enrolling displaced students from institutions of higher education at which operations have been disrupted by a covered disaster or emergency, in accordance with criteria established by the Secretary and made publicly available;

(5) $25,000,000 of the funds made available under this heading shall be available to provide assistance to local educational agencies serving homeless children and youths displaced by a covered disaster or emergency, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435) and with section 106 of title IV of division B of Public Law 109-148, except that funds shall be disbursed based on demonstrated need and the number of homeless children and youth enrolled as a result of displacement by a covered disaster or emergency;

(6) section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, shall not apply to activities under this heading;

(7) $4,000,000 of the funds made available under this heading, to remain available until expended, shall be transferred to the Office of the Inspector General of the Department of Education for oversight of activities supported with funds appropriated under this heading, and up to $3,000,000 of the funds made available under this heading shall be for program administration;

(8) up to $35,000,000 of the funds made available under this heading shall be to carry out activities authorized under section 4631(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7281(b)): *Provided*, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds appropriated under this paragraph;

(9) the Secretary may waive, modify, or provide extensions for certain requirements of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) for affected individuals, affected students, and affected institutions in covered disaster or emergency areas in the same manner as the Secretary was authorized to waive, modify, or provide extensions for certain requirements of such Act under provisions of subtitle B of title IV of division B of Public Law 109–148 for affected individuals, affected students, and affected institutions in areas affected by Hurricane Katrina and Hurricane Rita, except that the cost associated with any action taken by the Secretary under this paragraph is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(10) if any provision under this heading or application of such provision to any person or circumstance is held to be unconstitutional, the remainder of the provisions under this heading and the application of such provisions to any person or circumstance shall not be affected thereby.

GENERAL PROVISION—DEPARTMENT OF EDUCATION

SEC. 20804. (a) Notwithstanding any other provision of law, the Secretary of Education is hereby authorized to forgive any outstanding balance owed to the Department of Education under the HBCU Hurricane Supplemental Loan program established pursuant to section 2601 of Public Law 109–234, as modified by section 307 of title III of division F of the Consolidated Appropriations Act, 2012 (Public Law 112–74), as carried forward by the Continuing Appropriations Resolution, 2013 (Public Law 112–175).

(b) There are authorized to be appropriated, and there are hereby appropriated, such sums as may be necessary to carry out subsection (a): *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balance Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 20805. Funds appropriated to the Department of Health and Human Services by this title may be transferred to, and merged with, other appropriation accounts under the headings ''Centers for Disease Control and Prevention'' and ''Public Health and Social Services Emergency Fund'' for the purposes specified in this title following consultation with the Office of Management and Budget: *Provided*, That the Committees on Appropriations in the House of Representatives and the Senate shall be notified 10 days in advance of any such transfer: *Provided further*, That, upon a determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation: *Provided further*, That none of the funds made available by this title may be transferred pursuant to the authority in section 205 of division H of Public Law 115–31 or section 241(a) of the PHS Act.

SEC. 20806. Not later than 30 days after enactment of this subdivision, the Secretary of Health and Human Services shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations: *Provided*, That such plans shall be updated and submitted to the Committees on Appropriations every 60 days until all funds are expended or expire.

SEC. 20807. Unless otherwise provided for by this title, the additional amounts appropriated by this title to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2018.

TITLE IX

LEGISLATIVE BRANCH

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $14,000,000, to remain available until expended, for audits and investigations relating to Hurricanes Harvey, Irma, and Maria and the 2017 wildfires: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE X

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $201,636,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That none of the funds made available to the Navy and Marine Corps for recovery efforts related to Hurricanes Harvey, Irma, and Maria in this subdivision shall be available for obligation until the Committees on Appropriations of the House of Representatives and the Senate receive form 1391 for each specific request: *Provided further*, That, not later than 60 days after enactment of this subdivision, the Secretary of the Navy, or his designee, shall submit to the Committees on Appropriations of House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for ''Military Construction, Army National Guard'', $519,345,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That none of the funds made available to the Army National Guard for recovery efforts related to Hurricanes Harvey, Irma, and Maria in this subdivision shall be available for obligation until the Committees on Appropriations of the House of Representatives and the Senate receive form 1391 for each specific request: *Provided further*, That, not later than 60 days after enactment of this subdivision, the Director of the Army National Guard, or his designee, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for ''Medical Services'', $11,075,000, to remain available until September 30, 2019, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL SUPPORT AND COMPLIANCE

For an additional amount for ''Medical Support and Compliance'', $3,209,000, to remain available until September 30, 2019, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section

251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL FACILITIES

For an additional amount for ''Medical Facilities'', $75,108,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That none of these funds shall be available for obligation until the Secretary of Veterans Affairs submits to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

For an additional amount for ''Construction, Minor Projects'', $4,088,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 21001. Notwithstanding section 18236(b) of title 10, United States Code, the Secretary of Defense shall contribute to Puerto Rico, 100 percent of the total cost of construction (including the cost of architectural, engineering and design services) for the acquisition, construction, expansion, rehabilitation, or conversion of the Arroyo readiness center under paragraph (5) of section 18233(a) of title 10, United States Code.

TITLE XI

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for ''Operations'', $35,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, and other hurricanes occurring in calendar year 2017: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for ''Facilities and Equipment'', $79,589,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, and other hurricanes occurring in calendar year 2017: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the ''Emergency Relief Program'' as authorized under section 125 of title 23, United States Code, $1,374,000,000, to remain available until expended: *Provided*, That notwithstanding section 125(d)(4) of title 23, United States Code, no limitation on the total obligations for projects under section 125 of such title shall apply to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands for fiscal year 2018 and fiscal year 2019: *Provided further*, That notwithstanding subsection (e) of section 120 of title 23, United States Code, for this fiscal year and hereafter, the Federal share for Emergency Relief funds made available under section 125 of such title to respond to damage caused by Hurricanes Irma and Maria, shall be 100 percent for Puerto Rico: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL TRANSIT ADMINISTRATION

PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

For an additional amount for the ''Public Transportation Emergency Relief Program'' as authorized under section 5324 of title 49, United States Code, $330,000,000 to remain available until expended, for transit systems affected by Hurricanes Harvey, Irma, and Maria with major disaster declarations in 2017: *Provided*, That not more than three-quarters of one percent of the funds for public transportation emergency relief shall be available for administrative expenses and ongoing program management oversight as authorized under sections 5334 and 5338(f)(2) of such title and shall be in addition to any other appropriations for such purpose: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

For an additional amount for ''Operations and Training'', $10,000,000, to remain available until expended, for necessary expenses, including for dredging, related to damage to Maritime Administration facilities resulting from Hurricane Harvey: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—DEPARTMENT OF TRANSPORTATION

SEC. 21101. Notwithstanding 49 U.S.C. 5302, for fiscal years 2018, 2019, and 2020 the Secretary of Transportation shall treat an area as an ''urbanized area'' for purposes of 49 U.S.C. 5307 and 5336(a) until the next decennial census following the enactment of this Act if the area was defined and designated as an ''urbanized'' area by the Secretary of Commerce in the 2000 decennial census and the population of such area fell below 50,000 after the 2000 decennial census as a result of a major disaster: *Provided*, That an area treated as an ''urbanized area'' for purposes of this section shall be assigned the population and square miles of the urbanized area designated by the Secretary of Commerce in the 2000 decennial census: *Provided further*, That the term ''major disaster'' has the meaning given such term in section 102(2) of the Disaster Relief Act of 1974 (42 U.S.C. 5122(2)).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Community Development Fund'', $28,000,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major declared disaster that occurred in 2017 (except as otherwise provided under this heading) pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That funds shall be awarded directly to the State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974) at the discretion of the Secretary: *Provided further*, That of the amounts made available under this heading, up to $16,000,000,000 shall be allocated to meet unmet needs for grantees that have received or will receive allocations under this heading for major declared disasters that occurred in 2017 or under the same heading of Division B of Public Law 115–56, except that, of the amounts made available under this proviso, no less than $11,000,000,000 shall be allocated to the States and units of local government affected by Hurricane Maria, and of such amounts allocated to such grantees affected by Hurricane Maria, $2,000,000,000 shall be used to provide enhanced or improved electrical power systems: *Provided further*, That to the extent amounts under the previous proviso are insufficient to meet all unmet needs, the allocation amounts related to infrastructure shall be reduced proportionally based on the total infrastructure needs of all grantees: *Provided further*, That of the amounts made available under this heading, no less than $12,000,000,000 shall be allocated for mitigation activities to all grantees of funding provided under this heading, section 420 of division L of Public Law 114–113, section 145 of division C of Public Law 114–223, section 192 of division C of Public Law 114–223 (as added by section 101(3) of division A of Public Law 114–254), section 421 of division K of Public Law 115–31, and the same heading in division B of Public Law 115–56, and that such mitigation activities shall be subject to the same terms and conditions under this subdivision, as determined by the Secretary: *Provided further*, That all such grantees shall receive an allocation of funds under the preceding proviso in the same proportion that the amount of funds each grantee received or will receive under the second proviso of this heading or the headings and sections specified in the previous proviso bears to the amount of all funds provided to all grantees specified in the previous proviso: *Provided further*, That of the amounts made available under the second and fourth provisos of this heading, the Secretary shall allocate to all such grantees an aggregate amount not less than 33 percent of each such amounts of funds provided under this heading within 60 days after the enactment of this subdivision based on the best available data (especially with respect to data for all such grantees affected by Hurricanes Harvey, Irma, and Maria), and shall allocate no less than 100 percent of the funds provided under this heading by no later than December 1, 2018: *Provided further*, That the Secretary shall not prohibit the use of funds made available under this heading and the same heading in division B of Public Law 115–56 for non-federal share as authorized by section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)): *Provided further*, That of the amounts made available under this heading, grantees may establish grant programs to assist small businesses for working capital purposes to aid in recovery: *Provided further*, That as a condition of making any grant, the

Secretary shall certify in advance that such grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), to ensure timely expenditure of funds, to maintain comprehensive websites regarding all disaster recovery activities assisted with these funds, and to detect and prevent waste, fraud, and abuse of funds: *Provided further*, That with respect to any such duplication of benefits, the Secretary and any grantee under this section shall not take into consideration or reduce the amount provided to any applicant for assistance from the grantee where such applicant applied for and was approved, but declined assistance related to such major declared disasters that occurred in 2014, 2015, 2016, and 2017 from the Small Business Administration under section 7(b) of the Small Business Act (15 U.S.C. 636(b)): *Provided further*, That the Secretary shall require grantees to maintain on a public website information containing common reporting criteria established by the Department that permits individuals and entities awaiting assistance and the general public to see how all grant funds are used, including copies of all relevant procurement documents, grantee administrative contracts and details of ongoing procurement processes, as determined by the Secretary: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306): *Provided further*, That a State, unit of general local government, or Indian tribe may use up to 5 percent of its allocation for administrative costs: *Provided further*, That the sixth proviso under this heading in the Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (division B of Public Law 115–56) is amended by striking ''State or subdivision thereof'' and inserting ''State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302))'': *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That, notwithstanding the preceding proviso, recipients of funds provided under this heading that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, 408(c)(4), or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit: *Provided further*, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review, approval or permit under the preceding proviso or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the Secretary shall publish via notice in the Federal Register any waiver, or alternative requirement, to any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver or alternative requirement: *Provided further*, That the eighth proviso under this heading in the Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (division B of Public Law 115–56) is amended by inserting ''408(c)(4),'' after ''407,'': *Provided further*, That of the amounts made available under this heading, up to $15,000,000 shall be made available for capacity building and technical assistance, including assistance on contracting and procurement processes, to support States, units of general local government, or Indian tribes (and their subrecipients) that receive allocations pursuant to this heading, received disaster recovery allocations under the same heading in Public Law 115–56, or may receive similar allocations for disaster recovery in future appropriations Acts: *Provided further*, That of the amounts made available under this heading, up to $10,000,000 shall be transferred, in aggregate, to ''Department of Housing and Urban Development—Program Office Salaries and Expenses—Community Planning and Development'' for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts under this heading: *Provided further*, That the amount specified in the preceding proviso shall be combined with funds appropriated under the same heading and for the same purpose in Public Law 115–56 and the aggregate of such amounts shall be available for any of the purposes specified under this heading or the same heading in Public Law 115–56 without limitation: *Provided further*, That, of the funds made available under this heading, $10,000,000 shall be transferred to the Office of the Inspector General for necessary costs of overseeing and auditing funds made available under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 21102. Any funds made available under the heading ''Community Development Fund'' under this subdivision that remain available, after the other funds under such heading have been allocated for necessary expenses for activities authorized under such heading, shall be used for additional mitigation activities in the most impacted and distressed areas resulting from a major declared disaster that occurred in 2014, 2015, 2016 or 2017: *Provided*, That such remaining funds shall be awarded to grantees of funding provided for disaster relief under the heading ''Community Development Fund'' in this subdivision, section 420 of division L of Public Law 114–113, section 145 of division C of Public Law 114–223, section 192 of division C of Public Law 114–223 (as added by section 101(3) of division A of Public Law 114–254), section 421 of division K of Public Law 115–31, and the same heading in division B of Public Law 115–56 subject to the same terms and conditions under this subdivision and such Acts respectively: *Provided further*, That each such grantee shall receive an allocation from such remaining funds in the same proportion that the amount of funds such grantee received under this subdivision and under the Acts specified in the previous proviso bears to the amount of all funds provided to all grantees specified in the previous proviso.

SEC. 21103. For 2018, the Secretary of Housing and Urban Development may make temporary adjustments to the section 8 housing choice voucher annual renewal funding allocations and administrative fee eligibility determinations for public housing agencies located in the most impacted and distressed areas in which a major Presidentially declared disaster occurred during 2017 under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), to avoid significant adverse funding impacts that would otherwise result from the disaster, or to facilitate leasing up to a public housing agency's authorized level of units under contract (but not to exceed such level), upon request by and in consultation with a public housing agency and supported by documentation as required by the Secretary that demonstrates the need for the adjustment.

TITLE XII

GENERAL PROVISIONS—THIS SUBDIVISION

SEC. 21201. Each amount appropriated or made available by this subdivision is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 21202. No part of any appropriation contained in this subdivision shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 21203. Unless otherwise provided for by this subdivision, the additional amounts appropriated by this subdivision to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2018.

SEC. 21204. Each amount designated in this subdivision by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 21205. For purposes of this subdivision, the consequences or impacts of any hurricane shall include damages caused by the storm at any time during the entirety of its duration as a cyclone, as defined by the National Hurricane Center.

SEC. 21206. Any amount appropriated by this subdivision, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985

and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this subdivision shall retain such designation.

SEC. 21207. The terms and conditions applicable to the funds provided in this subdivision, including those provided by this title, shall also apply to the funds made available in division B of Public Law 115–56 and in division A of Public Law 115–72.

SEC. 21208. (a) Section 305 of division A of the Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115–72) is amended—

(1) in subsection (a)—

(A) by striking ''(1) Not later than December 31, 2017,'' and inserting ''Not later than March 31, 2018,''; and

(B) by striking paragraph (2); and

(2) in subsection (b), by striking ''receiving funds under this division'' and inserting ''expending more than $10,000,000 of funds provided by this division and division B of Public Law 115–56 in any one fiscal year''.

(b) Section 305 of division A of the Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115–72), as amended by this section, shall apply to funds appropriated by this division as if they had been appropriated by that division.

(c) In order to proactively prepare for oversight of future disaster relief funding, not later than one year after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue standard guidance for Federal agencies to use in designing internal control plans for disaster relief funding. This guidance shall leverage existing internal control review processes and shall include, at a minimum, the following elements:

(1) Robust criteria for identifying and documenting incremental risks and mitigating controls related to the funding.

(2) Guidance for documenting the linkage between the incremental risks related to disaster funding and efforts to address known internal control risks.

SEC. 21209. Any agency or department provided funding in excess of $3,000,000,000 by this subdivision, including the Federal Emergency Management Agency, the Department of Housing and Urban Development, and the Corps of Engineers, is directed to provide a report to the Committees on Appropriations of the House of Representatives and the Senate regarding its efforts to provide adequate resources and technical assistance for small, low-income communities affected by natural disasters.

SEC. 21210. (a) Not later than 180 days after the date of enactment of this subdivision and in coordination with the Administrator of the Federal Emergency Management Agency, with support and contributions from the Secretary of the Treasury, the Secretary of Energy, and other Federal agencies having responsibilities defined under the National Disaster Recovery Framework, the Governor of the Commonwealth of Puerto Rico shall submit to Congress a report describing the Commonwealth's 12- and 24-month economic and disaster recovery plan that—

(1) defines the priorities, goals, and expected outcomes of the recovery effort for the Commonwealth, based on damage assessments prepared pursuant to Federal law, if applicable, including—

(A) housing;

(B) economic issues, including workforce development and industry expansion and cultivation;

(C) health and social services;

(D) natural and cultural resources;

(E) governance and civic institutions;

(F) electric power systems and grid restoration;

(G) environmental issues, including solid waste facilities; and

(H) other infrastructure systems, including repair, restoration, replacement, and improvement of public infrastructure such water and wastewater treatment facilities, communications networks, and transportation infrastructure;

(2) is consistent with—

(A) the Commonwealth's fiscal capacity to provide long-term operation and maintenance of rebuilt or replaced assets;

(B) alternative procedures and associated programmatic guidance adopted by the Administrator of the Federal Emergency Management Agency pursuant to section 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189f); and

(C) actions as may be necessary to mitigate vulnerabilities to future extreme weather events and natural disasters and increase community resilience, including encouraging the adoption and enforcement of the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities for the purpose of protecting the health, safety, and general welfare of the buildings' users against disasters;

(3) promotes transparency and accountability through appropriate public notification, outreach, and hearings;

(4) identifies performance metrics for assessing and reporting on the progress toward achieving the Commonwealth's recovery goals, as identified under paragraph (1);

(5) is developed in coordination with the Oversight Board established under PROMESA; and

(6) is certified by that Oversight Board to be consistent with the purpose set forth in section 101(a) of PROMESA (48 U.S.C. 2121(a)).

(b) At the end of every 30-day period before the submission of the report described in subsection (a), the Governor of the Commonwealth of Puerto Rico, in coordination with the Administrator of the Federal Emergency Management Agency, shall provide to Congress interim status updates on progress developing such report.

(c) At the end of every 180-day period after the submission of the report described in subsection (a), the Governor of the Commonwealth of Puerto Rico, in coordination with the Administrator of the Federal Emergency Management Agency, shall make public a report on progress achieving the goals set forth in such report.

(d) During the development, and after the submission, of the report required in subsection (a), the Oversight Board may provide to Congress reports on the status of coordination with the Governor of Puerto Rico.

(e) Amounts made available by this subdivision to a covered territory for response to or recovery from Hurricane Irma or Hurricane Maria in an aggregate amount greater than $10,000,000 may be reviewed by the Oversight Board under the Oversight Board's authority under 204(b)(2) of PROMESA (48 U.S.C. 2144(b)(2)).

(f) When developing a Fiscal Plan while the recovery plan required under subsection (a) is in development and in effect, the Oversight Board shall use and incorporate, to the greatest extent feasible, damage assessments prepared pursuant to Federal law.

(g) For purposes of this section, the terms ''covered territory'' and ''Oversight Board'' have the meaning given those term in section 5 of PROMESA (48 U.S.C. 2104).

This subdivision may be cited as the ''Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018''.

SUBDIVISION 2—TAX RELIEF AND MEDICAID CHANGES RELATING TO CERTAIN DISASTERS

TITLE I—CALIFORNIA FIRES

SEC. 20101. DEFINITIONS.

For purposes of this title—

(1) CALIFORNIA WILDFIRE DISASTER ZONE.—The term ''California wildfire disaster zone'' means that portion of the California wildfire disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of wildfires in California.

(2) CALIFORNIA WILDFIRE DISASTER AREA.—The term ''California wildfire disaster area'' means an area with respect to which between January 1, 2017 through January 18, 2018 a major disaster has been declared by the President under section 401 of such Act by reason of wildfires in California.

SEC. 20102. SPECIAL DISASTER-RELATED RULES FOR USE OF RETIREMENT FUNDS.

(a) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

(1) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified wildfire distribution.

(2) AGGREGATE DOLLAR LIMITATION.—

(A) IN GENERAL.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified wildfire distributions for any taxable year shall not exceed the excess (if any) of—

(i) $100,000, over

(ii) the aggregate amounts treated as qualified wildfire distributions received by such individual for all prior taxable years.

(B) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to subparagraph (A)) be a qualified wildfire distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified wildfire distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

(C) CONTROLLED GROUP.—For purposes of subparagraph (B), the term ''controlled group'' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

(3) AMOUNT DISTRIBUTED MAY BE REPAID.—

(A) IN GENERAL.—Any individual who receives a qualified wildfire distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), of the Internal Revenue Code of 1986, as the case may be.

(B) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a qualified wildfire distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified wildfire distribution in

an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(C) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a qualified wildfire distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified wildfire distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) DEFINITIONS.—For purposes of this subsection—

(A) QUALIFIED WILDFIRE DISTRIBUTION.—Except as provided in paragraph (2), the term ''qualified wildfire distribution'' means any distribution from an eligible retirement plan made on or after October 8, 2017, and before January 1, 2019, to an individual whose principal place of abode during any portion of the period from October 8, 2017, to December 31, 2017, is located in the California wildfire disaster area and who has sustained an economic loss by reason of the wildfires to which the declaration of such area relates.

(B) ELIGIBLE RETIREMENT PLAN.—The term ''eligible retirement plan'' shall have the meaning given such term by section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(5) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

(A) IN GENERAL.—In the case of any qualified wildfire distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable-year period beginning with such taxable year.

(B) SPECIAL RULE.—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(6) SPECIAL RULES.—

(A) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified wildfire distributions shall not be treated as eligible rollover distributions.

(B) QUALIFIED WILDFIRE DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes the Internal Revenue Code of 1986, a qualified wildfire distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

(b) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

(1) RECONTRIBUTIONS.—

(A) IN GENERAL.—Any individual who received a qualified distribution may, during the period beginning on October 8, 2017, and ending on June 30, 2018, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), of such Code, as the case may be.

(B) TREATMENT OF REPAYMENTS.—Rules similar to the rules of subparagraphs (B) and (C) of subsection (a)(3) shall apply for purposes of this subsection.

(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection, the term ''qualified distribution'' means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F), of the Internal Revenue Code of 1986,

(B) received after March 31, 2017, and before January 15, 2018, and

(C) which was to be used to purchase or construct a principal residence in the California wildfire disaster area but which was not so purchased or constructed on account of the wildfires to which the declaration of such area relates.

(c) LOANS FROM QUALIFIED PLANS.—

(1) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual made during the period beginning on the date of the enactment of this Act and ending on December 31, 2018—

(A) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting ''$100,000'' for ''$50,000'', and

(B) clause (ii) of such section shall be applied by substituting ''the present value of the nonforfeitable accrued benefit of the employee under the plan'' for ''one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan''.

(2) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after October 8, 2017, from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning on October 8, 2017, and ending on December 31, 2018, such due date shall be delayed for 1 year,

(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, the period described in subparagraph (A) shall be disregarded.

(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term ''qualified individual'' means any individual whose principal place of abode during any portion of the period from October 8, 2017, to December 31, 2017, is located in the California wildfire disaster area and who has sustained an economic loss by reason of wildfires to which the declaration of such area relates.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any provision of this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2019, or such later date as the Secretary may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date that this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by this section or such regulation, the effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 20103. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY CALIFORNIA WILDFIRES.

(a) IN GENERAL.—For purposes of section 38 of the Internal Revenue Code of 1986, in the case of an eligible employer, the California wildfire employee retention credit shall be treated as a credit listed in subsection (b) of such section. For purposes of this subsection, the California wildfire employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

(b) DEFINITIONS.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—The term ''eligible employer'' means any employer—

(A) which conducted an active trade or business on October 8, 2017, in the California wildfire disaster zone, and

(B) with respect to whom the trade or business described in subparagraph (A) is inoperable on any day after October 8, 2017, and before January 1, 2018, as a result of damage sustained by reason of the wildfires to which such declaration of such area relates.

(2) ELIGIBLE EMPLOYEE.—The term ''eligible employee'' means with respect to an eligible employer an employee whose principal place of employment on October 8, 2017, with such eligible employer was in the California wildfire disaster zone.

(3) QUALIFIED WAGES.—The term ''qualified wages'' means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after October 8, 2017, and before January 1, 2018, which occurs during the period—

(A) beginning on the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee immediately before the wildfires to which the declaration of the California wildfire disaster area relates, and

(B) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(c) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) of the Internal Revenue Code of 1986, shall apply.

(d) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this section for any period with respect to any employer if such employer is allowed a credit under section 51 of the Internal Revenue Code of 1986 with respect to such employee for such period.

SEC. 20104. ADDITIONAL DISASTER-RELATED TAX RELIEF PROVISIONS.

(a) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (2), subsection (b) of section 170 of the Internal Revenue Code of 1986 shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of such section to other contributions.

(2) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170 of the Internal Revenue Code of 1986—

(A) INDIVIDUALS.—In the case of an individual—

(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (H) of section 170(b)(1) of such Code) over the amount of all other charitable contributions allowed under section 170(b)(1) of such Code.

(ii) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of clause (i), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

(B) CORPORATIONS.—In the case of a corporation—

(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(ii) CARRYOVER.—Rules similar to the rules of subparagraph (A)(ii) shall apply for purposes of this subparagraph.

(3) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 of the Internal Revenue Code of 1986 as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68 of such Code.

(4) QUALIFIED CONTRIBUTIONS.—

(A) IN GENERAL.—For purposes of this subsection, the term ''qualified contribution'' means any charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) if—

(i) such contribution—

(I) is paid during the period beginning on October 8, 2017, and ending on December 31, 2018, in cash to an organization described in section 170(b)(1)(A) of such Code, and

(II) is made for relief efforts in the California wildfire disaster area,

(ii) the taxpayer obtains from such organization contemporaneous written acknowledgment (within the meaning of section 170(f)(8) of such Code) that such contribution was used (or is to be used) for relief efforts described in clause (i)(II), and

(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

(B) EXCEPTION.—Such term shall not include a contribution by a donor if the contribution is—

(i) to an organization described in section 509(a)(3) of the Internal Revenue Code of 1986, or

(ii) for the establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2) of such Code).

(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.

(b) SPECIAL RULES FOR QUALIFIED DISASTER-RELATED PERSONAL CASUALTY LOSSES.—

(1) IN GENERAL.—If an individual has a net disaster loss for any taxable year—

(A) the amount determined under section 165(h)(2)(A)(ii) of the Internal Revenue Code of 1986 shall be equal to the sum of—

(i) such net disaster loss, and

(ii) so much of the excess referred to in the matter preceding clause (i) of section 165(h)(2)(A) of such Code (reduced by the amount in clause (i) of this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual,

(B) section 165(h)(1) of such Code shall be applied by substituting ''$500'' for ''$500 ($100 for taxable years beginning after December 31, 2009)'',

(C) the standard deduction determined under section 63(c) of such Code shall be increased by the net disaster loss, and

(D) section 56(b)(1)(E) of such Code shall not apply to so much of the standard deduction as is attributable to the increase under subparagraph (C) of this paragraph.

(2) NET DISASTER LOSS.—For purposes of this subsection, the term ''net disaster loss'' means the excess of qualified disaster-related personal casualty losses over personal casualty gains (as defined in section 165(h)(3)(A) of the Internal Revenue Code of 1986).

(3) QUALIFIED DISASTER-RELATED PERSONAL CASUALTY LOSSES.—For purposes of this subsection, the term ''qualified disaster-related personal casualty losses'' means losses described in section 165(c)(3) of the Internal Revenue Code of 1986 which arise in the California wildfire disaster area on or after October 8, 2017, and which are attributable to the wildfires to which the declaration of such area relates.

(c) SPECIAL RULE FOR DETERMINING EARNED INCOME.—

(1) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year which includes any portion of the period from October 8, 2017, to December 31, 2017, is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(A) such earned income for the preceding taxable year, for

(B) such earned income for the taxable year which includes any portion of the period from October 8, 2017, to December 31, 2017.

(2) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term ''qualified individual'' means any individual whose principal place of abode during any portion of the period from October 8, 2017, to December 31, 2017, was located—

(A) in the California wildfire disaster zone, or

(B) in the California wildfire disaster area (but outside the California wildfire disaster zone) and such individual was displaced from such principal place of abode by reason of the wildfires to which the declaration of such area relates.

(3) EARNED INCOME.—For purposes of this subsection, the term ''earned income'' has the meaning given such term under section 32(c) of the Internal Revenue Code of 1986.

(4) SPECIAL RULES.—

(A) APPLICATION TO JOINT RETURNS.—For purposes of paragraph (1), in the case of a joint return for a taxable year which includes any portion of the period from October 8, 2017, to December 31, 2017—

(i) such paragraph shall apply if either spouse is a qualified individual, and

(ii) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

(B) UNIFORM APPLICATION OF ELECTION.—Any election made under paragraph (1) shall apply with respect to both sections 24(d) and 32, of the Internal Revenue Code of 1986.

(C) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of the Internal Revenue Code of 1986, an incorrect use on a return of earned income pursuant to paragraph (1) shall be treated as a mathematical or clerical error.

(D) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this subsection, the Internal Revenue Code of 1986 shall be applied without regard to any substitution under paragraph (1).

TITLE II—TAX RELIEF FOR HURRICANES HARVEY, IRMA, AND MARIA

SEC. 20201. TAX RELIEF FOR HURRICANES HARVEY, IRMA, AND MARIA.

(a) MODIFICATION OF HURRICANES HARVEY AND IRMA DISASTER AREAS.—Subsections (a)(2) and (b)(2) of section 501 of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 (Public Law 115–63; 131 Stat. 1173) are both amended by striking ''September 21, 2017'' and inserting ''October 17, 2017''.

(b) EMPLOYEE RETENTION CREDIT.—Subsections (a)(3), (b)(3), and (c)(3) of section 503 of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 (Public Law 115–63; 131 Stat. 1181) are each amended by striking ''sections 51(i)(1) and 52'' and inserting ''sections 51(i)(1), 52, and 280C(a)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of title V of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 to which such amendments relate.

TITLE III—HURRICANE MARIA RELIEF FOR PUERTO RICO AND THE VIRGIN ISLANDS MEDICAID PROGRAMS

SEC. 20301. HURRICANE MARIA RELIEF FOR PUERTO RICO AND THE VIRGIN ISLANDS MEDICAID PROGRAMS.

(a) INCREASED CAPS.—Section 1108(g)(5) of the Social Security Act (42 U.S.C. 1308(g)(5)) is amended—

(1) in subparagraph (A), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B), (C), (D), and (E)''; and

(2) by adding at the end the following new subparagraphs:

''(C) Subject to subparagraphs (D) and (E), for the period beginning January 1, 2018, and ending September 30, 2019—

''(i) the amount of the increase otherwise provided under subparagraphs (A) and (B) for Puerto Rico shall be further increased by $3,600,000,000; and

''(ii) the amount of the increase otherwise provided under subparagraph (A) for the Virgin Islands shall be further increased by $106,931,000.

''(D) For the period described in subparagraph (C), the amount of the increase otherwise provided under subparagraph (A)—

''(i) for Puerto Rico shall be further increased by $1,200,000,000 if the Secretary certifies that Puerto Rico has taken reasonable and appropriate steps during such period, in accordance with a timeline established by the Secretary, to—

''(I) implement methods, satisfactory to the Secretary, for the collection and reporting of reliable data to the Transformed Medicaid Statistical Information System (T–MSIS) (or a successor system); and

''(II) demonstrate progress in establishing a State medicaid fraud control unit described in section 1903(q); and

''(ii) for the Virgin Islands shall be further increased by $35,644,000 if the Secretary certifies that the Virgin Islands has taken reasonable and appropriate steps during such period, in accordance with a timeline established by the Secretary, to meet the conditions for certification specified in subclauses (I) and (II) of clause (i).

''(E) Notwithstanding any other provision of title XIX, during the period in which the additional funds provided under subparagraphs (C) and (D) are available for Puerto Rico and the Virgin Islands, respectively, with respect to payments from such additional funds for amounts expended by Puerto Rico and the Virgin Islands under such title, the Secretary shall increase the Federal medical assistance percentage or other rate that would otherwise apply to such payments to 100 percent.''.

(b) DISREGARD OF CERTAIN EXPENDITURES FROM SPENDING CAP.—Section 1108(g)(4) of the Social Security Act (42 U.S.C. 1308(g)(4)) is amended—

(1) by inserting ''for a calendar quarter of such fiscal year,'' after ''section 1903(a)(3)''; and

(2) by striking ''of such fiscal year for a calendar quarter of such fiscal year,'' and inserting ''of such fiscal year, and with respect to fiscal years beginning with fiscal year 2018, if the Virgin Islands qualifies for a payment under section 1903(a)(6) for a calendar quarter (beginning on or after January 1, 2018) of such fiscal year,''.

(c) REPORT TO CONGRESS.—Not later than July 1, 2018, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate that—

(1) describes the steps taken by Puerto Rico and the Virgin Islands to meet the conditions for certification specified in clauses (i) and (ii), respectively, of section 1108(g)(5)(D) of the Social Security Act (42 U.S.C. 1308(g)(5)(D)) (as amended by subsection (a) of this section); and

(2) specifies timelines for each such territory to, as a condition of eligibility for any additional increases in the amounts determined for Puerto Rico or the Virgin Islands, respectively, under subsection (g) of section 1108 of such Act (42 U.S.C. 1308) for purposes of payments under title XIX of such Act for fiscal year 2019, complete—

(A) implementation of methods, satisfactory to the Secretary, for the collection and reporting of reliable data to the Transformed Medicaid Statistical Information System (T–MSIS) (or a successor system); and

(B) the establishment of a State medicaid fraud control unit described in section 1903(q) of the Social Security Act (42 U.S.C. 1396d(q)).

TITLE IV—BUDGETARY EFFECTS

SEC. 20401. EMERGENCY DESIGNATION.

This subdivision is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

SEC. 20402. DESIGNATION IN SENATE.

In the Senate, this subdivision is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

Subdivision 3—Further Extension of Continuing Appropriations Act, 2018

SEC. 20101. The Continuing Appropriations Act, 2018 (division D of Public Law 115–56) is further amended by—

(1) striking the date specified in section 106(3) and inserting ''March 23, 2018''; and

(2) inserting after section 155 the following new sections:

''SEC. 156. In addition to amounts provided by section 101, amounts are provided for 'Department of Commerce—Bureau of the Census—Periodic Census and Programs' at a rate for operations of $182,000,000 for an additional amount for the 2020 Decennial Census Program; and such amounts may be apportioned up to the rate for operations necessary to maintain the schedule and deliver the required data according to statutory deadlines in the 2020 Decennial Census Program.

''SEC. 157. Notwithstanding section 101, the matter preceding the first proviso and the first proviso under the heading 'Power Marketing Administrations—Operation and Maintenance, Southeastern Power Administration' in division D of Public Law 115–31 shall be applied by substituting '$6,379,000' for '$1,000,000' each place it appears.

''SEC. 158. As authorized by section 404 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C. 6239 note), the Secretary of Energy shall draw down and sell not to exceed $350,000,000 of crude oil from the Strategic Petroleum Reserve in fiscal year 2018: *Provided*, That the proceeds from such drawdown and sale shall be deposited into the 'Energy Security and Infrastructure Modernization Fund' (in this section referred to as the 'Fund') during fiscal year 2018: *Provided further*, That in addition to amounts otherwise made available by section 101, any amounts deposited in the Fund shall be made available and shall remain available until expended at a rate for operations of $350,000,000, for necessary expenses in carrying out the Life Extension II project for the Strategic Petroleum Reserve.

''SEC. 159. Amounts made available by section 101 for 'The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Fees of Jurors and Commissioners' may be apportioned up to the rate for operations necessary to accommodate increased juror usage.

''SEC. 160. Section 144 of the Continuing Appropriations Act, 2018 (division D of Public Law 115–56), as amended by the Further Additional Continuing Appropriations Act, 2018 (division A of Public Law 115–96), is amended by (1) striking '$11,761,000' and inserting '$22,247,000', and (2) striking '$1,104,000' and inserting '$1,987,000'.

''SEC. 161. Section 458(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)(4)) shall be applied by substituting '2018' for '2017'.

''SEC. 162. For the purpose of carrying out section 435(a)(2) of the Higher Education Act of 1965 (HEA) (20 U.S.C. 1085(a)(2)), during the period covered by this Act the Secretary of Education may waive the requirement under section 435(a)(5)(A)(ii) of the HEA (20 U.S.C. 1085(a)(5)(A)(ii)) for an institution of higher education that offers an associate degree, is a public institution, and is located in an economically distressed county, defined as a county that ranks in the lowest 5 percent of all counties in the United States based on a national index of county economic status: *Provided*, That this section shall apply to an institution of higher education that otherwise would be ineligible to participate in a program under part A of title IV of the HEA on or after the date of enactment of this Act due to the application of section 435(a)(2) of the HEA.

''SEC. 163. Notwithstanding any other provision of law, funds made available by this Act for military construction, land acquisition, and family housing projects and activities may be obligated and expended to carry out planning and design and military construction projects authorized by law: *Provided*, That funds and authority provided by this section may be used notwithstanding sections 102 and 104: *Provided further*, That such funds may be used only for projects identified by the Department of the Air Force in its January 29, 2018, letter sent to the Committees on Appropriations of both Houses of Congress detailing urgently needed fiscal year 2018 construction requirements.

''SEC. 164. (a) Section 116(h)(3)(D) of title 49, United States Code, is amended—

''(1) in clause (i), by striking 'During the 2-year period beginning on the date of enactment of this section, the'; inserting 'The'; and inserting the following after the first sentence: 'Any such funds or limitation of obligations or portions thereof transferred to the Bureau may be transferred back to and merged with the original account.'; and

''(2) in clause (ii) by striking 'During the 2-year period beginning on the date of enactment of this section, the'; inserting 'The'; and inserting the following after the first sentence: 'Any such funds or limitation of obligations or portions thereof transferred to the Bureau may be transferred back to and merged with the original account.'.

''(b) Section 503(l)(4) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 823(l)(4)) is amended—

''(1) in the heading by striking 'Safety and operations account' and inserting 'National Surface Transportation and Innovative Finance Bureau account'; and

''(2) in subparagraph (A) by striking 'Safety and Operations account of the Federal Railroad Administration' and inserting 'National Surface Transportation and Innovative Finance Bureau account'.

''SEC. 165. Section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v) shall be applied by substituting the date specified in section 106(3) for 'September 30, 2017'.''.

This subdivision may be cited as the ''Further Extension of Continuing Appropriations Act, 2018''.

DIVISION C—BUDGETARY AND OTHER MATTERS

SEC. 30001. TABLE OF CONTENTS.

The table of contents for this division is as follows:

TITLE I—BUDGET ENFORCEMENT

SEC. 30101. AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.

(a) REVISED DISCRETIONARY SPENDING LIMITS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraphs (5) and (6) and inserting the following:

''(5) for fiscal year 2018—

''(A) for the revised security category, $629,000,000,000 in new budget authority; and

''(B) for the revised nonsecurity category $579,000,000,000 in new budget authority;

''(6) for fiscal year 2019—

''(A) for the revised security category, $647,000,000,000 in new budget authority; and

''(B) for the revised nonsecurity category, $597,000,000,000 in new budget authority;''.

(b) DIRECT SPENDING ADJUSTMENTS FOR FISCAL YEARS 2018 AND 2019.—Section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), is amended—

(1) in paragraph (5)(B), in the matter preceding clause (i), by striking ''and (11)'' and inserting '', (11), and (12)''; and

(2) by adding at the end the following:

''(12) IMPLEMENTING DIRECT SPENDING REDUCTIONS FOR FISCAL YEARS 2018 AND 2019.—(A) OMB shall make the calculations necessary to implement the direct spending reductions calculated pursuant to paragraphs (3) and (4) without regard to the amendment made to section 251(c) revising the discretionary spending limits for fiscal years 2018 and 2019 by the Bipartisan Budget Act of 2018.

''(B) Paragraph (5)(B) shall not be implemented for fiscal years 2018 and 2019.''.

(c) EXTENSION OF DIRECT SPENDING REDUCTIONS THROUGH FISCAL YEAR 2027.—Section 251A(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking ''for fiscal year 2022, for fiscal year 2023, for fiscal year 2024, and for fiscal year 2025'' and inserting ''for each of fiscal years 2022 through 2027''; and

(2) in subparagraph (C), in the matter preceding clause (i), by striking ''fiscal year 2025'' and inserting ''fiscal year 2027''.

SEC. 30102. BALANCES ON THE PAYGO SCORECARDS.

Effective on the date of enactment of this Act, the balances on the PAYGO scorecards established pursuant to paragraphs (4) and (5) of section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)) shall be zero.

SEC. 30103. AUTHORITY FOR FISCAL YEAR 2019 BUDGET RESOLUTION IN THE SENATE.

(a) FISCAL YEAR 2019.—For purposes of enforcing the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) after April 15, 2018, and enforcing budgetary points of order in prior concurrent resolutions on the budget, the allocations, aggregates, and levels provided for in subsection (b) shall apply in the Senate in the same manner as for a concurrent resolution on the budget for fiscal year 2019 with appropriate budgetary levels for fiscal years 2020 through 2028.

(b) COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.—After April 15, 2018, but not later than May 15, 2018, the Chairman of the Committee on the Budget of the Senate shall file—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2019 consistent with discretionary spending limits set forth in section 251(c)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this Act, for the purposes of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633);

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2019, 2019 through 2023, and 2019 through 2028 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purposes of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633);

(3) aggregate spending levels for fiscal year 2019 in accordance with the allocations established under paragraphs (1) and (2), for the purpose of enforcing section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642);

(4) aggregate revenue levels for fiscal years 2019, 2019 through 2023, and 2019 through 2028 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642); and

(5) levels of Social Security revenues and outlays for fiscal years 2019, 2019 through 2023, and 2019 through 2028 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633 and 642).

(c) ADDITIONAL MATTER.—The filing referred to in subsection (b) may also include for fiscal year 2019 the deficit-neutral reserve funds contained in title III of H. Con. Res. 71 (115th Congress) updated by one fiscal year.

(d) EXPIRATION.—This section shall expire if a concurrent resolution on the budget for fiscal year 2019 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

SEC. 30104. AUTHORITY FOR FISCAL YEAR 2019 BUDGET RESOLUTION IN THE HOUSE OF REPRESENTATIVES.

(a) FISCAL YEAR 2019.—If a concurrent resolution on the budget for fiscal year 2019 has not been adopted by April 15, 2018, for the purpose of enforcing the Congressional Budget Act of 1974, the allocations, aggregates, and levels provided for in subsection (b) shall apply in the House of Representatives after April 15, 2018, in the same manner as for a concurrent resolution on the budget for fiscal year 2019 with appropriate budgetary levels for fiscal year 2019 and for fiscal years 2020 through 2028.

(b) COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.—In the House of Representatives, the Chair of the Committee on the Budget shall submit a statement for publication in the Congressional Record after April 15, 2018, but not later than May 15, 2018, containing—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2019 for discretionary budget authority at the total level set forth in section 251(c)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this Act, and the outlays flowing therefrom, and committee allocations for fiscal year 2019 for current law mandatory budget authority and outlays, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal year 2019 and for the period of fiscal years 2019 through 2028 at the levels included in the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974; and

(3) aggregate spending levels for fiscal year 2019 and aggregate revenue levels for fiscal year 2019 and for the period of fiscal years 2019 through 2028, at the levels included in the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974.

(c) ADDITIONAL MATTER.—The statement referred to in subsection (b) may also include for fiscal year 2019, the matter contained in the provisions referred to in subsection (f)(1).

(d) FISCAL YEAR 2019 ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS.—If the statement referred to in subsection (b) is not filed by May 15, 2018, then the matter referred to in subsection (b)(1) shall be submitted by the Chair of the Committee on the Budget for publication in the Congressional Record on the next day that the House of Representatives is in session.

(e) ADJUSTMENTS.—The chair of the Committee on the Budget of the House of Representatives may adjust the levels included in the statement referred to in subsection (b) to reflect the budgetary effects of any legislation enacted during the 115th Congress that reduces the deficit or as otherwise necessary.

(f) APPLICATION.—Upon submission of the statement referred to in subsection (b)—

(1) all references in sections 5101 through 5112, sections 5201 through 5205, section 5301, and section 5401 of House Concurrent Resolution 71 (115th Congress) to a fiscal year shall be considered for all purposes in the House to be references to the succeeding fiscal year; and

(2) all references in the provisions referred to in paragraph (1) to allocations, aggregates, or other appropriate levels in ''this concurrent resolution'', ''the most recently agreed to concurrent resolution on the budget'', or ''this resolution'' shall be considered for all purposes in the House to be references

to the allocations, aggregates, or other appropriate levels contained in the statement referred to in subsection (b), as adjusted.

(g) EXPIRATION.—Subsections (a) through (f) shall no longer apply if a concurrent resolution on the budget for fiscal year 2019 is agreed to by the Senate and House of Representatives.

SEC. 30105. EXERCISE OF RULEMAKING POWERS.

Sections 30103 and 30104 are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

TITLE II—OFFSETS

SEC. 30201. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking ''January 14, 2026'' and inserting ''February 24, 2027''; and

(2) in subparagraph (B)(i), by striking ''September 30, 2025'' and inserting ''September 30, 2027''.

(b) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 19 U.S.C. 3805 note) is amended by striking ''January 14, 2026'' and inserting ''February 24, 2027''.

SEC. 30202. AVIATION SECURITY SERVICE FEES.

Paragraph (4) of section 44940(i) of title 49, United States Code, is amended by adding at the end the following new subparagraphs:

''(M) $1,640,000,000 for fiscal year 2026.

''(N) $1,680,000,000 for fiscal year 2027.''.

SEC. 30203. EXTENSION OF CERTAIN IMMIGRATION FEES.

(a) VISA WAIVER PROGRAM.—Section 217(h)(3)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(iii)) is amended by striking ''September 30, 2020'' and inserting ''September 30, 2027''.

(b) L-1 AND H-1B VISAS.—Section 411 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by striking ''September 30, 2025'' each place it appears and inserting ''September 30, 2027''.

SEC. 30204. STRATEGIC PETROLEUM RESERVE DRAWDOWN.

(a) DRAWDOWN AND SALE.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsection (b), the Secretary of Energy shall draw down and sell from the Strategic Petroleum Reserve—

(A) 30,000,000 barrels of crude oil during the period of fiscal years 2022 through 2025;

(B) 35,000,000 barrels of crude oil during fiscal year 2026; and

(C) 35,000,000 barrels of crude oil during fiscal year 2027.

(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(b) EMERGENCY PROTECTION.—The Secretary of Energy may not draw down and sell crude oil under this section in quantities that would limit the authority to sell petroleum products under subsection (h) of section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) in the full quantity authorized by that subsection.

(c) STRATEGIC PETROLEUM DRAWDOWN CONDITIONS AND LIMITATIONS.—

(1) CONDITIONS.—Section 161(h)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)(1)) is amended in subparagraph (B) by striking ''shortage; and'' and all that follows through ''Secretary of'' in subparagraph (C) and inserting the following: ''shortage;

''(C) the Secretary has found that action taken under this subsection will not impair the ability of the United States to carry out obligations of the United States under the international energy program; and

''(D) the Secretary of''.

(2) LIMITATIONS.—Section 161(h)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)(2)) is amended by striking ''450,000,000'' each place it appears and inserting ''350,000,000''.

SEC. 30205. ELIMINATION OF SURPLUS FUNDS OF FEDERAL RESERVE BANKS.

Section 7(a)(3)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is amended by striking ''$10,000,000,000'' and inserting ''$7,500,000,000''.

SEC. 30206. REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS.

(a) IN GENERAL.—Title III of the Social Security Act (42 U.S.C. 501 et seq.) is amended by adding at the end the following:

''SEC. 306. GRANTS TO STATES FOR REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS.

''(a) IN GENERAL.—The Secretary of Labor (in this section referred to as the 'Secretary') shall award grants under this section for a fiscal year to eligible States to conduct a program of reemployment services and eligibility assessments for individuals referred to reemployment services as described in section 303(j) for weeks in such fiscal year for which such individuals receive unemployment compensation.

''(b) PURPOSES.—The purposes of this section are to accomplish the following goals:

''(1) To improve employment outcomes of individuals that receive unemployment compensation and to reduce the average duration of receipt of such compensation through employment.

''(2) To strengthen program integrity and reduce improper payments of unemployment compensation by States through the detection and prevention of such payments to individuals who are not eligible for such compensation.

''(3) To promote alignment with the broader vision of the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) of increased program integration and service delivery for job seekers, including claimants for unemployment compensation.

''(4) To establish reemployment services and eligibility assessments as an entry point for individuals receiving unemployment compensation into other workforce system partner programs.

''(c) EVIDENCE-BASED STANDARDS.—

''(1) IN GENERAL.—In carrying out a State program of reemployment services and eligibility assessments using grant funds awarded to the State under this section, a State shall use such funds only for interventions demonstrated to reduce the number of weeks for which program participants receive unemployment compensation by improving employment outcomes for program participants.

''(2) EXPANDING EVIDENCE-BASED INTERVENTIONS.—In addition to the requirement imposed by paragraph (1), a State shall—

''(A) for fiscal years 2023 and 2024, use no less than 25 percent of the grant funds awarded to the State under this section for interventions with a high or moderate causal evidence rating that show a demonstrated capacity to improve employment and earnings outcomes for program participants;

''(B) for fiscal years 2025 and 2026, use no less than 40 percent of such grant funds for interventions described in subparagraph (A); and

''(C) for fiscal years beginning after fiscal year 2026, use no less than 50 percent of such grant funds for interventions described in subparagraph (A).

''(d) EVALUATIONS.—

''(1) REQUIRED EVALUATIONS.—Any intervention without a high or moderate causal evidence rating used by a State in carrying out a State program of reemployment services and eligibility assessments under this section shall be under evaluation at the time of use.

''(2) FUNDING LIMITATION.—A State shall use not more than 10 percent of grant funds awarded to the State under this section to conduct or cause to be conducted evaluations of interventions used in carrying out a program under this section (including evaluations conducted pursuant to paragraph (1)).

''(e) STATE PLAN.—

''(1) IN GENERAL.—As a condition of eligibility to receive a grant under this section for a fiscal year, a State shall submit to the Secretary, at such time and in such manner as the Secretary may require, a State plan that outlines how the State intends to conduct a program of reemployment services and eligibility assessments under this section, including—

''(A) assurances that, and a description of how, the program will provide—

''(i) proper notification to participating individuals of the program's eligibility conditions, requirements, and benefits, including the issuance of warnings and simple, clear notifications to ensure that participating individuals are fully aware of the consequences of failing to adhere to such requirements, including policies related to non-attendance or non-fulfillment of work search requirements; and

''(ii) reasonable scheduling accommodations to maximize participation for eligible individuals;

''(B) assurances that, and a description of how, the program will conform with the purposes outlined in subsection (b) and satisfy the requirement to use evidence-based standards under subsection (c), including—

''(i) a description of the evidence-based interventions the State plans to use to speed reemployment;

''(ii) an explanation of how such interventions are appropriate to the population served; and

''(iii) if applicable, a description of the evaluation structure the State plans to use for interventions without at least a moderate or high causal evidence rating, which may include national evaluations conducted by the Department of Labor or by other entities; and

''(C) a description of any reemployment activities and evaluations conducted in the prior fiscal year, and any data collected on—

''(i) characteristics of program participants;

''(ii) the number of weeks for which program participants receive unemployment compensation; and

''(iii) employment and other outcomes for program participants consistent with State performance accountability measures provided by the State unemployment compensation program and in section 116(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(b)).

''(2) APPROVAL.—The Secretary shall approve any State plan, that is timely submitted to the Secretary, in such manner as the Secretary may require, that satisfies the conditions described in paragraph (1).

''(3) DISAPPROVAL AND REVISION.—If the Secretary determines that a State plan submitted pursuant to this subsection fails to satisfy the conditions described in paragraph (1), the Secretary shall—

''(A) disapprove such plan;

''(B) provide to the State, not later than 30 days after the date of receipt of the State plan, a written notice of such disapproval that includes a description of any portion of the plan that was not approved and the reason for the disapproval of each such portion; and

''(C) provide the State with an opportunity to correct any such failure and submit a revised State plan.

''(f) ALLOCATION OF FUNDS.—

''(1) BASE FUNDING.—

''(A) IN GENERAL.—For each fiscal year after fiscal year 2020, the Secretary shall allocate a percentage equal to the base funding percentage for such fiscal year of the funds made available for grants under this section among the States awarded such a grant for such fiscal year using a formula prescribed by the Secretary based on the rate of insured unemployment (as defined in section 203(e)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note)) in the State for a period to be determined by the Secretary. In developing such formula with respect to a State, the Secretary shall consider the importance of avoiding sharp reductions in grant funding to a State over time.

''(B) BASE FUNDING PERCENTAGE.—For purposes of subparagraph (A), the term 'base funding percentage' means—

''(i) for fiscal years 2021 through 2026, 89 percent; and

''(ii) for fiscal years after 2026, 84 percent.

''(2) RESERVATION FOR OUTCOME PAYMENTS.—

''(A) IN GENERAL.—Of the amounts made available for grants under this section for each fiscal year after 2020, the Secretary shall reserve a percentage equal to the outcome reservation percentage for such fiscal year for outcome payments to increase the amount otherwise awarded to a State under paragraph (1). Such outcome payments shall be paid to States conducting reemployment services and eligibility assessments under this section that, during the previous fiscal year, met or exceeded the outcome goals provided in subsection (b)(1) related to reducing the average duration of receipt of unemployment compensation by improving employment outcomes.

''(B) OUTCOME RESERVATION PERCENTAGE.—For purposes of subparagraph (A), the term 'outcome reservation percentage' means—

''(i) for fiscal years 2021 through 2026, 10 percent; and

''(ii) for fiscal years after 2026, 15 percent.

''(3) RESERVATION FOR RESEARCH AND TECHNICAL ASSISTANCE.—Of the amounts made available for grants under this section for each fiscal year after 2020, the Secretary may reserve not more than 1 percent to conduct research and provide technical assistance to States.

''(4) CONSULTATION AND PUBLIC COMMENT.—Not later than September 30, 2019, the Secretary shall—

''(A) consult with the States and seek public comment in developing the allocation formula under paragraph (1) and the criteria for carrying out the reservations under paragraph (2); and

''(B) make publicly available the allocation formula and criteria developed pursuant to subclause (A).

''(g) NOTIFICATION TO CONGRESS.—Not later than 90 days prior to making any changes to the allocation formula or the criteria developed pursuant to subsection (f)(5)(A), the Secretary shall submit to Congress, including to the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives and the Committee on Finance and the Committee on Appropriations of the Senate, a notification of any such change.

''(h) SUPPLEMENT NOT SUPPLANT.—Funds made available to carry out this section shall be used to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would be expended to provide reemployment services and eligibility assessments to individuals receiving unemployment compensation, and in no case to supplant such Federal, State, or local public funds.

''(i) DEFINITIONS.—In this section:

''(1) CAUSAL EVIDENCE RATING.—The terms 'high causal evidence rating' and 'moderate causal evidence rating' shall have the meaning given such terms by the Secretary of Labor.

''(2) ELIGIBLE STATE.—The term 'eligible State' means a State that has in effect a State plan approved by the Secretary in accordance with subsection (e).

''(3) INTERVENTION.—The term 'intervention' means a service delivery strategy for the provision of State reemployment services and eligibility assessment activities under this section.

''(4) STATE.—The term 'State' has the meaning given the term in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

''(5) UNEMPLOYMENT COMPENSATION.—The term unemployment compensation means 'regular compensation', 'extended compensation', and 'additional compensation' (as such terms are defined by section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note)).''.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Labor shall submit to Congress a report to describe promising interventions used by States to provide reemployment assistance.

(c) ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended by adding at the end the following:

''(E) REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS.—

''(i) IN GENERAL.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies an amount for grants to States under section 306 of the Social Security Act, then the adjustment for that fiscal year shall be the additional new budget authority provided in that Act for such grants for that fiscal year, but shall not exceed—

''(I) for fiscal year 2018, $0;

''(II) for fiscal year 2019, $33,000,000;

''(III) for fiscal year 2020, $58,000,000; and

''(IV) for fiscal year 2021, $83,000,000.

''(ii) DEFINITION.—As used in this subparagraph, the term 'additional new budget authority' means the amount provided for a fiscal year, in excess of $117,000,000, in an appropriation Act and specified to pay for grants to States under section 306 of the Social Security Act.''.

(d) OTHER BUDGETARY ADJUSTMENTS.—Section 314 of the Congressional Budget Act of 1974 (2 U.S.C. 645) is amended by adding at the end the following:

''(g) ADJUSTMENT FOR REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS.—

''(1) IN GENERAL.—

''(A) ADJUSTMENTS.—If the Committee on Appropriations of either House reports an appropriation measure for any of fiscal years 2022 through 2027 that provides budget authority for grants under section 306 of the Social Security Act, or if a conference committee submits a conference report thereon, the chairman of the Committee on the Budget of the House of Representatives or the Senate shall make the adjustments referred to in subparagraph (B) to reflect the additional new budget authority provided for such grants in that measure or conference report and the outlays resulting therefrom, consistent with subparagraph (D).

''(B) TYPES OF ADJUSTMENTS.—The adjustments referred to in this subparagraph consist of adjustments to—

''(i) the discretionary spending limits for that fiscal year as set forth in the most recently adopted concurrent resolution on the budget;

''(ii) the allocations to the Committees on Appropriations of the Senate and the House of Representatives for that fiscal year under section 302(a); and

''(iii) the appropriate budget aggregates for that fiscal year in the most recently adopted concurrent resolution on the budget.

''(C) ENFORCEMENT.—The adjusted discretionary spending limits, allocations, and aggregates under this paragraph shall be considered the appropriate limits, allocations, and aggregates for purposes of congressional enforcement of this Act and concurrent budget resolutions under this Act.

''(D) LIMITATION.—No adjustment may be made under this subsection in excess of—

''(i) for fiscal year 2022, $133,000,000;

''(ii) for fiscal year 2023, $258,000,000;

''(iii) for fiscal year 2024, $433,000,000;

''(iv) for fiscal year 2025, $533,000,000;

''(v) for fiscal year 2026, $608,000,000; and

''(vi) for fiscal year 2027, $633,000,000.

''(E) DEFINITION.—As used in this subsection, the term 'additional new budget authority' means the amount provided for a fiscal year, in excess of $117,000,000, in an appropriation measure or conference report (as the case may be) and specified to pay for grants to States under section 306 of the Social Security Act.

''(2) REPORT ON 302(B) LEVEL.—Following any adjustment made under paragraph (1), the Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised suballocations pursuant to section 302(b) to carry out this subsection.''.

TITLE III—TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT

SEC. 30301. TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT.

(a) IN GENERAL.—Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act and ending on March 1, 2019.

(b) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING EXTENSION PERIOD.—Effective on March 2, 2019, the limitation in effect under section 3101(b) of title 31, United States Code, shall be increased to the extent that—

(1) the face amount of obligations issued under chapter 31 of such title and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) outstanding on March 2, 2019, exceeds

(2) the face amount of such obligations outstanding on the date of the enactment of this Act.

(c) RESTORING CONGRESSIONAL AUTHORITY OVER THE NATIONAL DEBT.—

(1) EXTENSION LIMITED TO NECESSARY OBLIGATIONS.—An obligation shall not be taken

into account under subsection (b)(1) unless the issuance of such obligation was necessary to fund a commitment incurred pursuant to law by the Federal Government that required payment before March 2, 2019.

(2) PROHIBITION ON CREATION OF CASH RESERVE DURING EXTENSION PERIOD.—The Secretary of the Treasury shall not issue obligations during the period specified in subsection (a) for the purpose of increasing the cash balance above normal operating balances in anticipation of the expiration of such period.

TITLE IV—JOINT SELECT COMMITTEES

Subtitle A—Joint Select Committee on Solvency of Multiemployer Pension Plans

SEC. 30421. DEFINITIONS.

In this subtitle—

(1) the term ''joint committee'' means the Joint Select Committee on Solvency of Multiemployer Pension Plans established under section 30422(a); and

(2) the term ''joint committee bill'' means a bill consisting of the proposed legislative language of the joint committee recommended in accordance with section 30422(b)(2)(B)(ii) and introduced under section 30424(a).

SEC. 30422. ESTABLISHMENT OF JOINT SELECT COMMITTEE.

(a) ESTABLISHMENT OF JOINT SELECT COMMITTEE.—There is established a joint select committee of Congress to be known as the ''Joint Select Committee on Solvency of Multiemployer Pension Plans''.

(b) IMPLEMENTATION.—

(1) GOAL.—The goal of the joint committee is to improve the solvency of multiemployer pension plans and the Pension Benefit Guaranty Corporation.

(2) DUTIES.—

(A) IN GENERAL.—The joint committee shall provide recommendations and legislative language that will significantly improve the solvency of multiemployer pension plans and the Pension Benefit Guaranty Corporation.

(B) REPORT, RECOMMENDATIONS, AND LEGISLATIVE LANGUAGE.—

(i) IN GENERAL.—Not later than November 30, 2018, the joint committee shall vote on—

(I) a report that contains a detailed statement of the findings, conclusions, and recommendations of the joint committee; and

(II) proposed legislative language to carry out the recommendations described in subclause (I).

(ii) APPROVAL OF REPORT AND LEGISLATIVE LANGUAGE.—

(I) IN GENERAL.—The report of the joint committee and the proposed legislative language described in clause (i) shall only be approved upon receiving the votes of—

(aa) a majority of joint committee members appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate; and

(bb) a majority of joint committee members appointed by the Minority Leader of the House of Representatives and the Minority Leader of the Senate.

(II) AVAILABILITY.—The text of any report and proposed legislative language shall be publicly available in electronic form at least 24 hours prior to its consideration.

(iii) ADDITIONAL VIEWS.—A member of the joint committee who gives notice of an intention to file supplemental, minority, or additional views at the time of the final joint committee vote on the approval of the report and legislative language under clause (ii) shall be entitled to 2 calendar days after the day of such notice in which to file such views in writing with the co-chairs. Such views shall then be included in the joint committee report and printed in the same volume, or part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the joint committee report may be printed and transmitted immediately without such views.

(iv) TRANSMISSION OF REPORT AND LEGISLATIVE LANGUAGE.—If the report and legislative language are approved by the joint committee pursuant to clause (ii), the joint committee shall submit the joint committee report and legislative language described in clause (i) to the President, the Vice President, the Speaker of the House of Representatives, and the majority and minority leaders of each House of Congress not later than 15 calendar days after such approval.

(v) REPORT AND LEGISLATIVE LANGUAGE TO BE MADE PUBLIC.—Upon the approval of the joint committee report and legislative language pursuant to clause (ii), the joint committee shall promptly make the full report and legislative language, and a record of any vote, available to the public.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The joint committee shall be composed of 16 members appointed pursuant to subparagraph (B).

(B) APPOINTMENT.—Members of the joint committee shall be appointed as follows:

(i) The Speaker of the House of Representatives shall appoint 4 members from among Members of the House of Representatives.

(ii) The Minority Leader of the House of Representatives shall appoint 4 members from among Members of the House of Representatives.

(iii) The Majority Leader of the Senate shall appoint 4 members from among Members of the Senate.

(iv) The Minority Leader of the Senate shall appoint 4 members from among Members of the Senate.

(C) CO-CHAIRS.—Two of the appointed members of the joint committee will serve as co-chairs. The Speaker of the House of Representatives and the Majority Leader of the Senate shall jointly appoint one co-chair, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall jointly appoint the second co-chair. The co-chairs shall be appointed not later than 14 calendar days after the date of enactment of this Act.

(D) DATE.—Members of the joint committee shall be appointed not later than 14 calendar days after the date of enactment of this Act.

(E) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the joint committee. Any vacancy in the joint committee shall not affect its powers, but shall be filled not later than 14 calendar days after the date on which the vacancy occurs, in the same manner as the original appointment was made. If a member of the joint committee ceases to be a Member of the House of Representatives or the Senate, as the case may be, the member is no longer a member of the joint committee and a vacancy shall exist.

(4) ADMINISTRATION.—

(A) IN GENERAL.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, there are authorized to be disbursed by the Senate the actual and necessary expenses of the joint committee approved by the co-chairs, subject to the rules and regulations of the Senate.

(B) EXPENSES.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, there are authorized to be appropriated for each fiscal year such sums as may be necessary, to be disbursed by the Secretary of the Senate on vouchers signed by the co-chairs.

(C) QUORUM.—Nine members of the joint committee shall constitute a quorum for purposes of voting and meeting, and 5 members of the joint committee shall constitute a quorum for holding hearings.

(D) VOTING.—No proxy voting shall be allowed on behalf of the members of the joint committee.

(E) MEETINGS.—

(i) INITIAL MEETING.—Not later than 30 calendar days after the date of enactment of this Act, the joint committee shall hold its first meeting.

(ii) AGENDA.—The co-chairs of the joint committee shall provide an agenda to the joint committee members not less than 48 hours in advance of any meeting.

(F) HEARINGS.—

(i) IN GENERAL.—The joint committee may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, require attendance of witnesses and production of books, papers, and documents, take such testimony, receive such evidence, and administer such oaths as the joint committee considers advisable.

(ii) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.—

(I) ANNOUNCEMENT.—The co-chairs of the joint committee shall make a public announcement of the date, place, time, and subject matter of any hearing to be conducted, not less than 7 days in advance of such hearing, unless the co-chairs determine that there is good cause to begin such hearing at an earlier date.

(II) EQUAL REPRESENTATION OF WITNESSES.—Each co-chair shall be entitled to select an equal number of witnesses for each hearing held by the joint committee.

(III) WRITTEN STATEMENT.—A witness appearing before the joint committee shall file a written statement of proposed testimony at least 2 calendar days before the appearance of the witness, unless the requirement is waived by the co-chairs, following their determination that there is good cause for failure to comply with such requirement.

(G) MINIMUM NUMBER OF PUBLIC MEETINGS AND HEARINGS.—The joint committee shall hold—

(i) not less than a total of 5 public meetings or public hearings; and

(ii) not less than 3 public hearings, which may include field hearings.

(H) TECHNICAL ASSISTANCE.—Upon written request of the co-chairs, a Federal agency, including legislative branch agencies, shall provide technical assistance to the joint committee in order for the joint committee to carry out its duties.

(I) STAFFING.—

(i) DETAILS.—Employees of the legislative branch may be detailed to the joint committee on a nonreimbursable basis.

(ii) STAFF DIRECTOR.—The co-chairs, acting jointly, may designate one such employee as staff director of the joint committee.

(c) ETHICAL STANDARDS.—Members on the joint committee who serve in the House of Representatives shall be governed by the ethics rules and requirements of the House. Members of the Senate who serve on the joint committee shall comply with the ethics rules of the Senate.

(d) TERMINATION.—The joint committee shall terminate on December 31, 2018 or 30 days after submission of its report and legislative recommendations pursuant to this section whichever occurs first.

SEC. 30423. FUNDING.

To enable the joint committee to exercise its powers, functions, and duties under this subtitle, there are authorized to be paid not more than $500,000 from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate, such sums to be disbursed by the Secretary of the Senate, in accordance with Senate rules and procedures, upon vouchers signed by the co-chairs.

The funds authorized under this section shall be available during the period beginning on the date of enactment of this Act and ending on January 2, 2019.

SEC. 30424. CONSIDERATION OF JOINT COMMITTEE BILL IN THE SENATE.

(a) INTRODUCTION.—Upon receipt of proposed legislative language approved in accordance with section 30422(b)(2)(B)(ii), the language shall be introduced in the Senate (by request) on the next day on which the Senate is in session by the Majority Leader of the Senate or by a Member of the Senate designated by the Majority Leader of the Senate.

(b) COMMITTEE CONSIDERATION.—A joint committee bill introduced in the Senate under subsection (a) shall be jointly referred to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions, which committees shall report the bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, no later than 7 session days after introduction of the bill. If either committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(c) MOTION TO PROCEED TO CONSIDERATION.—

(1) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a joint committee bill is reported or discharged from the Committee on Finance and the Committee on Health, Education, Labor, and Pensions, for the Majority Leader of the Senate or the Majority Leader's designee to move to proceed to the consideration of the joint committee bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the joint committee bill at any time after the conclusion of such 2-day period.

(2) CONSIDERATION OF MOTION.—Consideration of the motion to proceed to the consideration of the joint committee bill and all debatable motions and appeals in connection therewith shall not exceed 10 hours, which shall be divided equally between the Majority and Minority Leaders or their designees. A motion to further limit debate is in order, shall require an affirmative vote of three-fifths of Members duly chosen and sworn, and is not debatable.

(3) VOTE THRESHOLD.—The motion to proceed to the consideration of the joint committee bill shall only be agreed to upon an affirmative vote of three-fifths of Members duly chosen and sworn.

(4) LIMITATIONS.—The motion is not subject to a motion to postpone. All points of order against the motion to proceed to the joint committee bill are waived. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(5) DEADLINE.—Not later than the last day of the 115th Congress, the Senate shall vote on a motion to proceed to the joint committee bill.

(6) COMPANION MEASURES.—For purposes of this subsection, the term ''joint committee bill'' includes a bill of the House of Representatives that is a companion measure to the joint committee bill introduced in the Senate.

(d) RULES OF SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate, and as such is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a joint committee bill, and supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

Subtitle B—Joint Select Committee on Budget and Appropriations Process Reform

SEC. 30441. DEFINITIONS.

In this subtitle—

(1) the term ''joint committee'' means the Joint Select Committee on Budget and Appropriations Process Reform established under section 30442(a); and

(2) the term ''joint committee bill'' means a bill consisting of the proposed legislative language of the joint committee recommended in accordance with section 30442(b)(2)(B)(ii) and introduced under section 30444(a).

SEC. 30442. ESTABLISHMENT OF JOINT SELECT COMMITTEE.

(a) ESTABLISHMENT OF JOINT SELECT COMMITTEE.—There is established a joint select committee of Congress to be known as the ''Joint Select Committee on Budget and Appropriations Process Reform''.

(b) IMPLEMENTATION.—

(1) GOAL.—The goal of the joint committee is to reform the budget and appropriations process.

(2) DUTIES.—

(A) IN GENERAL.—The joint committee shall provide recommendations and legislative language that will significantly reform the budget and appropriations process.

(B) REPORT, RECOMMENDATIONS, AND LEGISLATIVE LANGUAGE.—

(i) IN GENERAL.—Not later than November 30, 2018, the joint committee shall vote on—

(I) a report that contains a detailed statement of the findings, conclusions, and recommendations of the joint committee; and

(II) proposed legislative language to carry out the recommendations described in subclause (I).

(ii) APPROVAL OF REPORT AND LEGISLATIVE LANGUAGE.—

(I) IN GENERAL.—The report of the joint committee and the proposed legislative language described in clause (i) shall only be approved upon receiving the votes of—

(aa) a majority of joint committee members appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate; and

(bb) a majority of joint committee members appointed by the Minority Leader of the House of Representatives and the Minority Leader of the Senate.

(II) AVAILABILITY.—The text of any report and proposed legislative language shall be publicly available in electronic form at least 24 hours prior to its consideration.

(iii) ADDITIONAL VIEWS.—A member of the joint committee who gives notice of an intention to file supplemental, minority, or additional views at the time of the final joint committee vote on the approval of the report and legislative language under clause (ii) shall be entitled to 2 calendar days after the day of such notice in which to file such views in writing with the co-chairs. Such views shall then be included in the joint committee report and printed in the same volume, or part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the joint committee report may be printed and transmitted immediately without such views.

(iv) TRANSMISSION OF REPORT AND LEGISLATIVE LANGUAGE.—If the report and legislative language are approved by the joint committee pursuant to clause (ii), the joint committee shall submit the joint committee report and legislative language described in clause (i) to the President, the Vice President, the Speaker of the House of Representatives, and the majority and minority leaders of each House of Congress not later than 15 calendar days after such approval.

(v) REPORT AND LEGISLATIVE LANGUAGE TO BE MADE PUBLIC.—Upon the approval of the joint committee report and legislative language pursuant to clause (ii), the joint committee shall promptly make the full report and legislative language, and a record of any vote, available to the public.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The joint committee shall be composed of 16 members appointed pursuant to subparagraph (B).

(B) APPOINTMENT.—Members of the joint committee shall be appointed as follows:

(i) The Speaker of the House of Representatives shall appoint 4 members from among Members of the House of Representatives.

(ii) The Minority Leader of the House of Representatives shall appoint 4 members from among Members of the House of Representatives.

(iii) The Majority Leader of the Senate shall appoint 4 members from among Members of the Senate.

(iv) The Minority Leader of the Senate shall appoint 4 members from among Members of the Senate.

(C) CO-CHAIRS.—Two of the appointed members of the joint committee will serve as co-chairs. The Speaker of the House of Representatives and the Majority Leader of the Senate shall jointly appoint one co-chair, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall jointly appoint the second co-chair. The co-chairs shall be appointed not later than 14 calendar days after the date of enactment of this Act.

(D) DATE.—Members of the joint committee shall be appointed not later than 14 calendar days after the date of enactment of this Act.

(E) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the joint committee. Any vacancy in the joint committee shall not affect its powers, but shall be filled not later than 14 calendar days after the date on which the vacancy occurs, in the same manner as the original appointment was made. If a member of the joint committee ceases to be a Member of the House of Representatives or the Senate, as the case may be, the member is no longer a member of the joint committee and a vacancy shall exist.

(4) ADMINISTRATION.—

(A) IN GENERAL.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, there are authorized to be disbursed by the Senate the actual and necessary expenses of the joint committee approved by the co-chairs, subject to the rules and regulations of the Senate.

(B) EXPENSES.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, there are authorized to be appropriated for each fiscal year such sums as may be necessary, to be disbursed by the Secretary of the Senate on vouchers signed by the co-chairs.

(C) QUORUM.—Nine members of the joint committee shall constitute a quorum for purposes of voting and meeting, and 5 members of the joint committee shall constitute a quorum for holding hearings.

(D) VOTING.—No proxy voting shall be allowed on behalf of the members of the joint committee.

(E) MEETINGS.—

(i) INITIAL MEETING.—Not later than 30 calendar days after the date of enactment of this Act, the joint committee shall hold its first meeting.

(ii) AGENDA.—The co-chairs of the joint committee shall provide an agenda to the joint committee members not less than 48 hours in advance of any meeting.

(F) HEARINGS.—

(i) IN GENERAL.—The joint committee may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, require attendance of witnesses and production of books, papers, and documents, take such testimony, receive such evidence, and administer such oaths as the joint committee considers advisable.

(ii) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.—

(I) ANNOUNCEMENT.—The co-chairs of the joint committee shall make a public announcement of the date, place, time, and subject matter of any hearing to be conducted, not less than 7 days in advance of such hearing, unless the co-chairs determine that there is good cause to begin such hearing at an earlier date.

(II) EQUAL REPRESENTATION OF WITNESSES.—Each co-chair shall be entitled to select an equal number of witnesses for each hearing held by the joint committee.

(III) WRITTEN STATEMENT.—A witness appearing before the joint committee shall file a written statement of proposed testimony at least 2 calendar days before the appearance of the witness, unless the requirement is waived by the co-chairs, following their determination that there is good cause for failure to comply with such requirement.

(G) MINIMUM NUMBER OF PUBLIC MEETINGS AND HEARINGS.—The joint committee shall hold—

(i) not less than a total of 5 public meetings or public hearings; and

(ii) not less than 3 public hearings, which may include field hearings.

(H) TECHNICAL ASSISTANCE.—Upon written request of the co-chairs, a Federal agency, including legislative branch agencies, shall provide technical assistance to the joint committee in order for the joint committee to carry out its duties.

(I) STAFFING.—

(i) DETAILS.—Employees of the legislative branch may be detailed to the joint committee on a nonreimbursable basis.

(ii) STAFF DIRECTOR.—The co-chairs, acting jointly, may designate one such employee as staff director of the joint committee.

(c) ETHICAL STANDARDS.—Members on the joint committee who serve in the House of Representatives shall be governed by the ethics rules and requirements of the House. Members of the Senate who serve on the joint committee shall comply with the ethics rules of the Senate.

(d) TERMINATION.—The joint committee shall terminate on December 31, 2018 or 30 days after submission of its report and legislative recommendations pursuant to this section whichever occurs first.

SEC. 30443. FUNDING.

To enable the joint committee to exercise its powers, functions, and duties under this subtitle, there are authorized to be paid not more than $500,000 from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate, such sums to be disbursed by the Secretary of the Senate, in accordance with Senate rules and procedures, upon vouchers signed by the co-chairs. The funds authorized under this section shall be available during the period beginning on the date of enactment of this Act and ending on January 2, 2019.

SEC. 30444. CONSIDERATION OF JOINT COMMITTEE BILL IN THE SENATE.

(a) INTRODUCTION.—Upon receipt of proposed legislative language approved in accordance with section 30442(b)(2)(B)(ii), the language shall be introduced in the Senate (by request) on the next day on which the Senate is in session by the Majority Leader of the Senate or by a Member of the Senate designated by the Majority Leader of the Senate.

(b) COMMITTEE CONSIDERATION.—A joint committee bill introduced in the Senate under subsection (a) shall be referred to the Committee on the Budget, which shall report the bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, no later than 7 session days after introduction of the bill. If the Committee on the Budget fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(c) MOTION TO PROCEED TO CONSIDERATION.—

(1) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a joint committee bill is reported or discharged from the Committee on the Budget, for the Majority Leader of the Senate or the Majority Leader's designee to move to proceed to the consideration of the joint committee bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the joint committee bill at any time after the conclusion of such 2-day period.

(2) CONSIDERATION OF MOTION.—Consideration of the motion to proceed to the consideration of the joint committee bill and all debatable motions and appeals in connection therewith shall not exceed 10 hours, which shall be divided equally between the Majority and Minority Leaders or their designees. A motion to further limit debate is in order, shall require an affirmative vote of three-fifths of Members duly chosen and sworn, and is not debatable.

(3) VOTE THRESHOLD.—The motion to proceed to the consideration of the joint committee bill shall only be agreed to upon an affirmative vote of three-fifths of Members duly chosen and sworn.

(4) LIMITATIONS.—The motion is not subject to a motion to postpone. All points of order against the motion to proceed to the joint committee bill are waived. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(5) DEADLINE.—Not later than the last day of the 115th Congress, the Senate shall vote on a motion to proceed to the joint committee bill.

(d) RULES OF SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate, and as such is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a joint committee bill, and supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

DIVISION D—REVENUE MEASURES

SEC. 40001. TABLE OF CONTENTS.

The table of contents for this division is as follows:

TITLE I—EXTENSION OF EXPIRING PROVISIONS

SEC. 40101. AMENDMENT OF INTERNAL REVENUE CODE OF 1986.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Tax Relief for Families and Individuals

SEC. 40201. EXTENSION OF EXCLUSION FROM GROSS INCOME OF DISCHARGE OF QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.

(a) IN GENERAL.—Section 108(a)(1)(E) is amended by striking ''January 1, 2017'' each place it appears and inserting ''January 1, 2018''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness after December 31, 2016.

SEC. 40202. EXTENSION OF MORTGAGE INSURANCE PREMIUMS TREATED AS QUALIFIED RESIDENCE INTEREST.

(a) IN GENERAL.—Subclause (I) of section 163(h)(3)(E)(iv) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2016.

SEC. 40203. EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Section 222(e) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

Subtitle B—Incentives for Growth, Jobs, Investment, and Innovation

SEC. 40301. EXTENSION OF INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Section 45A(f) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 40302. EXTENSION OF RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Section 45G(f) is amended by striking ''January 1, 2017'' and inserting ''January 1, 2018''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2016.

(2) SAFE HARBOR ASSIGNMENTS.—Assignments, including related expenditures paid or incurred, under paragraph (2) of section 45G(b) of the Internal Revenue Code of 1986 for taxable years ending after January 1, 2017, and before January 1, 2018, shall be treated as effective as of the close of such taxable year if made pursuant to a written agreement entered into no later than 90 days following the date of the enactment of this Act.

SEC. 40303. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Section 45N(e) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 40304. EXTENSION OF CLASSIFICATION OF CERTAIN RACE HORSES AS 3-YEAR PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(A)(i) is amended—

(1) by striking ''January 1, 2017'' in subclause (I) and inserting ''January 1, 2018'', and

(2) by striking ''December 31, 2016'' in subclause (II) and inserting ''December 31, 2017''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40305. EXTENSION OF 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Section 168(i)(15)(D) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40306. EXTENSION OF ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Section 168(j)(9) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40307. EXTENSION OF ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Section 179E(g) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40308. EXTENSION OF SPECIAL EXPENSING RULES FOR CERTAIN PRODUCTIONS.

(a) IN GENERAL.—Section 181(g) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2016.

SEC. 40309. EXTENSION OF DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

For purposes of applying section 199(d)(8)(C) of the Internal Revenue Code of 1986 with respect to taxable years beginning during 2017, such section shall be applied—

(1) by substituting ''first 12 taxable years'' for ''first 11 taxable years'', and

(2) by substituting ''January 1, 2018'' for ''January 1, 2017''.

SEC. 40310. EXTENSION OF SPECIAL RULE RELATING TO QUALIFIED TIMBER GAIN.

For purposes of applying section 1201(b) of the Internal Revenue Code of 1986 with respect to taxable years beginning during 2017, such section shall be applied by substituting ''2016 or 2017'' for ''2016''.

SEC. 40311. EXTENSION OF EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—

(1) EXTENSION.—Section 1391(d)(1)(A)(i) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(2) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation if, after the date of the enactment of this section, the entity which made such nomination amends the nomination to provide for a new termination date in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall apply to taxable years beginning after December 31, 2016.

SEC. 40312. EXTENSION OF AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) IN GENERAL.—Section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) in subsection (d)—

(A) by striking ''January 1, 2017'' each place it appears and inserting ''January 1, 2018'',

(B) by striking ''first 11 taxable years'' in paragraph (1) and inserting ''first 12 taxable years'', and

(C) by striking ''first 5 taxable years'' in paragraph (2) and inserting ''first 6 taxable years'', and

(2) in subsection (e), by adding at the end the following: ''References in this subsection to section 199 of the Internal Revenue Code of 1986 shall be treated as references to such section as in effect before its repeal.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2016.

Subtitle C—Incentives for Energy Production and Conservation

SEC. 40401. EXTENSION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C(g)(2) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40402. EXTENSION AND MODIFICATION OF CREDIT FOR RESIDENTIAL ENERGY PROPERTY.

(a) IN GENERAL.—Section 25D(h) is amended by striking ''December 31, 2016'' and all that follows and inserting ''December 31, 2021.''.

(b) PHASEOUT.—

(1) IN GENERAL.—Section 25D(a) is amended by striking ''the sum of—'' and all that follows and inserting ''the sum of the applicable percentages of—

''(1) the qualified solar electric property expenditures,

''(2) the qualified solar water heating property expenditures,

''(3) the qualified fuel cell property expenditures,

''(4) the qualified small wind energy property expenditures, and

''(5) the qualified geothermal heat pump property expenditures,

made by the taxpayer during such year.''.

(2) CONFORMING AMENDMENT.—Section 25D(g) is amended by striking ''paragraphs (1) and (2) of''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40403. EXTENSION OF CREDIT FOR NEW QUALIFIED FUEL CELL MOTOR VEHICLES.

(a) IN GENERAL.—Section 30B(k)(1) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2016.

SEC. 40404. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) IN GENERAL.—Section 30C(g) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40405. EXTENSION OF CREDIT FOR 2-WHEELED PLUG-IN ELECTRIC VEHICLES.

(a) IN GENERAL.—Section 30D(g)(3)(E)(ii) is amended by striking ''January 1, 2017'' and inserting ''January 1, 2018''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles acquired after December 31, 2016.

SEC. 40406. EXTENSION OF SECOND GENERATION BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Section 40(b)(6)(J)(i) is amended by striking ''January 1, 2017'' and inserting ''January 1, 2018''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to qualified second generation biofuel production after December 31, 2016.

SEC. 40407. EXTENSION OF BIODIESEL AND RENEWABLE DIESEL INCENTIVES.

(a) INCOME TAX CREDIT.—

(1) IN GENERAL.—Subsection (g) of section 40A is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to fuel sold or used after December 31, 2016.

(b) EXCISE TAX INCENTIVES.—

(1) IN GENERAL.—Section 6426(c)(6) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(2) PAYMENTS.—Section 6427(e)(6)(B) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2016.

(4) SPECIAL RULE FOR 2017.—Notwithstanding any other provision of law, in the case of any biodiesel mixture credit properly determined under section 6426(c) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2017, and ending on December 31, 2017, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

SEC. 40408. EXTENSION OF PRODUCTION CREDIT FOR INDIAN COAL FACILITIES.

(a) IN GENERAL.—Section 45(e)(10)(A) is amended by striking ''11-year period'' each place it appears and inserting ''12-year period''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coal produced after December 31, 2016.

SEC. 40409. EXTENSION OF CREDITS WITH RESPECT TO FACILITIES PRODUCING ENERGY FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—The following provisions of section 45(d) are each amended by striking ''January 1, 2017'' each place it appears and inserting ''January 1, 2018'':

(1) Paragraph (2)(A).
(2) Paragraph (3)(A).
(3) Paragraph (4)(B).
(4) Paragraph (6).
(5) Paragraph (7).
(6) Paragraph (9).
(7) Paragraph (11)(B).

(b) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Section 48(a)(5)(C)(ii) is amended by striking ''January 1, 2017'' and inserting ''January 1, 2018''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2017.

SEC. 40410. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT NEW HOMES.

(a) IN GENERAL.—Section 45L(g) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2016.

SEC. 40411. EXTENSION AND PHASEOUT OF ENERGY CREDIT.

(a) EXTENSION OF SOLAR AND THERMAL ENERGY PROPERTY.—Section 48(a)(3)(A) is amended—

(1) by striking ''periods ending before January 1, 2017'' in clause (ii) and inserting ''property the construction of which begins before January 1, 2022'', and

(2) by striking ''periods ending before January 1, 2017'' in clause (vii) and inserting ''property the construction of which begins before January 1, 2022''.

(b) PHASEOUT OF 30-PERCENT CREDIT RATE FOR FIBER-OPTIC SOLAR, QUALIFIED FUEL CELL, AND QUALIFIED SMALL WIND ENERGY PROPERTY.—

(1) IN GENERAL.—Section 48(a) is amended by adding at the end the following new paragraph:

''(7) PHASEOUT FOR FIBER-OPTIC SOLAR, QUALIFIED FUEL CELL, AND QUALIFIED SMALL WIND ENERGY PROPERTY.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case of any qualified fuel cell property, qualified small wind property, or energy property described in paragraph (3)(A)(ii), the energy percentage determined under paragraph (2) shall be equal to—

''(i) in the case of any property the construction of which begins after December 31, 2019, and before January 1, 2021, 26 percent, and

''(ii) in the case of any property the construction of which begins after December 31, 2020, and before January 1, 2022, 22 percent.

''(B) PLACED IN SERVICE DEADLINE.—In the case of any energy property described in subparagraph (A) which is not placed in service before January 1, 2024, the energy percentage determined under paragraph (2) shall be equal to 0 percent.''.

(2) CONFORMING AMENDMENT.—Section 48(a)(2)(A) is amended by striking ''paragraph (6)'' and inserting ''paragraphs (6) and (7)''.

(3) CLARIFICATION RELATING TO PHASEOUT FOR WIND FACILITIES.—Section 48(a)(5)(E) is amended by inserting ''which is treated as energy property by reason of this paragraph'' after ''using wind to produce electricity''.

(c) EXTENSION OF QUALIFIED FUEL CELL PROPERTY.—Section 48(c)(1)(D) is amended by striking ''for any period after December 31, 2016'' and inserting ''the construction of which does not begin before January 1, 2022''.

(d) EXTENSION OF QUALIFIED MICROTURBINE PROPERTY.—Section 48(c)(2)(D) is amended by striking ''for any period after December 31, 2016'' and inserting ''the construction of which does not begin before January 1, 2022''.

(e) EXTENSION OF COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48(c)(3)(A)(iv) is amended by striking ''which is placed in service before January 1, 2017'' and inserting ''the construction of which begins before January 1, 2022''.

(f) EXTENSION OF QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c)(4)(C) is amended by striking ''for any period after December 31, 2016'' and inserting ''the construction of which does not begin before January 1, 2022''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2016, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(2) EXTENSION OF COMBINED HEAT AND POWER SYSTEM PROPERTY.—The amendment made by subsection (e) shall apply to property placed in service after December 31, 2016.

(3) PHASEOUTS AND TERMINATIONS.—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 40412. EXTENSION OF SPECIAL ALLOWANCE FOR SECOND GENERATION BIOFUEL PLANT PROPERTY.

(a) IN GENERAL.—Section 168(l)(2)(D) is amended by striking ''January 1, 2017'' and inserting ''January 1, 2018''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40413. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) IN GENERAL.—Section 179D(h) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40414. EXTENSION OF SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Section 451(k)(3), as amended by section 13221 of Public Law 115-97, is amended by striking ''January 1, 2017'' and inserting ''January 1, 2018''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after December 31, 2016.

SEC. 40415. EXTENSION OF EXCISE TAX CREDITS RELATING TO ALTERNATIVE FUELS.

(a) EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.—

(1) IN GENERAL.—Sections 6426(d)(5) and 6426(e)(3) are each amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(2) OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.—Section 6427(e)(6)(C) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2016.

(b) SPECIAL RULE FOR 2017.—Notwithstanding any other provision of law, in the case of any alternative fuel credit properly determined under section 6426(d) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2017, and ending on December 31, 2017, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

SEC. 40416. EXTENSION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.

(a) IN GENERAL.—Section 4611(f)(2) is amended by striking ''December 31, 2017'' and inserting ''December 31, 2018''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply on and after the first day of the first calendar month beginning after the date of the enactment of this Act.

Subtitle D—Modifications of Energy Incentives

SEC. 40501. MODIFICATIONS OF CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.

(a) TREATMENT OF UNUTILIZED LIMITATION AMOUNTS.—Section 45J(b) is amended—

(1) by inserting ''or any amendment to'' after ''enactment of'' in paragraph (4), and

(2) by adding at the end the following new paragraph:

''(5) ALLOCATION OF UNUTILIZED LIMITATION.—

''(A) IN GENERAL.—Any unutilized national megawatt capacity limitation shall be allocated by the Secretary under paragraph (3) as rapidly as is practicable after December 31, 2020—

''(i) first to facilities placed in service on or before such date to the extent that such facilities did not receive an allocation equal to their full nameplate capacity, and

''(ii) then to facilities placed in service after such date in the order in which such facilities are placed in service.

''(B) UNUTILIZED NATIONAL MEGAWATT CAPACITY LIMITATION.—The term 'unutilized national megawatt capacity limitation' means the excess (if any) of—

''(i) 6,000 megawatts, over

''(ii) the aggregate amount of national megawatt capacity limitation allocated by the Secretary before January 1, 2021, reduced by any amount of such limitation which was allocated to a facility which was not placed in service before such date.

''(C) COORDINATION WITH OTHER PROVISIONS.—In the case of any unutilized national megawatt capacity limitation allocated by the Secretary pursuant to this paragraph—

''(i) such allocation shall be treated for purposes of this section in the same manner as an allocation of national megawatt capacity limitation, and

''(ii) subsection (d)(1)(B) shall not apply to any facility which receives such allocation.''.

(b) TRANSFER OF CREDIT BY CERTAIN PUBLIC ENTITIES.—

(1) IN GENERAL.—Section 45J is amended—

(A) by redesignating subsection (e) as subsection (f), and

(B) by inserting after subsection (d) the following new subsection:

''(e) TRANSFER OF CREDIT BY CERTAIN PUBLIC ENTITIES.—

''(1) IN GENERAL.—If, with respect to a credit under subsection (a) for any taxable year—

''(A) a qualified public entity would be the taxpayer (but for this paragraph), and

''(B) such entity elects the application of this paragraph for such taxable year with respect to all (or any portion specified in such election) of such credit,

the eligible project partner specified in such election, and not the qualified public entity, shall be treated as the taxpayer for purposes of this title with respect to such credit (or such portion thereof).

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) QUALIFIED PUBLIC ENTITY.—The term 'qualified public entity' means—

''(i) a Federal, State, or local government entity, or any political subdivision, agency, or instrumentality thereof,

''(ii) a mutual or cooperative electric company described in section 501(c)(12) or 1381(a)(2), or

''(iii) a not-for-profit electric utility which had or has received a loan or loan guarantee under the Rural Electrification Act of 1936.

''(B) ELIGIBLE PROJECT PARTNER.—The term 'eligible project partner' means any person who—

''(i) is responsible for, or participates in, the design or construction of the advanced nuclear power facility to which the credit under subsection (a) relates,

''(ii) participates in the provision of the nuclear steam supply system to such facility,

''(iii) participates in the provision of nuclear fuel to such facility,

''(iv) is a financial institution providing financing for the construction or operation of such facility, or

''(v) has an ownership interest in such facility.

''(3) SPECIAL RULES.—

''(A) APPLICATION TO PARTNERSHIPS.—In the case of a credit under subsection (a) which is determined at the partnership level—

''(i) for purposes of paragraph (1)(A), a qualified public entity shall be treated as the taxpayer with respect to such entity's distributive share of such credit, and

''(ii) the term 'eligible project partner' shall include any partner of the partnership.

''(B) TAXABLE YEAR IN WHICH CREDIT TAKEN INTO ACCOUNT.—In the case of any credit (or portion thereof) with respect to which an election is made under paragraph (1), such credit shall be taken into account in the first taxable year of the eligible project partner ending with, or after, the qualified public entity's taxable year with respect to which the credit was determined.

''(C) TREATMENT OF TRANSFER UNDER PRIVATE USE RULES.—For purposes of section 141(b)(1), any benefit derived by an eligible project partner in connection with an election under this subsection shall not be taken into account as a private business use.''.

(2) SPECIAL RULE FOR PROCEEDS OF TRANSFERS FOR MUTUAL OR COOPERATIVE ELECTRIC COMPANIES.—Section 501(c)(12) is amended by adding at the end the following new subparagraph:

''(I) In the case of a mutual or cooperative electric company described in this paragraph or an organization described in section 1381(a)(2), income received or accrued in connection with an election under section 45J(e)(1) shall be treated as an amount collected from members for the sole purpose of meeting losses and expenses.''.

(c) EFFECTIVE DATES.—

(1) TREATMENT OF UNUTILIZED LIMITATION AMOUNTS.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) TRANSFER OF CREDIT BY CERTAIN PUBLIC ENTITIES.—The amendments made by subsection (b) shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 41101. AMENDMENT OF INTERNAL REVENUE CODE OF 1986.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 41102. MODIFICATIONS TO RUM COVER OVER.

(a) EXTENSION.—

(1) IN GENERAL.—Section 7652(f)(1) is amended by striking ''January 1, 2017'' and inserting ''January 1, 2022''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to distilled spirits brought into the United States after December 31, 2016.

(b) DETERMINATION OF TAXES ON RUM.—

(1) IN GENERAL.—Section 7652(e) is amended by adding at the end the following new paragraph:

''(5) DETERMINATION OF AMOUNT OF TAXES COLLECTED.—For purposes of this subsection, the amount of taxes collected under section 5001(a)(1) shall be determined without regard to section 5001(c).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to distilled spirits brought into the United States after December 31, 2017.

SEC. 41103. EXTENSION OF WAIVER OF LIMITATIONS WITH RESPECT TO EXCLUDING FROM GROSS INCOME AMOUNTS RECEIVED BY WRONGFULLY INCARCERATED INDIVIDUALS.

(a) IN GENERAL.—Section 304(d) of the Protecting Americans from Tax Hikes Act of

2015 (26 U.S.C. 139F note) is amended by striking ''1-year'' and inserting ''3-year''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 41104. INDIVIDUALS HELD HARMLESS ON IMPROPER LEVY ON RETIREMENT PLANS.

(a) IN GENERAL.—Section 6343 is amended by adding at the end the following new subsection:

''(f) INDIVIDUALS HELD HARMLESS ON WRONGFUL LEVY, ETC. ON RETIREMENT PLAN.—

''(1) IN GENERAL.—If the Secretary determines that an individual's account or benefit under an eligible retirement plan (as defined in section 402(c)(8)(B)) has been levied upon in a case to which subsection (b) or (d)(2)(A) applies and property or an amount of money is returned to the individual—

''(A) the individual may contribute such property or an amount equal to the sum of—

''(i) the amount of money so returned by the Secretary, and

''(ii) interest paid under subsection (c) on such amount of money,

into such eligible retirement plan if such contribution is permitted by the plan, or into an individual retirement plan (other than an endowment contract) to which a rollover contribution of a distribution from such eligible retirement plan is permitted, but only if such contribution is made not later than the due date (not including extensions) for filing the return of tax for the taxable year in which such property or amount of money is returned, and

''(B) the Secretary shall, at the time such property or amount of money is returned, notify such individual that a contribution described in subparagraph (A) may be made.

''(2) TREATMENT AS ROLLOVER.—The distribution on account of the levy and any contribution under paragraph (1) with respect to the return of such distribution shall be treated for purposes of this title as if such distribution and contribution were described in section 402(c), 402A(c)(3), 403(a)(4), 403(b)(8), 408(d)(3), 408A(d)(3), or 457(e)(16), whichever is applicable; except that—

''(A) the contribution shall be treated as having been made for the taxable year in which the distribution on account of the levy occurred, and the interest paid under subsection (c) shall be treated as earnings within the plan after the contribution and shall not be included in gross income, and

''(B) such contribution shall not be taken into account under section 408(d)(3)(B).

''(3) REFUND, ETC., OF INCOME TAX ON LEVY.—

''(A) IN GENERAL.—If any amount is includible in gross income for a taxable year by reason of a distribution on account of a levy referred to in paragraph (1) and any portion of such amount is treated as a rollover contribution under paragraph (2), any tax imposed by chapter 1 on such portion shall not be assessed, and if assessed shall be abated, and if collected shall be credited or refunded as an overpayment made on the due date for filing the return of tax for such taxable year.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to a rollover contribution under this subsection which is made from an eligible retirement plan which is not a Roth IRA or a designated Roth account (within the meaning of section 402A) to a Roth IRA or a designated Roth account under an eligible retirement plan.

''(4) INTEREST.—Notwithstanding subsection (d), interest shall be allowed under subsection (c) in a case in which the Secretary makes a determination described in subsection (d)(2)(A) with respect to a levy upon an individual retirement plan.

''(5) TREATMENT OF INHERITED ACCOUNTS.—For purposes of paragraph (1)(A), section 408(d)(3)(C) shall be disregarded in determining whether an individual retirement plan is a plan to which a rollover contribution of a distribution from the plan levied upon is permitted.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid under subsections (b), (c), and (d)(2)(A) of section 6343 of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2017.

SEC. 41105. MODIFICATION OF USER FEE REQUIREMENTS FOR INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—Section 6159 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) INSTALLMENT AGREEMENT FEES.—

''(1) LIMITATION ON FEE AMOUNT.—The amount of any fee imposed on an installment agreement under this section may not exceed the amount of such fee as in effect on the date of the enactment of this subsection.

''(2) WAIVER OR REIMBURSEMENT.—In the case of any taxpayer with an adjusted gross income, as determined for the most recent year for which such information is available, which does not exceed 250 percent of the applicable poverty level (as determined by the Secretary)—

''(A) if the taxpayer has agreed to make payments under the installment agreement by electronic payment through a debit instrument, no fee shall be imposed on an installment agreement under this section, and

''(B) if the taxpayer is unable to make payments under the installment agreement by electronic payment through a debit instrument, the Secretary shall, upon completion of the installment agreement, pay the taxpayer an amount equal to any such fees imposed.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date which is 60 days after the date of the enactment of this Act.

SEC. 41106. FORM 1040SR FOR SENIORS.

(a) IN GENERAL.—The Secretary of the Treasury (or the Secretary's delegate) shall make available a form, to be known as ''Form 1040SR'', for use by individuals to file the return of tax imposed by chapter 1 of the Internal Revenue Code of 1986. Such form shall be as similar as practicable to Form 1040EZ, except that—

(1) the form shall be available only to individuals who have attained age 65 as of the close of the taxable year,

(2) the form may be used even if income for the taxable year includes—

(A) social security benefits (as defined in section 86(d) of the Internal Revenue Code of 1986),

(B) distributions from qualified retirement plans (as defined in section 4974(c) of such Code), annuities or other such deferred payment arrangements,

(C) interest and dividends, or

(D) capital gains and losses taken into account in determining adjusted net capital gain (as defined in section 1(h)(3) of such Code), and

(3) the form shall be available without regard to the amount of any item of taxable income or the total amount of taxable income for the taxable year.

(b) EFFECTIVE DATE.—The form required by subsection (a) shall be made available for taxable years beginning after the date of the enactment of this Act.

SEC. 41107. ATTORNEYS FEES RELATING TO AWARDS TO WHISTLEBLOWERS.

(a) IN GENERAL.—Paragraph (21) of section 62(a) is amended to read as follows:

''(21) ATTORNEYS' FEES RELATING TO AWARDS TO WHISTLEBLOWERS.—

''(A) IN GENERAL.—Any deduction allowable under this chapter for attorney fees and court costs paid by, or on behalf of, the taxpayer in connection with any award under—

''(i) section 7623(b), or

''(ii) in the case of taxable years beginning after December 31, 2017, any action brought under—

''(I) section 21F of the Securities Exchange Act of 1934 (15 U.S.C. 78u-6),

''(II) a State law relating to false or fraudulent claims that meets the requirements described in section 1909(b) of the Social Security Act (42 U.S.C. 1396h(b)), or

''(III) section 23 of the Commodity Exchange Act (7 U.S.C. 26).

''(B) MAY NOT EXCEED AWARD.—Subparagraph (A) shall not apply to any deduction in excess of the amount includible in the taxpayer's gross income for the taxable year on account of such award.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 41108. CLARIFICATION OF WHISTLEBLOWER AWARDS.

(a) DEFINITION OF PROCEEDS.—

(1) IN GENERAL.—Section 7623 is amended by adding at the end the following new subsection:

''(c) PROCEEDS.—For purposes of this section, the term 'proceeds' includes—

''(1) penalties, interest, additions to tax, and additional amounts provided under the internal revenue laws, and

''(2) any proceeds arising from laws for which the Internal Revenue Service is authorized to administer, enforce, or investigate, including—

''(A) criminal fines and civil forfeitures, and

''(B) violations of reporting requirements.''.

(2) CONFORMING AMENDMENTS.—Paragraphs (1) and (2)(A) of section 7623(b) are each amended by striking ''collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action'' and inserting ''proceeds collected as a result of the action''.

(b) AMOUNT OF PROCEEDS DETERMINED WITHOUT REGARD TO AVAILABILITY.—Paragraphs (1) and (2)(A) of section 7623(b) are each amended by inserting ''(determined without regard to whether such proceeds are available to the Secretary)'' after ''in response to such action''.

(c) DISPUTED AMOUNT THRESHOLD.—Section 7623(b)(5)(B) is amended by striking ''tax, penalties, interest, additions to tax, and additional amounts'' and inserting ''proceeds''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to information provided before, on, or after the date of the enactment of this Act with respect to which a final determination for an award has not been made before such date of enactment.

SEC. 41109. CLARIFICATION REGARDING EXCISE TAX BASED ON INVESTMENT INCOME OF PRIVATE COLLEGES AND UNIVERSITIES.

(a) IN GENERAL.—Subsection (b)(1) of section 4968, as added by section 13701(a) of Public Law 115–97, is amended—

(1) by inserting ''tuition-paying'' after ''500'' in subparagraph (A), and

(2) by inserting ''tuition-paying'' after ''50 percent of the'' in subparagraph (B).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 41110. EXCEPTION FROM PRIVATE FOUNDATION EXCESS BUSINESS HOLDING TAX FOR INDEPENDENTLY-OPERATED PHILANTHROPIC BUSINESS HOLDINGS.

(a) IN GENERAL.—Section 4943 is amended by adding at the end the following new subsection:

''(g) EXCEPTION FOR CERTAIN HOLDINGS LIMITED TO INDEPENDENTLY-OPERATED PHILANTHROPIC BUSINESS.—

''(1) IN GENERAL.—Subsection (a) shall not apply with respect to the holdings of a private foundation in any business enterprise which meets the requirements of paragraphs (2), (3), and (4) for the taxable year.

''(2) OWNERSHIP.—The requirements of this paragraph are met if—

''(A) 100 percent of the voting stock in the business enterprise is held by the private foundation at all times during the taxable year, and

''(B) all the private foundation's ownership interests in the business enterprise were acquired by means other than by purchase.

''(3) ALL PROFITS TO CHARITY.—

''(A) IN GENERAL.—The requirements of this paragraph are met if the business enterprise, not later than 120 days after the close of the taxable year, distributes an amount equal to its net operating income for such taxable year to the private foundation.

''(B) NET OPERATING INCOME.—For purposes of this paragraph, the net operating income of any business enterprise for any taxable year is an amount equal to the gross income of the business enterprise for the taxable year, reduced by the sum of—

''(i) the deductions allowed by chapter 1 for the taxable year which are directly connected with the production of such income,

''(ii) the tax imposed by chapter 1 on the business enterprise for the taxable year, and

''(iii) an amount for a reasonable reserve for working capital and other business needs of the business enterprise.

''(4) INDEPENDENT OPERATION.—The requirements of this paragraph are met if, at all times during the taxable year—

''(A) no substantial contributor (as defined in section 4958(c)(3)(C)) to the private foundation or family member (as determined under section 4958(f)(4)) of such a contributor is a director, officer, trustee, manager, employee, or contractor of the business enterprise (or an individual having powers or responsibilities similar to any of the foregoing),

''(B) at least a majority of the board of directors of the private foundation are persons who are not—

''(i) directors or officers of the business enterprise, or

''(ii) family members (as so determined) of a substantial contributor (as so defined) to the private foundation, and

''(C) there is no loan outstanding from the business enterprise to a substantial contributor (as so defined) to the private foundation or to any family member of such a contributor (as so determined).

''(5) CERTAIN DEEMED PRIVATE FOUNDATIONS EXCLUDED.—This subsection shall not apply to—

''(A) any fund or organization treated as a private foundation for purposes of this section by reason of subsection (e) or (f),

''(B) any trust described in section 4947(a)(1) (relating to charitable trusts), and

''(C) any trust described in section 4947(a)(2) (relating to split-interest trusts).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 41111. RULE OF CONSTRUCTION FOR CRAFT BEVERAGE MODERNIZATION AND TAX REFORM.

(a) IN GENERAL.—Subpart A of part IX of subtitle C of title I of Public Law 115-97 is amended by adding at the end the following new section:

''SEC. 13809. RULE OF CONSTRUCTION.

''Nothing in this subpart, the amendments made by this subpart, or any regulation promulgated under this subpart or the amendments made by this subpart, shall be construed to preempt, supersede, or otherwise limit or restrict any State, local, or tribal law that prohibits or regulates the production or sale of distilled spirits, wine, or malt beverages.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in Public Law 115-97.

SEC. 41112. SIMPLIFICATION OF RULES REGARDING RECORDS, STATEMENTS, AND RETURNS.

(a) IN GENERAL.—Subsection (a) of section 5555 is amended by adding at the end the following: ''For calendar quarters beginning after the date of the enactment of this sentence, and before January 1, 2020, the Secretary shall permit a person to employ a unified system for any records, statements, and returns required to be kept, rendered, or made under this section for any beer produced in the brewery for which the tax imposed by section 5051 has been determined, including any beer which has been removed for consumption on the premises of the brewery.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar quarters beginning after the date of the enactment of this Act.

SEC. 41113. MODIFICATION OF RULES GOVERNING HARDSHIP DISTRIBUTIONS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall modify Treasury Regulation section 1.401(k)–1(d)(3)(iv)(E) to—

(1) delete the 6-month prohibition on contributions imposed by paragraph (2) thereof, and

(2) make any other modifications necessary to carry out the purposes of section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986.

(b) EFFECTIVE DATE.—The revised regulations under this section shall apply to plan years beginning after December 31, 2018.

SEC. 41114. MODIFICATION OF RULES RELATING TO HARDSHIP WITHDRAWALS FROM CASH OR DEFERRED ARRANGEMENTS.

(a) IN GENERAL.—Section 401(k) is amended by adding at the end the following:

''(14) SPECIAL RULES RELATING TO HARDSHIP WITHDRAWALS.—For purposes of paragraph (2)(B)(i)(IV)—

''(A) AMOUNTS WHICH MAY BE WITHDRAWN.—The following amounts may be distributed upon hardship of the employee:

''(i) Contributions to a profit-sharing or stock bonus plan to which section 402(e)(3) applies.

''(ii) Qualified nonelective contributions (as defined in subsection (m)(4)(C)).

''(iii) Qualified matching contributions described in paragraph (3)(D)(ii)(I).

''(iv) Earnings on any contributions described in clause (i), (ii), or (iii).

''(B) NO REQUIREMENT TO TAKE AVAILABLE LOAN.—A distribution shall not be treated as failing to be made upon the hardship of an employee solely because the employee does not take any available loan under the plan.''.

(b) CONFORMING AMENDMENT.—Section 401(k)(2)(B)(i)(IV) is amended to read as follows:

''(IV) subject to the provisions of paragraph (14), upon hardship of the employee, or''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2018.

SEC. 41115. OPPORTUNITY ZONES RULE FOR PUERTO RICO.

(a) IN GENERAL.—Subsection (b) of section 1400Z-1 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR PUERTO RICO.—Each population census tract in Puerto Rico that is a low- income community shall be deemed to be certified and designated as a qualified opportunity zone, effective on the date of the enactment of Public Law 115-97.''.

(b) CONFORMING AMENDMENT.—Section 1400Z-1(d)(1) is amended by inserting ''and subsection (b)(3)'' after ''paragraph (2)''.

SEC. 41116. TAX HOME OF CERTAIN CITIZENS OR RESIDENTS OF THE UNITED STATES LIVING ABROAD.

(a) IN GENERAL.—Paragraph (3) of section 911(d) is amended by inserting before the period at the end of the second sentence the following: '', unless such individual is serving in an area designated by the President of the United States by Executive order as a combat zone for purposes of section 112 in support of the Armed Forces of the United States''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 41117. TREATMENT OF FOREIGN PERSONS FOR RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Section 6050W(d)(1)(B) is amended by adding at the end the following: ''Notwithstanding the preceding sentence, a person with only a foreign address shall not be treated as a participating payee with respect to any payment settlement entity solely because such person receives payments from such payment settlement entity in dollars.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns for calendar years beginning after December 31, 2017.

SEC. 41118. REPEAL OF SHIFT IN TIME OF PAYMENT OF CORPORATE ESTIMATED TAXES.

The Trade Preferences Extension Act of 2015 is amended by striking section 803 (relating to time for payment of corporate estimated taxes).

SEC. 41119. ENHANCEMENT OF CARBON DIOXIDE SEQUESTRATION CREDIT.

(a) IN GENERAL.—Section 45Q is amended to read as follows:

''SEC. 45Q. CREDIT FOR CARBON OXIDE SEQUESTRATION.

''(a) GENERAL RULE.—For purposes of section 38, the carbon oxide sequestration credit for any taxable year is an amount equal to the sum of—

''(1) $20 per metric ton of qualified carbon oxide which is—

''(A) captured by the taxpayer using carbon capture equipment which is originally placed in service at a qualified facility before the date of the enactment of the Bipartisan Budget Act of 2018, and

''(B) disposed of by the taxpayer in secure geological storage and not used by the taxpayer as described in paragraph (2)(B),

''(2) $10 per metric ton of qualified carbon oxide which is—

''(A) captured by the taxpayer using carbon capture equipment which is originally placed in service at a qualified facility before the date of the enactment of the Bipartisan Budget Act of 2018, and

''(B)(i) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project and disposed of by the taxpayer in secure geological storage, or

''(ii) utilized by the taxpayer in a manner described in subsection (f)(5),

''(3) the applicable dollar amount (as determined under subsection (b)(1)) per metric ton of qualified carbon oxide which is—

''(A) captured by the taxpayer using carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018, during the 12-year period beginning on the date the equipment was originally placed in service, and

''(B) disposed of by the taxpayer in secure geological storage and not used by the taxpayer as described in paragraph (4)(B), and

''(4) the applicable dollar amount (as determined under subsection (b)(1)) per metric ton of qualified carbon oxide which is—

''(A) captured by the taxpayer using carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018, during the 12-year period beginning on the date the equipment was originally placed in service, and

''(B)(i) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project and disposed of by the taxpayer in secure geological storage, or

''(ii) utilized by the taxpayer in a manner described in subsection (f)(5).

''(b) APPLICABLE DOLLAR AMOUNT; ADDITIONAL EQUIPMENT; ELECTION.—

''(1) APPLICABLE DOLLAR AMOUNT.—

''(A) IN GENERAL.—The applicable dollar amount shall be an amount equal to—

''(i) for any taxable year beginning in a calendar year after 2016 and before 2027—

''(I) for purposes of paragraph (3) of subsection (a), the dollar amount established by linear interpolation between $22.66 and $50 for each calendar year during such period, and

''(II) for purposes of paragraph (4) of such subsection, the dollar amount established by linear interpolation between $12.83 and $35 for each calendar year during such period, and

''(ii) for any taxable year beginning in a calendar year after 2026—

''(I) for purposes of paragraph (3) of subsection (a), an amount equal to the product of $50 and the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2025' for '1990', and

''(II) for purposes of paragraph (4) of such subsection, an amount equal to the product of $35 and the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2025' for '1990'.

''(B) ROUNDING.—The applicable dollar amount determined under subparagraph (A) shall be rounded to the nearest cent.

''(2) INSTALLATION OF ADDITIONAL CARBON CAPTURE EQUIPMENT ON EXISTING QUALIFIED FACILITY.—In the case of a qualified facility placed in service before the date of the enactment of the Bipartisan Budget Act of 2018, for which additional carbon capture equipment is placed in service on or after the date of the enactment of such Act, the amount of qualified carbon oxide which is captured by the taxpayer shall be equal to—

''(A) for purposes of paragraphs (1)(A) and (2)(A) of subsection (a), the lesser of—

''(i) the total amount of qualified carbon oxide captured at such facility for the taxable year, or

''(ii) the total amount of the carbon dioxide capture capacity of the carbon capture equipment in service at such facility on the day before the date of the enactment of the Bipartisan Budget Act of 2018, and

''(B) for purposes of paragraphs (3)(A) and (4)(A) of such subsection, an amount (not less than zero) equal to the excess of—

''(i) the amount described in clause (i) of subparagraph (A), over

''(ii) the amount described in clause (ii) of such subparagraph.

''(3) ELECTION.—For purposes of determining the carbon oxide sequestration credit under this section, a taxpayer may elect to have the dollar amounts applicable under paragraph (1) or (2) of subsection (a) apply in lieu of the dollar amounts applicable under paragraph (3) or (4) of such subsection for each metric ton of qualified carbon oxide which is captured by the taxpayer using carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018.

''(c) QUALIFIED CARBON OXIDE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified carbon oxide' means—

''(A) any carbon dioxide which—

''(i) is captured from an industrial source by carbon capture equipment which is originally placed in service before the date of the enactment of the Bipartisan Budget Act of 2018,

''(ii) would otherwise be released into the atmosphere as industrial emission of greenhouse gas or lead to such release, and

''(iii) is measured at the source of capture and verified at the point of disposal, injection, or utilization,

''(B) any carbon dioxide or other carbon oxide which—

''(i) is captured from an industrial source by carbon capture equipment which is originally placed in service on or after the date of the enactment of the Bipartisan Budget Act of 2018,

''(ii) would otherwise be released into the atmosphere as industrial emission of greenhouse gas or lead to such release, and

''(iii) is measured at the source of capture and verified at the point of disposal, injection, or utilization, or

''(C) in the case of a direct air capture facility, any carbon dioxide which—

''(i) is captured directly from the ambient air, and

''(ii) is measured at the source of capture and verified at the point of disposal, injection, or utilization.

''(2) RECYCLED CARBON OXIDE.—The term 'qualified carbon oxide' includes the initial deposit of captured carbon oxide used as a tertiary injectant. Such term does not include carbon oxide that is recaptured, recycled, and re-injected as part of the enhanced oil and natural gas recovery process.

''(d) QUALIFIED FACILITY.—For purposes of this section, the term 'qualified facility' means any industrial facility or direct air capture facility—

''(1) the construction of which begins before January 1, 2024, and—

''(A) construction of carbon capture equipment begins before such date, or

''(B) the original planning and design for such facility includes installation of carbon capture equipment, and

''(2) which captures—

''(A) in the case of a facility which emits not more than 500,000 metric tons of carbon oxide into the atmosphere during the taxable year, not less than 25,000 metric tons of qualified carbon oxide during the taxable year which is utilized in a manner described in subsection (f)(5),

''(B) in the case of an electricity generating facility which is not described in subparagraph (A), not less than 500,000 metric tons of qualified carbon oxide during the taxable year, or

''(C) in the case of a direct air capture facility or any facility not described in subparagraph (A) or (B), not less than 100,000 metric tons of qualified carbon oxide during the taxable year.

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

''(1) DIRECT AIR CAPTURE FACILITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'direct air capture facility' means any facility which uses carbon capture equipment to capture carbon dioxide directly from the ambient air.

''(B) EXCEPTION.—The term 'direct air capture facility' shall not include any facility which captures carbon dioxide—

''(i) which is deliberately released from naturally occurring subsurface springs, or

''(ii) using natural photosynthesis.

''(2) QUALIFIED ENHANCED OIL OR NATURAL GAS RECOVERY PROJECT.—The term 'qualified enhanced oil or natural gas recovery project' has the meaning given the term 'qualified enhanced oil recovery project' by section 43(c)(2), by substituting 'crude oil or natural gas' for 'crude oil' in subparagraph (A)(i) thereof.

''(3) TERTIARY INJECTANT.—The term 'tertiary injectant' has the same meaning as when used within section 193(b)(1).

''(f) SPECIAL RULES.—

''(1) ONLY QUALIFIED CARBON OXIDE CAPTURED AND DISPOSED OF OR USED WITHIN THE UNITED STATES TAKEN INTO ACCOUNT.—The credit under this section shall apply only with respect to qualified carbon oxide the capture and disposal, use, or utilization of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(2) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Secretary of the Interior, shall establish regulations for determining adequate security measures for the geological storage of qualified carbon oxide under subsection (a) such that the qualified carbon oxide does not escape into the atmosphere. Such term shall include storage at deep saline formations, oil and gas reservoirs, and unminable coal seams under such conditions as the Secretary may determine under such regulations.

''(3) CREDIT ATTRIBUTABLE TO TAXPAYER.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) or in any regulations prescribed by the Secretary, any credit under this section shall be attributable to—

''(i) in the case of qualified carbon oxide captured using carbon capture equipment which is originally placed in service at a qualified facility before the date of the enactment of the Bipartisan Budget Act of 2018, the person that captures and physically or contractually ensures the disposal, utilization, or use as a tertiary injectant of such qualified carbon oxide, and

''(ii) in the case of qualified carbon oxide captured using carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018, the person that owns the carbon capture equipment and physically or contractually ensures the capture and disposal, utilization, or use as a tertiary injectant of such qualified carbon oxide.

''(B) ELECTION.—If the person described in subparagraph (A) makes an election under this subparagraph in such time and manner as the Secretary may prescribe by regulations, the credit under this section—

''(i) shall be allowable to the person that disposes of the qualified carbon oxide, utilizes the qualified carbon oxide, or uses the qualified carbon oxide as a tertiary injectant, and

''(ii) shall not be allowable to the person described in subparagraph (A).

''(4) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection

(a) with respect to any qualified carbon oxide which ceases to be captured, disposed of, or used as a tertiary injectant in a manner consistent with the requirements of this section.

''(5) UTILIZATION OF QUALIFIED CARBON OXIDE.—

''(A) IN GENERAL.—For purposes of this section, utilization of qualified carbon oxide means—

''(i) the fixation of such qualified carbon oxide through photosynthesis or chemosynthesis, such as through the growing of algae or bacteria,

''(ii) the chemical conversion of such qualified carbon oxide to a material or chemical compound in which such qualified carbon oxide is securely stored, or

''(iii) the use of such qualified carbon oxide for any other purpose for which a commercial market exists (with the exception of use as a tertiary injectant in a qualified enhanced oil or natural gas recovery project), as determined by the Secretary.

''(B) MEASUREMENT.—

''(i) IN GENERAL.—For purposes of determining the amount of qualified carbon oxide utilized by the taxpayer under paragraph (2)(B)(ii) or (4)(B)(ii) of subsection (a), such amount shall be equal to the metric tons of qualified carbon oxide which the taxpayer demonstrates, based upon an analysis of lifecycle greenhouse gas emissions and subject to such requirements as the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines appropriate, were—

''(I) captured and permanently isolated from the atmosphere, or

''(II) displaced from being emitted into the atmosphere,

through use of a process described in subparagraph (A).

''(ii) LIFECYCLE GREENHOUSE GAS EMISSIONS.—For purposes of clause (i), the term 'lifecycle greenhouse gas emissions' has the same meaning given such term under subparagraph (H) of section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)), as in effect on the date of the enactment of the Bipartisan Budget Act of 2018, except that 'product' shall be substituted for 'fuel' each place it appears in such subparagraph.

''(6) ELECTION FOR APPLICABLE FACILITIES.—

''(A) IN GENERAL.—For purposes of this section, in the case of an applicable facility, for any taxable year in which such facility captures not less than 500,000 metric tons of qualified carbon oxide during the taxable year, the person described in paragraph (3)(A)(ii) may elect to have such facility, and any carbon capture equipment placed in service at such facility, deemed as having been placed in service on the date of the enactment of the Bipartisan Budget Act of 2018.

''(B) APPLICABLE FACILITY.—For purposes of this paragraph, the term 'applicable facility' means a qualified facility—

''(i) which was placed in service before the date of the enactment of the Bipartisan Budget Act of 2018, and

''(ii) for which no taxpayer claimed a credit under this section in regards to such facility for any taxable year ending before the date of the enactment of such Act.

''(7) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2009, there shall be substituted for each dollar amount contained in paragraphs (1) and (2) of subsection (a) an amount equal to the product of—

''(A) such dollar amount, multiplied by

''(B) the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2008' for '1990'.

''(g) APPLICATION OF SECTION FOR CERTAIN CARBON CAPTURE EQUIPMENT.—In the case of any carbon capture equipment placed in service before the date of the enactment of the Bipartisan Budget Act of 2018, the credit under this section shall apply with respect to qualified carbon oxide captured using such equipment before the end of the calendar year in which the Secretary, in consultation with the Administrator of the Environmental Protection Agency, certifies that, during the period beginning after October 3, 2008, a total of 75,000,000 metric tons of qualified carbon oxide have been taken into account in accordance with—

''(1) subsection (a) of this section, as in effect on the day before the date of the enactment of the Bipartisan Budget Act of 2018, and

''(2) paragraphs (1) and (2) of subsection (a) of this section.

''(h) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section, including regulations or other guidance to—

''(1) ensure proper allocation under subsection (a) for qualified carbon oxide captured by a taxpayer during the taxable year ending after the date of the enactment of the Bipartisan Budget Act of 2018, and

''(2) determine whether a facility satisfies the requirements under subsection (d)(1) during such taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

DIVISION E—HEALTH AND HUMAN SERVICES EXTENDERS

SEC. 50100. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Advancing Chronic Care, Extenders, and Social Services (ACCESS) Act''

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

TITLE I—CHIP

SEC. 50101. FUNDING EXTENSION OF THE CHILDREN'S HEALTH INSURANCE PROGRAM THROUGH FISCAL YEAR 2027.

(a) IN GENERAL.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)), as amended by section 3002(a) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(1) in paragraph (25), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (26), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(27) for each of fiscal years 2024 through 2026, such sums as are necessary to fund allotments to States under subsections (c) and (m); and

''(28) for fiscal year 2027, for purposes of making two semi-annual allotments—

''(A) $7,650,000,000 for the period beginning on October 1, 2026, and ending on March 31, 2027; and

''(B) $7,650,000,000 for the period beginning on April 1, 2027, and ending on September 30, 2027.''.

(b) ALLOTMENTS.—

(1) IN GENERAL.—Section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(m)), as amended by section 3002(b) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(A) in paragraph (2)(B)—

(i) in the matter preceding clause (i), by striking ''(25)'' and inserting ''(27)'';

(ii) in clause (i), by striking ''and 2023'' and inserting '', 2023, and 2027''; and

(iii) in clause (ii)(I), by striking ''(or, in the case of fiscal year 2018, under paragraph (4))'' and inserting ''(or, in the case of fiscal year 2018 or 2024, under paragraph (4) or (10), respectively)'';

(B) in paragraph (5)—

(i) by striking ''or (10)'' and inserting ''(10), or (11)''; and

(ii) by striking ''or 2023,'' and inserting ''2023, or 2027,'';

(C) in paragraph (7)—

(i) in subparagraph (A), by striking ''2023'' and inserting ''2027,''; and

(ii) in the matter following subparagraph (B), by striking ''or fiscal year 2022'' and inserting ''fiscal year 2022, fiscal year 2024, or fiscal year 2026'';

(D) in paragraph (9)—

(i) by striking ''or (10)'' and inserting ''(10), or (11)''; and

(ii) by striking ''or 2023,'' and inserting ''2023, or 2027,''; and

(E) by adding at the end the following:

''(11) FOR FISCAL YEAR 2027.—

''(A) FIRST HALF.—Subject to paragraphs (5) and (7), from the amount made available under subparagraph (A) of paragraph (28) of subsection (a) for the semi-annual period described in such subparagraph, increased by the amount of the appropriation for such period under section 50101(b)(2) of the Advancing Chronic Care, Extenders, and Social Services Act, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the first half ratio (described in subparagraph (D)) of the amount described in subparagraph (C).

''(B) SECOND HALF.—Subject to paragraphs (5) and (7), from the amount made available under subparagraph (B) of paragraph (28) of subsection (a) for the semi-annual period described in such subparagraph, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the amount made available under such subparagraph, multiplied by the ratio of—

''(i) the amount of the allotment to such State under subparagraph (A); to

''(ii) the total of the amount of all of the allotments made available under such subparagraph.

''(C) FULL YEAR AMOUNT BASED ON REBASED AMOUNT.—The amount described in this subparagraph for a State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2026 (including payments made to the State under subsection (n) for fiscal year 2026 as well as amounts redistributed to the State in fiscal year 2026), multiplied by the allotment increase factor under paragraph (6) for fiscal year 2027.

''(D) FIRST HALF RATIO.—The first half ratio described in this subparagraph is the ratio of—

''(i) the sum of—

''(I) the amount made available under subsection (a)(28)(A); and

''(II) the amount of the appropriation for such period under section 50101(b)(2) of the Advancing Chronic Care, Extenders, and Social Services Act; to

''(ii) the sum of—

''(I) the amount described in clause (i); and

''(II) the amount made available under subsection (a)(28)(B).''.

(2) ONE-TIME APPROPRIATION FOR FISCAL YEAR 2027.—There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as are necessary to fund allotments to States under subsections (c) and (m) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for fiscal year 2027, taking into account the full year amounts calculated for States under paragraph (11)(C) of subsection (m) of such section (as added by paragraph (1)) and the amounts appropriated under subparagraphs (A) and (B) of subsection (a)(28) of such section (as added by subsection (a)). Such amount shall accompany the allotment made for the period beginning on October 1, 2026, and ending on March 31, 2027, under paragraph (28)(A) of section 2104(a) of such Act (42 U.S.C. 1397dd(a)), to remain available until expended. Such amount shall be used to provide allotments to States under paragraph (11) of section 2104(m) of such Act for the first 6 months of fiscal year 2027 in the same manner as allotments are provided under subsection (a)(28)(A) of such section 2104 and subject to the same terms and conditions as apply to the allotments provided from such subsection (a)(28)(A).

(c) EXTENSION OF THE CHILD ENROLLMENT CONTINGENCY FUND.—Section 2104(n) of the Social Security Act (42 U.S.C. 1397dd(n)), as amended by section 3002(c) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii)—

(i) by striking ''and 2018 through 2022'' and inserting ''2018 through 2022, and 2024 through 2026''; and

(ii) by striking ''and 2023'' and inserting ''2023, and 2027''; and

(B) in subparagraph (B)—

(i) by striking ''and 2018 through 2022'' and inserting ''2018 through 2022, and 2024 through 2026''; and

(ii) by striking ''and 2023'' and inserting ''2023, and 2027''; and

(2) in paragraph (3)(A), in the matter preceding clause (i)—

(A) by striking ''or in any of fiscal years 2018 through 2022'' and inserting ''fiscal years 2018 through 2022, or fiscal years 2024 through 2026''; and

(B) by striking ''or 2023'' and inserting ''2023, or 2027''.

(d) EXTENSION OF QUALIFYING STATES OPTION.—Section 2105(g)(4) of the Social Security Act (42 U.S.C. 1397ee(g)(4)), as amended by section 3002(d) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(1) in the paragraph heading, by striking ''THROUGH 2023'' and inserting ''THROUGH 2027''; and

(2) in subparagraph (A), by striking ''2023'' and inserting ''2027''.

(e) EXTENSION OF EXPRESS LANE ELIGIBILITY OPTION.—Section 1902(e)(13)(I) of the Social Security Act (42 U.S.C. 1396a(e)(13)(I)), as amended by section 3002(e) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended by striking ''2023'' and inserting ''2027''.

(f) ASSURANCE OF ELIGIBILITY STANDARD FOR CHILDREN AND FAMILIES.—

(1) IN GENERAL.—Section 2105(d)(3) of the Social Security Act (42 U.S.C. 1397ee(d)(3)), as amended by section 3002(f)(1) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(A) in the paragraph heading, by striking ''THROUGH SEPTEMBER 30, 2023'' and inserting ''THROUGH SEPTEMBER 30, 2027''; and

(B) in subparagraph (A), in the matter preceding clause (i), by striking ''2023'' each place it appears and inserting ''2027''.

(2) CONFORMING AMENDMENTS.—Section 1902(gg)(2) of the Social Security Act (42 U.S.C. 1396a(gg)(2)), as amended by section 3002(f)(2) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(A) in the paragraph heading, by striking ''THROUGH SEPTEMBER 30, 2023'' and inserting ''THROUGH SEPTEMBER 30, 2027''; and

(B) by striking ''2023,'' each place it appears and inserting ''2027''.

SEC. 50102. EXTENSION OF PEDIATRIC QUALITY MEASURES PROGRAM.

(a) IN GENERAL.—Section 1139A(i)(1) of the Social Security Act (42 U.S.C. 1320b–9a(i)(1)), as amended by section 3003(b) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

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

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) for the period of fiscal years 2024 through 2027, $60,000,000 for the purpose of carrying out this section (other than subsections (e), (f), and (g)).''.

(b) MAKING REPORTING MANDATORY.—Section 1139A of the Social Security Act (42 U.S.C. 1320b–9a) is amended—

(1) in subsection (a)—

(A) in the heading for paragraph (4), by inserting ''AND MANDATORY REPORTING'' after ''REPORTING'';

(B) in paragraph (4)—

(i) by striking ''Not later than'' and inserting the following:

''(A) VOLUNTARY REPORTING.—Not later than''; and

(ii) by adding at the end the following:

''(B) MANDATORY REPORTING.—Beginning with the annual State report on fiscal year 2024 required under subsection (c)(1), the Secretary shall require States to use the initial core measurement set and any updates or changes to that set to report information regarding the quality of pediatric health care under titles XIX and XXI using the standardized format for reporting information and procedures developed under subparagraph (A).''; and

(C) in paragraph (6)(B), by inserting ''and, beginning with the report required on January 1, 2025, and for each annual report thereafter, the status of mandatory reporting by States under titles XIX and XXI, utilizing the initial core quality measurement set and any updates or changes to that set'' before the semicolon; and

(2) in subsection (c)(1)(A), by inserting ''and, beginning with the annual report on fiscal year 2024, all of the core measures described in subsection (a) and any updates or changes to those measures'' before the semicolon.

SEC. 50103. EXTENSION OF OUTREACH AND ENROLLMENT PROGRAM.

(a) IN GENERAL.—Section 2113 of the Social Security Act (42 U.S.C. 1397mm), as amended by section 3004(a) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(1) in subsection (a)(1), by striking ''2023'' and inserting ''2027''; and

(2) in subsection (g)—

(A) by striking ''and $120,000,000'' and inserting '', $120,000,000''; and

(B) by inserting '', and $48,000,000 for the period of fiscal years 2024 through 2027'' after ''2023''.

(b) ADDITIONAL RESERVED FUNDS.—Section 2113(a) of the Social Security Act (42 U.S.C. 1397mm(a)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(2) by adding at the end the following new paragraph:

''(3) TEN PERCENT SET ASIDE FOR EVALUATING AND PROVIDING TECHNICAL ASSISTANCE TO GRANTEES.—For the period of fiscal years 2024 through 2027, an amount equal to 10 percent of such amounts shall be used by the Secretary for the purpose of evaluating and providing technical assistance to eligible entities awarded grants under this section.''.

(c) USE OF RESERVED FUNDS FOR NATIONAL ENROLLMENT AND RETENTION STRATEGIES.—Section 2113(h) of the Social Security Act (42 U.S.C. 1397mm(h)) is amended—

(1) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following new paragraph:

''(6) the development of materials and toolkits and the provision of technical assistance to States regarding enrollment and retention strategies for eligible children under this title and title XIX; and''.

TITLE II—MEDICARE EXTENDERS

SEC. 50201. EXTENSION OF WORK GPCI FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''January 1, 2018'' and inserting ''January 1, 2020''.

SEC. 50202. REPEAL OF MEDICARE PAYMENT CAP FOR THERAPY SERVICES; LIMITATION TO ENSURE APPROPRIATE THERAPY.

Section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''Subject to paragraphs (4) and (5)'' and inserting ''(A) Subject to paragraphs (4) and (5)'';

(B) in the subparagraph (A), as inserted and designated by subparagraph (A) of this paragraph, by adding at the end the following new sentence: ''The preceding sentence shall not apply to expenses incurred with respect to services furnished after December 31, 2017.''; and

(C) by adding at the end the following new subparagraph:

''(B) With respect to services furnished during 2018 or a subsequent year, in the case of physical therapy services of the type described in section 1861(p), speech-language pathology services of the type described in such section through the application of section 1861(ll)(2), and physical therapy services and speech-language pathology services of such type which are furnished by a physician or as incident to physicians' services, with respect to expenses incurred in any calendar year, any amount that is more than the amount specified in paragraph (2) for the year shall not be considered as incurred expenses for purposes of subsections (a) and (b) unless the applicable requirements of paragraph (7) are met.'';

(2) in paragraph (3)—

(A) by striking ''Subject to paragraphs (4) and (5)'' and inserting ''(A) Subject to paragraphs (4) and (5)'';

(B) in the subparagraph (A), as inserted and designated by subparagraph (A) of this paragraph, by adding at the end the following new sentence: ''The preceding sentence shall not apply to expenses incurred with respect to services furnished after December 31, 2017.''; and

(C) by adding at the end the following new subparagraph:.

''(B) With respect to services furnished during 2018 or a subsequent year, in the case of occupational therapy services (of the type that are described in section 1861(p) through the operation of section 1861(g) and of such type which are furnished by a physician or as incident to physicians' services), with respect to expenses incurred in any calendar year, any amount that is more than the amount specified in paragraph (2) for the year shall not be considered as incurred expenses for purposes of subsections (a) and (b) unless the applicable requirements of paragraph (7) are met.'';

(3) in paragraph (5)—

(A) by redesignating subparagraph (D) as paragraph (8) and moving such paragraph to immediately follow paragraph (7), as added by paragraph (4) of this section; and

(B) in subparagraph (E)(iv), by inserting '', except as such process is applied under paragraph (7)(B)'' before the period at the end; and

(4) by adding at the end the following new paragraph:

''(7) For purposes of paragraphs (1)(B) and (3)(B), with respect to services described in such paragraphs, the requirements described in this paragraph are as follows:

''(A) INCLUSION OF APPROPRIATE MODIFIER.—The claim for such services contains an appropriate modifier (such as the KX modifier described in paragraph (5)(B)) indicating that such services are medically necessary as justified by appropriate documentation in the medical record involved.

''(B) TARGETED MEDICAL REVIEW FOR CERTAIN SERVICES ABOVE THRESHOLD.—

''(i) IN GENERAL.—In the case where expenses that would be incurred for such services would exceed the threshold described in clause (ii) for the year, such services shall be subject to the process for medical review implemented under paragraph (5)(E).

''(ii) THRESHOLD.—The threshold under this clause for—

''(I) a year before 2028, is $3,000;

''(II) 2028, is the amount specified in subclause (I) increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) for 2028; and

''(III) a subsequent year, is the amount specified in this clause for the preceding year increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) for such subsequent year;

except that if an increase under subclause (II) or (III) for a year is not a multiple of $10, it shall be rounded to the nearest multiple of $10.

''(iii) APPLICATION.—The threshold under clause (ii) shall be applied separately—

''(I) for physical therapy services and speech-language pathology services; and

''(II) for occupational therapy services.

''(iv) FUNDING.—For purposes of carrying out this subparagraph, the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841 to the Centers for Medicare & Medicaid Services Program Management Account, of $5,000,000 for each fiscal year beginning with fiscal year 2018, to remain available until expended. Such funds may not be used by a contractor under section 1893(h) for medical reviews under this subparagraph.''.

SEC. 50203. MEDICARE AMBULANCE SERVICES.

(a) EXTENSION OF CERTAIN GROUND AMBULANCE ADD-ON PAYMENTS.—

(1) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended by striking ''2018'' and inserting ''2023'' each place it appears.

(2) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended, in the first sentence, by striking ''2018'' and inserting ''2023''.

(b) REQUIRING GROUND AMBULANCE PROVIDERS OF SERVICES AND SUPPLIERS TO SUBMIT COST AND OTHER INFORMATION.—Section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

''(17) SUBMISSION OF COST AND OTHER INFORMATION.—

''(A) DEVELOPMENT OF DATA COLLECTION SYSTEM.—The Secretary shall develop a data collection system (which may include use of a cost survey) to collect cost, revenue, utilization, and other information determined appropriate by the Secretary with respect to providers of services (in this paragraph referred to as 'providers') and suppliers of ground ambulance services. Such system shall be designed to collect information—

''(i) needed to evaluate the extent to which reported costs relate to payment rates under this subsection;

''(ii) on the utilization of capital equipment and ambulance capacity, including information consistent with the type of information described in section 1121(a); and

''(iii) on different types of ground ambulance services furnished in different geographic locations, including rural areas and low population density areas described in paragraph (12).

''(B) SPECIFICATION OF DATA COLLECTION SYSTEM.—

''(i) IN GENERAL.—The Secretary shall—

''(I) not later than December 31, 2019, specify the data collection system under subparagraph (A); and

''(II) identify the providers and suppliers of ground ambulance services that would be required to submit information under such data collection system, including the representative sample described in clause (ii).

''(ii) DETERMINATION OF REPRESENTATIVE SAMPLE.—

''(I) IN GENERAL.—Not later than December 31, 2019, with respect to the data collection for the first year under such system, and for each subsequent year through 2024, the Secretary shall determine a representative sample to submit information under the data collection system.

''(II) REQUIREMENTS.—The sample under subclause (I) shall be representative of the different types of providers and suppliers of ground ambulance services (such as those providers and suppliers that are part of an emergency service or part of a government organization) and the geographic locations in which ground ambulance services are furnished (such as urban, rural, and low population density areas).

''(III) LIMITATION.—The Secretary shall not include an individual provider or supplier of ground ambulance services in the sample under subclause (I) in 2 consecutive years, to the extent practicable.

''(C) REPORTING OF COST INFORMATION.—For each year, a provider or supplier of ground ambulance services identified by the Secretary under subparagraph (B)(i)(II) as being required to submit information under the data collection system with respect to a period for the year shall submit to the Secretary information specified under the system. Such information shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this subparagraph.

''(D) PAYMENT REDUCTION FOR FAILURE TO REPORT.—

''(i) IN GENERAL.—Beginning January 1, 2022, subject to clause (ii), a 10 percent reduction to payments under this subsection shall be made for the applicable period (as defined in clause (ii)) to a provider or supplier of ground ambulance services that—

''(I) is required to submit information under the data collection system with respect to a period under subparagraph (C); and

''(II) does not sufficiently submit such information, as determined by the Secretary.

''(ii) APPLICABLE PERIOD DEFINED.—For purposes of clause (i), the term 'applicable period' means, with respect to a provider or supplier of ground ambulance services, a year specified by the Secretary not more than 2 years after the end of the period with respect to which the Secretary has made a determination under clause (i)(II) that the provider or supplier of ground ambulance services failed to sufficiently submit information under the data collection system.

''(iii) HARDSHIP EXEMPTION.—The Secretary may exempt a provider or supplier from the payment reduction under clause (i) with respect to an applicable period in the event of significant hardship, such as a natural disaster, bankruptcy, or other similar situation that the Secretary determines interfered with the ability of the provider or supplier of ground ambulance services to submit such information in a timely manner for the specified period.

''(iv) INFORMAL REVIEW.—The Secretary shall establish a process under which a provider or supplier of ground ambulance services may seek an informal review of a determination that the provider or supplier is subject to the payment reduction under clause (i).

''(E) ONGOING DATA COLLECTION.—

''(i) REVISION OF DATA COLLECTION SYSTEM.—The Secretary may, as the Secretary determines appropriate and, if available, taking into consideration the report (or reports) under subparagraph (F), revise the data collection system under subparagraph (A).

''(ii) SUBSEQUENT DATA COLLECTION.—In order to continue to evaluate the extent to which reported costs relate to payment rates under this subsection and for other purposes the Secretary deems appropriate, the Secretary shall require providers and suppliers of ground ambulance services to submit information for years after 2024 as the Secretary determines appropriate, but in no case less often than once every 3 years.

''(F) GROUND AMBULANCE DATA COLLECTION SYSTEM STUDY.—

''(i) IN GENERAL.—Not later than March 15, 2023, and as determined necessary by the Medicare Payment Advisory Commission thereafter, such Commission shall assess, and submit to Congress a report on, information submitted by providers and suppliers of ground ambulance services through the data collection system under subparagraph (A), the adequacy of payments for ground ambulance services under this subsection, and geographic variations in the cost of furnishing such services.

''(ii) CONTENTS.—A report under clause (i) shall contain the following:

''(I) An analysis of information submitted through the data collection system.

''(II) An analysis of any burden on providers and suppliers of ground ambulance services associated with the data collection system.

''(III) A recommendation as to whether information should continue to be submitted through such data collection system or if such system should be revised under subparagraph (E)(i).

''(IV) Other information determined appropriate by the Commission.

''(G) PUBLIC AVAILABILITY.—The Secretary shall post information on the results of the data collection under this paragraph on the Internet website of the Centers for Medicare & Medicaid Services, as determined appropriate by the Secretary.

''(H) IMPLEMENTATION.—The Secretary shall implement this paragraph through notice and comment rulemaking.

''(I) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to the collection of information required under this subsection.

''(J) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the data collection system or identification of respondents under this paragraph.

''(K) FUNDING FOR IMPLEMENTATION.—For purposes of carrying out subparagraph (A), the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841, of $15,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2018. Amounts transferred under this subparagraph shall remain available until expended.''.

SEC. 50204. EXTENSION OF INCREASED INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR CERTAIN LOW-VOLUME HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking ''fiscal year 2018'' and inserting ''fiscal year 2023'';

(2) in subparagraph (C)—

(A) in clause (i)—

(i) by striking ''through 2017'' the first place it appears and inserting ''through 2022''; and

(ii) by striking '' and has less than 800 discharges'' and all that follows through the period at the end and inserting the following ''and has—

''(I) with respect to each of fiscal years 2005 through 2010, less than 800 discharges during the fiscal year;

''(II) with respect to each of fiscal years 2011 through 2018, less than 1,600 discharges of individuals entitled to, or enrolled for, benefits under part A during the fiscal year or portion of fiscal year;

''(III) with respect to each of fiscal years 2019 through 2022, less than 3,800 discharges during the fiscal year; and

''(IV) with respect to fiscal year 2023 and each subsequent fiscal year, less than 800 discharges during the fiscal year.''; and

(B) in clause (ii)—

(i) by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (D)''; and

(ii) by inserting ''(except as provided in clause (i)(II) and subparagraph (D)(i))'' after ''regardless''; and

(3) in subparagraph (D)—

(A) by striking ''through 2017'' and inserting ''through 2022'';

(B) by striking ''hospitals with 200 or fewer'' and inserting the following: ''hospitals—

''(i) with respect to each of fiscal years 2011 through 2018, with 200 or fewer'';

(C) by striking the period at the end and inserting ''or portion of fiscal year; and''; and

(D) by adding at the end the following new clause:

''(ii) with respect to each of fiscal years 2019 through 2022, with 500 or fewer discharges in the fiscal year to 0 percent for low-volume hospitals with greater than 3,800 discharges in the fiscal year.''.

(b) MEDPAC REPORT ON EXTENSION OF INCREASED INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR CERTAIN LOW-VOLUME HOSPITALS.—

(1) IN GENERAL.—Not later than March 15, 2022, the Medicare Payment Advisory Commission shall submit to Congress a report on the extension of the increased inpatient hospital payment adjustment for certain low-volume hospitals under section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) under the provisions of, and amendments made by, this section.

(2) CONTENTS.—The report under paragraph (1) shall include an evaluation of the effects of such extension on the following:

(A) Beneficiary utilization of inpatient hospital services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(B) The financial status of hospitals with a low volume of Medicare or total inpatient admissions.

(C) Program spending under such title XVIII.

(D) Other matters relevant to evaluating the effects of such extension.

SEC. 50205. EXTENSION OF THE MEDICARE-DEPENDENT HOSPITAL (MDH) PROGRAM.

(a) IN GENERAL.—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) in clause (i), by striking ''October 1, 2017'' and inserting ''October 1, 2022'';

(2) in clause (ii)(II), by striking ''October 1, 2017'' and inserting ''October 1, 2022''; and

(3) in clause (iv), by striking subclause (I) and inserting the following new subclause:

''(I) that is located in—

''(aa) a rural area; or

''(bb) a State with no rural area (as defined in paragraph (2)(D)) and satisfies any of the criteria in subclause (I), (II), or (III) of paragraph (8)(E)(ii),''; and

(4) by inserting after subclause (IV) the following new flush sentences:

''Subclause (I)(bb) shall apply for purposes of payment under clause (ii) only for discharges of a hospital occurring on or after the effective date of a determination of medicare-dependent small rural hospital status made by the Secretary with respect to the hospital after the date of the enactment of this sentence. For purposes of applying subclause (II) of paragraph (8)(E)(ii) under subclause (I)(bb), such subclause (II) shall be applied by inserting 'as of January 1, 2018,' after 'such State' each place it appears.''.

(b) CONFORMING AMENDMENTS.—

(1) EXTENSION OF TARGET AMOUNT.—Section 1886(b)(3)(D) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(A) in the matter preceding clause (i), by striking ''October 1, 2017'' and inserting ''October 1, 2022''; and

(B) in clause (iv), by striking ''through fiscal year 2017'' and inserting ''through fiscal year 2022''.

(2) PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note) is amended by striking ''through fiscal year 2017'' and inserting ''through fiscal year 2022''.

(c) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States (in this subsection referred to as the ''Comptroller General'') shall conduct a study on the medicare-dependent, small rural hospital program under section 1886(d) of the Social Security Act (42 U.S.C. 1395x(d)). Such study shall include an analysis of the following:

(A) The payor mix of medicare-dependent, small rural hospitals (as defined in paragraph (5)(G)(iv) of such section 1886(d)), how such mix will trend in future years (based on current trends and projections), and whether or not the requirement under subclause (IV) of such paragraph should be revised.

(B) The characteristics of medicare-dependent, small rural hospitals that meet the requirement of such subclause (IV) through the application of paragraph (a)(iii)(A) or (a)(iii)(B) of section 412.108 of title 42, Code of Federal Regulations, including Medicare inpatient and outpatient utilization, payor mix, and financial status (including Medicare and total margins), and whether or not Medicare payments for such hospitals should be revised.

(C) Such other items related to medicare-dependent, small rural hospitals as the Comptroller General determines appropriate.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 50206. EXTENSION OF FUNDING FOR QUALITY MEASURE ENDORSEMENT, INPUT, AND SELECTION; REPORTING REQUIREMENTS.

(a) EXTENSION OF FUNDING.—Section 1890(d)(2) of the Social Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—

(1) in the first sentence—

(A) by striking ''2014 and'' and inserting ''2014,''; and

(B) by inserting the following before the period: '', and $7,500,000 for each of fiscal years 2018 and 2019''; and

(2) by adding at the end the following new sentence: ''Amounts transferred for each of fiscal years 2018 and 2019 shall be in addition to any unobligated funds transferred for a preceding fiscal year that are available under the preceding sentence.''

(b) ANNUAL REPORT BY SECRETARY TO CONGRESS.—Section 1890 of the Social Security Act (42 U.S.C. 1395aaa) is amended by adding at the end the following new subsection:

''(e) ANNUAL REPORT BY SECRETARY TO CONGRESS.—By not later than March 1 of each year (beginning with 2019), the Secretary shall submit to Congress a report containing the following:

''(1) A comprehensive plan that identifies the quality measurement needs of programs and initiatives of the Secretary and provides a strategy for using the entity with a contract under subsection (a) and any other entity the Secretary has contracted with or may contract with to perform work associated with section 1890A to help meet those needs, specifically with respect to the programs under this title and title XIX. In years after the first plan under this paragraph is submitted, the requirements of this paragraph may be met by providing an update to the plan.

''(2) The amount of funding provided under subsection (d) for purposes of carrying out this section and section 1890A that has been obligated by the Secretary, the amount of funding provided that has been expended, and the amount of funding provided that remains unobligated.

''(3) With respect to the activities described under this section or section 1890A, a description of how the funds described in paragraph (2) have been obligated or expended, including how much of that funding has been obligated or expended for work performed by the Secretary, the entity with a contract under subsection (a), and any other entity the Secretary has contracted with to perform work.

''(4) A description of the activities for which the funds described in paragraph (2) were used, including task orders and activities assigned to the entity with a contract under subsection (a), activities performed by the Secretary, and task orders and activities assigned to any other entity the Secretary has contracted with to perform work related to carrying out section 1890A.

''(5) The amount of funding described in paragraph (2) that has been obligated or expended for each of the activities described in paragraph (4).

''(6) Estimates for, and descriptions of, obligations and expenditures that the Secretary anticipates will be needed in the succeeding two year period to carry out each of the quality measurement activities required under this section and section 1890A, including any obligations that will require funds to be expended in a future year.''.

(c) REVISIONS TO ANNUAL REPORT FROM CONSENSUS-BASED ENTITY TO CONGRESS AND THE SECRETARY.—

(1) IN GENERAL.—Section 1890(b)(5)(A) of the Social Security Act (42 U.S.C. 1395aaa(b)(5)(A)) is amended—

(A) by redesignating clauses (i) through (vi) as subclauses (I) through (VI), respectively, and moving the margins accordingly;

(B) in the matter preceding subclause (I), as redesignated by subparagraph (A), by striking ''containing a description of—'' and inserting ''containing the following:

''(i) A description of—''; and

(C) by adding at the end the following new clauses:

''(ii) An itemization of financial information for the fiscal year ending September 30 of the preceding year, including—

''(I) annual revenues of the entity (including any government funding, private sector contributions, grants, membership revenues, and investment revenue);

''(II) annual expenses of the entity (including grants paid, benefits paid, salaries or other compensation, fundraising expenses, and overhead costs); and

''(III) a breakdown of the amount awarded per contracted task order and the specific projects funded in each task order assigned to the entity.

''(iii) Any updates or modifications of internal policies and procedures of the entity as they relate to the duties of the entity under this section, including—

''(I) specifically identifying any modifications to the disclosure of interests and conflicts of interests for committees, work groups, task forces, and advisory panels of the entity; and

''(II) information on external stakeholder participation in the duties of the entity under this section (including complete rosters for all committees, work groups, task forces, and advisory panels funded through government contracts, descriptions of relevant interests and any conflicts of interest for members of all committees, work groups, task forces, and advisory panels, and the total percentage by health care sector of all convened committees, work groups, task forces, and advisory panels.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to reports submitted for years beginning with 2019.

(d) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on health care quality measurement efforts funded under sections 1890 and 1890A of the Social Security Act (42 U.S.C. 1395aaa; 1395aaa–1). Such study shall include an examination of the following:

(A) The extent to which the Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') has set and prioritized objectives to be achieved for each of the quality measurement activities required under such sections 1890 and 1890A.

(B) The efforts that the Secretary has undertaken to meet quality measurement objectives associated with such sections 1890 and 1890A, including division of responsibilities for those efforts within the Department of Health and Human Services and through contracts with a consensus-based entity under subsection (a) of such section 1890 (in this subsection referred to as the ''consensus-based entity'') and other entities, and the extent of any overlap among the work performed by the Secretary, the consensus-based entity, the Measure Applications Partnership (MAP) convened by such entity to provide input to the Secretary on the selection of quality and efficiency measures, and any other entities the Secretary has contracted with to perform work related to carrying out such sections 1890 and 1890A.

(C) The total amount of funding provided to the Secretary for purposes of carrying out such sections 1890 and 1890A, the amount of such funding that has been obligated or expended by the Secretary, and the amount of such funding that remains unobligated.

(D) How the funds described in subparagraph (C) have been allocated, including how much of the funding has been allocated for work performed by the Secretary, the consensus-based entity, and any other entity the Secretary has contracted with to perform work related to carrying out such sections 1890 and 1890A, respectively, and descriptions of such work.

(E) The extent to which the Secretary has developed a comprehensive and long-term plan to ensure that it can achieve quality measurement objectives related to carrying out such sections 1890 and 1890A in a timely manner and with efficient use of available resources, including the roles of the consensus-based entity, the Measure Applications Partnership (MAP), and any other entity the Secretary has contracted with to perform work related to such sections 1890 and 1890A in helping the Secretary achieve those objectives.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 50207. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS; STATE HEALTH INSURANCE ASSISTANCE PROGRAM REPORTING REQUIREMENTS.

(a) FUNDING EXTENSIONS.—

(1) ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note), as amended by section 3306 of the Patient Protection and Affordable Care Act (Public Law 111–148), section 610 of the American Taxpayer Relief Act of 2012 (Public Law 112–240), section 1110 of the Pathway for SGR Reform Act of 2013 (Public Law 113–67), section 110 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93), and section 208 of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10) is amended—

(A) in clause (vi), by striking ''and'' at the end;

(B) in clause (vii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clauses:

''(viii) for fiscal year 2018, of $13,000,000; and

''(ix) for fiscal year 2019, of $13,000,000.''.

(2) ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.—Subsection (b)(1)(B) of such section 119, as so amended, is amended—

(A) in clause (vi), by striking ''and'' at the end;

(B) in clause (vii), by striking the period at the end and inserting ''; and''; and

(C) by inserting after clause (vii) the following new clauses:

''(viii) for fiscal year 2018, of $7,500,000; and

''(ix) for fiscal year 2019, of $7,500,000.''.

(3) ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of such section 119, as so amended, is amended—

(A) in clause (vi), by striking ''and'' at the end;

(B) in clause (vii), by striking the period at the end and inserting ''; and''; and

(C) by inserting after clause (vii) the following new clauses:

''(viii) for fiscal year 2018, of $5,000,000; and

''(ix) for fiscal year 2019, of $5,000,000.''.

(4) ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2) of such section 119, as so amended, is amended—

(A) in clause (vi), by striking ''and'' at the end;

(B) in clause (vii), by striking the period at the end and inserting ''; and''; and

(C) by inserting after clause (vii) the following new clauses:

''(viii) for fiscal year 2018, of $12,000,000; and

''(ix) for fiscal year 2019, of $12,000,000.''.

(b) STATE HEALTH INSURANCE ASSISTANCE PROGRAM REPORTING REQUIREMENTS.—Beginning not later than April 1, 2019, and biennially thereafter, the Agency for Community Living shall electronically post on its website the following information, with respect to grants to States for State health insurance assistance programs, (such information to be presented by State and by entity receiving funds from the State to carry out such a program funded by such grant):

(1) The amount of Federal funding provided to each such State for such program for the period involved and the amount of Federal funding provided by each such State for such program to each such entity for the period involved.

(2) Information as the Secretary may specify, with respect to such programs carried out through such grants, consistent with the terms and conditions for receipt of such grants.

SEC. 50208. EXTENSION OF HOME HEALTH RURAL ADD-ON.

(a) EXTENSION.—

(1) IN GENERAL.—Section 421 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2283; 42 U.S.C. 1395fff note), as amended by section 5201(b) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 46), section 3131(c) of the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 428), and section 210 of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10; 129 Stat. 151) is amended—

(A) in subsection (a), by striking ''January 1, 2018'' and inserting ''January 1, 2019'' each place it appears;

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(C) in each of subsections (c) and (d), as so redesignated, by striking ''subsection (a)'' and inserting ''subsection (a) or (b)''; and

(D) by inserting after subsection (a) the following new subsection:

''(b) SUBSEQUENT TEMPORARY INCREASE.—

''(1) IN GENERAL.—The Secretary shall increase the payment amount otherwise made under such section 1895 for home health services furnished in a county (or equivalent area) in a rural area (as defined in such section 1886(d)(2)(D)) that, as determined by the Secretary—

''(A) is in the highest quartile of all counties (or equivalent areas) based on the number of Medicare home health episodes furnished per 100 individuals who are entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act or enrolled for benefits under part B of such title (but not enrolled in a plan under part C of such title)—

''(i) in the case of episodes and visits ending during 2019, by 1.5 percent; and

''(ii) in the case of episodes and visits ending during 2020, by 0.5 percent;

''(B) has a population density of 6 individuals or fewer per square mile of land area and is not described in subparagraph (A)—

''(i) in the case of episodes and visits ending during 2019, by 4 percent;

''(ii) in the case of episodes and visits ending during 2020, by 3 percent;

''(iii) in the case of episodes and visits ending during 2021, by 2 percent; and

''(iv) in the case of episodes and visits ending during 2022, by 1 percent; and

''(C) is not described in either subparagraph (A) or (B)—

''(i) in the case of episodes and visits ending during 2019, by 3 percent;

''(ii) in the case of episodes and visits ending during 2020, by 2 percent; and

''(iii) in the case of episodes and visits ending during 2021, by 1 percent.

''(2) RULES FOR DETERMINATIONS.—

''(A) NO SWITCHING.—For purposes of this subsection, the determination by the Secretary as to which subparagraph of paragraph (1) applies to a county (or equivalent area) shall be made a single time and shall apply for the duration of the period to which this subsection applies.

''(B) UTILIZATION.—In determining which counties (or equivalent areas) are in the highest quartile under paragraph (1)(A), the following rules shall apply:

''(i) The Secretary shall use data from 2015.

''(ii) The Secretary shall exclude data from the territories (and the territories shall not be described in such paragraph).

''(iii) The Secretary may exclude data from counties (or equivalent areas) in rural areas with a low volume of home health episodes (and if data is so excluded with respect to a county (or equivalent area), such county (or equivalent area) shall not be described in such paragraph).

''(C) POPULATION DENSITY.—In determining population density under paragraph (1)(B), the Secretary shall use data from the 2010 decennial Census.

''(3) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of determinations under paragraph (1).''.

(2) REQUIREMENT TO SUBMIT COUNTY DATA ON CLAIM FORM.—Section 1895(c) of the Social Security Act (42 U.S.C. 1395fff(c)) is amended—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(3) in the case of home health services furnished on or after January 1, 2019, the claim contains the code for the county (or equivalent area) in which the home health service was furnished.''.

(b) HHS OIG ANALYSIS.—Not later than January 1, 2023, the Inspector General of the Department of Health and Human Services shall submit to Congress—

(1) an analysis of the home health claims and utilization of home health services by county (or equivalent area) under the Medicare program; and

(2) recommendations the Inspector General determines appropriate based on such analysis.

TITLE III—CREATING HIGH-QUALITY RESULTS AND OUTCOMES NECESSARY TO IMPROVE CHRONIC (CHRONIC) CARE

Subtitle A—Receiving High Quality Care in the Home

SEC. 50301. EXTENDING THE INDEPENDENCE AT HOME DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Section 1866E of the Social Security Act (42 U.S.C. 1395cc–5) is amended—

(1) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''An agreement'' and inserting ''Agreements''; and

(ii) by striking ''5-year'' and inserting ''7-year''; and

(B) in paragraph (5)—

(i) by striking ''10,000'' and inserting ''15,000''; and

(ii) by adding at the end the following new sentence: ''An applicable beneficiary that participates in the demonstration program by reason of the increase from 10,000 to 15,000 in the preceding sentence pursuant to the amendment made by section 50301(a)(1)(B)(i) of the Advancing Chronic Care, Extenders, and Social Services Act shall be considered in the spending target estimates under paragraph (1) of subsection (c) and the incentive payment calculations under paragraph (2) of such subsection for the sixth and seventh years of such program.'';

(2) in subsection (g), in the first sentence, by inserting '', including, to the extent practicable, with respect to the use of electronic health information systems, as described in subsection (b)(1)(A)(vi)'' after ''under the demonstration program''; and

(3) in subsection (i)(1)(A), by striking ''will not receive an incentive payment for the second of 2'' and inserting ''did not achieve savings for the third of 3''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(3) shall take effect as if included in the enactment of Public Law 111–148.

SEC. 50302. EXPANDING ACCESS TO HOME DIALYSIS THERAPY.

(a) IN GENERAL.—Section 1881(b)(3) of the Social Security Act (42 U.S.C. 1395rr(b)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in clause (ii), as redesignated by paragraph (1), by striking ''on a comprehensive'' and insert ''subject to subparagraph (B), on a comprehensive'';

(3) by striking ''With respect to'' and inserting ''(A) With respect to''; and

(4) by adding at the end the following new subparagraph:

''(B)(i) For purposes of subparagraph (A)(ii), subject to clause (ii), an individual determined to have end stage renal disease receiving home dialysis may choose to receive monthly end stage renal disease-related clinical assessments furnished on or after January 1, 2019, via telehealth.

''(ii) Clause (i) shall apply to an individual only if the individual receives a face-to-face clinical assessment, without the use of telehealth—

''(I) in the case of the initial 3 months of home dialysis of such individual, at least monthly; and

''(II) after such initial 3 months, at least once every 3 consecutive months.''.

(b) ORIGINATING SITE REQUIREMENTS.—

(1) IN GENERAL.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(A) in paragraph (4)(C)(ii), by adding at the end the following new subclauses:

''(IX) A renal dialysis facility, but only for purposes of section 1881(b)(3)(B).

''(X) The home of an individual, but only for purposes of section 1881(b)(3)(B).''; and

(B) by adding at the end the following new paragraph:

''(5) TREATMENT OF HOME DIALYSIS MONTHLY ESRD-RELATED VISIT.—The geographic requirements described in paragraph (4)(C)(i) shall not apply with respect to telehealth services furnished on or after January 1, 2019, for purposes of section 1881(b)(3)(B), at an originating site described in subclause (VI), (IX), or (X) of paragraph (4)(C)(ii).''.

(2) NO FACILITY FEE IF ORIGINATING SITE FOR HOME DIALYSIS THERAPY IS THE HOME.—Section 1834(m)(2)(B) of the Social Security (42 U.S.C. 1395m(m)(2)(B)) is amended—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), and indenting appropriately;

(B) in subclause (II), as redesignated by subparagraph (A), by striking ''clause (i) or this clause'' and inserting ''subclause (I) or this subclause'';

(C) by striking ''SITE.—With respect to'' and inserting ''SITE.—

''(i) IN GENERAL.—Subject to clause (ii), with respect to''; and

(D) by adding at the end the following new clause:

''(ii) NO FACILITY FEE IF ORIGINATING SITE FOR HOME DIALYSIS THERAPY IS THE HOME.—No facility fee shall be paid under this subparagraph to an originating site described in paragraph (4)(C)(ii)(X).''.

(c) CLARIFICATION REGARDING TELEHEALTH PROVIDED TO BENEFICIARIES.—Section 1128A(i)(6) of the Social Security Act (42 U.S.C. 1320a–7a(i)(6)) is amended—

(1) in subparagraph (H), by striking ''or'' at the end;

(2) in subparagraph (I), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(J) the provision of telehealth technologies (as defined by the Secretary) on or after January 1, 2019, by a provider of services or a renal dialysis facility (as such terms are defined for purposes of title XVIII) to an individual with end stage renal disease who is receiving home dialysis for which payment is being made under part B of such title, if—

''(i) the telehealth technologies are not offered as part of any advertisement or solicitation;

''(ii) the telehealth technologies are provided for the purpose of furnishing telehealth services related to the individual's end stage renal disease; and

''(iii) the provision of the telehealth technologies meets any other requirements set forth in regulations promulgated by the Secretary.''.

(d) CONFORMING AMENDMENT.—Section 1881(b)(1) of the Social Security Act (42 U.S.C. 1395rr(b)(1)) is amended by striking ''paragraph (3)(A)'' and inserting ''paragraph (3)(A)(i)''.

Subtitle B—Advancing Team-Based Care

SEC. 50311. PROVIDING CONTINUED ACCESS TO MEDICARE ADVANTAGE SPECIAL NEEDS PLANS FOR VULNERABLE POPULATIONS.

(a) EXTENSION.—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w–28(f)(1)) is amended by striking ''and for periods before January 1, 2019''.

(b) INCREASED INTEGRATION OF DUAL SNPS.—

(1) IN GENERAL.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w–28(f)) is amended—

(A) in paragraph (3), by adding at the end the following new subparagraph:

''(F) The plan meets the requirements applicable under paragraph (8).''; and

(B) by adding at the end the following new paragraph:

''(8) INCREASED INTEGRATION OF DUAL SNPS.—

''(A) DESIGNATED CONTACT.—The Secretary, acting through the Federal Coordinated Health Care Office established under section 2602 of Public Law 111–148, shall serve as a dedicated point of contact for States to address misalignments that arise with the integration of specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) under this paragraph and, consistent with such role, shall establish—

''(i) a uniform process for disseminating to State Medicaid agencies information under this title impacting contracts between such agencies and such plans under this subsection; and

''(ii) basic resources for States interested in exploring such plans as a platform for integration, such as a model contract or other tools to achieve those goals.

''(B) UNIFIED GRIEVANCES AND APPEALS PROCESS.—

''(i) IN GENERAL.—Not later than April 1, 2020, the Secretary shall establish procedures, to the extent feasible as determined by the Secretary, unifying grievances and appeals procedures under sections 1852(f), 1852(g), 1902(a)(3), 1902(a)(5), and 1932(b)(4) for items and services provided by specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) under this title and title XIX. With respect to items and services described in the preceding sentence, procedures established under this clause shall apply in place of otherwise applicable grievances and appeals procedures. The Secretary shall solicit comment in developing such procedures from States, plans, beneficiaries and their representatives, and other relevant stakeholders.

''(ii) PROCEDURES.—The procedures established under clause (i) shall be included in the plan contract under paragraph (3)(D) and shall—

''(I) adopt the provisions for the enrollee that are most protective for the enrollee and, to the extent feasible as determined by the Secretary, are compatible with unified timeframes and consolidated access to external review under an integrated process;

''(II) take into account differences in State plans under title XIX to the extent necessary;

''(III) be easily navigable by an enrollee; and

''(IV) include the elements described in clause (iii), as applicable.

''(iii) ELEMENTS DESCRIBED.—Both unified appeals and unified grievance procedures shall include, as applicable, the following elements described in this clause:

''(I) Single written notification of all applicable grievances and appeal rights under this title and title XIX. For purposes of this subparagraph, the Secretary may waive the requirements under section 1852(g)(1)(B) when the specialized MA plan covers items or services under this part or under title XIX.

''(II) Single pathways for resolution of any grievance or appeal related to a particular item or service provided by specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) under this title and title XIX.

''(III) Notices written in plain language and available in a language and format that is accessible to the enrollee, including in non-English languages that are prevalent in the service area of the specialized MA plan.

''(IV) Unified timeframes for grievances and appeals processes, such as an individual's filing of a grievance or appeal, a plan's acknowledgment and resolution of a grievance or appeal, and notification of decisions with respect to a grievance or appeal.

''(V) Requirements for how the plan must process, track, and resolve grievances and appeals, to ensure beneficiaries are notified on a timely basis of decisions that are made throughout the grievance or appeals process and are able to easily determine the status of a grievance or appeal.

''(iv) CONTINUATION OF BENEFITS PENDING APPEAL.—The unified procedures under clause (i) shall, with respect to all benefits under parts A and B and title XIX subject to appeal under such procedures, incorporate provisions under current law and implementing regulations that provide continuation of benefits pending appeal under this title and title XIX.

''(C) REQUIREMENT FOR UNIFIED GRIEVANCES AND APPEALS.—For 2021 and subsequent years, the contract of a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(ii) with a State Medicaid agency under paragraph (3)(D) shall require the use of unified grievances and appeals procedures as described in subparagraph (B).

''(D) REQUIREMENTS FOR INTEGRATION.—

''(i) IN GENERAL.—For 2021 and subsequent years, a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(ii) shall meet one or more of the following requirements, to the extent permitted under State law, for integration of benefits under this title and title XIX:

''(I) The specialized MA plan must meet the requirements of contracting with the State Medicaid agency described in paragraph (3)(D) in addition to coordinating long-term services and supports or behavioral health services, or both, by meeting an additional minimum set of requirements determined by the Secretary through the Federal Coordinated Health Care Office established under section 2602 of the Patient Protection and Affordable Care Act based on input from stakeholders, such as notifying the State in a timely manner of hospitalizations, emergency room visits, and hospital or nursing home discharges of enrollees, assigning one primary care provider for each enrollee, or sharing data that would benefit the coordination of items and services under this title and the State plan under title XIX. Such minimum set of requirements must be included in the contract of the specialized MA plan with the State Medicaid agency under such paragraph.

''(II) The specialized MA plan must meet the requirements of a fully integrated plan described in section 1853(a)(1)(B)(iv)(II) (other than the requirement that the plan have similar average levels of frailty, as determined by the Secretary, as the PACE program), or enter into a capitated contract with the State Medicaid agency to provide long-term services and supports or behavioral health services, or both.

''(III) In the case of a specialized MA plan that is offered by a parent organization that is also the parent organization of a Medicaid managed care organization providing long term services and supports or behavioral services under a contract under section 1903(m), the parent organization must assume clinical and financial responsibility for benefits provided under this title and title XIX with respect to any individual who is enrolled in both the specialized MA plan and the Medicaid managed care organization.

''(ii) SUSPENSION OF ENROLLMENT FOR FAILURE TO MEET REQUIREMENTS DURING INITIAL PERIOD.—During the period of plan years 2021 through 2025, if the Secretary determines that a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(ii) has failed to comply with clause (i), the Secretary may provide for the application against the Medicare Advantage organization offering the plan of the remedy described in section 1857(g)(2)(B) in the same manner as the Secretary may apply such remedy, and in accordance with the same procedures as would apply, in the case of an MA organization determined by the Secretary to have engaged in conduct described in section 1857(g)(1). If the Secretary applies such remedy to a Medicare Advantage organization under the preceding sentence, the organization shall submit to the Secretary

(at a time, and in a form and manner, specified by the Secretary) information describing how the plan will come into compliance with clause (i).

''(E) STUDY AND REPORT TO CONGRESS.—

''(i) IN GENERAL.—Not later than March 15, 2022, and, subject to clause (iii), biennially thereafter through 2032, the Medicare Payment Advisory Commission established under section 1805, in consultation with the Medicaid and CHIP Payment and Access Commission established under section 1900, shall conduct (and submit to the Secretary and the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on) a study to determine how specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) perform among each other based on data from Healthcare Effectiveness Data and Information Set (HEDIS) quality measures, reported on the plan level, as required under section 1852(e)(3) (or such other measures or data sources that are available and appropriate, such as encounter data and Consumer Assessment of Healthcare Providers and Systems data, as specified by such Commissions as enabling an accurate evaluation under this subparagraph). Such study shall include, as feasible, the following comparison groups of specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii):

''(I) A comparison group of such plans that are described in subparagraph (D)(i)(I).

''(II) A comparison group of such plans that are described in subparagraph (D)(i)(II).

''(III) A comparison group of such plans operating within the Financial Alignment Initiative demonstration for the period for which such plan is so operating and the demonstration is in effect, and, in the case that an integration option that is not with respect to specialized MA plans for special needs individuals is established after the conclusion of the demonstration involved.

''(IV) A comparison group of such plans that are described in subparagraph (D)(i)(III).

''(V) A comparison group of MA plans, as feasible, not described in a previous subclause of this clause, with respect to the performance of such plans for enrollees who are special needs individuals described in subsection (b)(6)(B)(ii).

''(ii) ADDITIONAL REPORTS.—Beginning with 2033 and every five years thereafter, the Medicare Payment Advisory Commission, in consultation with the Medicaid and CHIP Payment and Access Commission, shall conduct a study described in clause (i).''.

(2) CONFORMING AMENDMENT TO RESPONSIBILITIES OF FEDERAL COORDINATED HEALTH CARE OFFICE.—Section 2602(d) of Public Law 111–148 (42 U.S.C. 1315b(d)) is amended by adding at the end the following new paragraphs:

''(6) To act as a designated contact for States under subsection (f)(8)(A) of section 1859 of the Social Security Act (42 U.S.C. 1395w–28) with respect to the integration of specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) of such section.

''(7) To be responsible, subject to the final approval of the Secretary, for developing regulations and guidance related to the implementation of a unified grievance and appeals process as described in subparagraphs (B) and (C) of section 1859(f)(8) of the Social Security Act (42 U.S.C. 1395w–28(f)(8)).

''(8) To be responsible, subject to the final approval of the Secretary, for developing regulations and guidance related to the integration or alignment of policy and oversight under the Medicare program under title XVIII of such Act and the Medicaid program under title XIX of such Act regarding specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) of such section 1859.''.

(c) IMPROVEMENTS TO SEVERE OR DISABLING CHRONIC CONDITION SNPS.—

(1) CARE MANAGEMENT REQUIREMENTS.—Section 1859(f)(5) of the Social Security Act (42 U.S.C. 1395w–28(f)(5)) is amended—

(A) by striking ''ALL SNPS.—The requirements'' and inserting ''ALL SNPS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the requirements'';

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately; and

(C) in clause (ii), as redesignated by subparagraph (B), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting appropriately; and

(D) by adding at the end the following new subparagraph:

''(B) IMPROVEMENTS TO CARE MANAGEMENT REQUIREMENTS FOR SEVERE OR DISABLING CHRONIC CONDITION SNPS.—For 2020 and subsequent years, in the case of a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(iii), the requirements described in this paragraph include the following:

''(i) The interdisciplinary team under subparagraph (A)(ii)(III) includes a team of providers with demonstrated expertise, including training in an applicable specialty, in treating individuals similar to the targeted population of the plan.

''(ii) Requirements developed by the Secretary to provide face-to-face encounters with individuals enrolled in the plan not less frequently than on an annual basis.

''(iii) As part of the model of care under clause (i) of subparagraph (A), the results of the initial assessment and annual reassessment under clause (ii)(I) of such subparagraph of each individual enrolled in the plan are addressed in the individual's individualized care plan under clause (ii)(II) of such subparagraph.

''(iv) As part of the annual evaluation and approval of such model of care, the Secretary shall take into account whether the plan fulfilled the previous year's goals (as required under the model of care).

''(v) The Secretary shall establish a minimum benchmark for each element of the model of care of a plan. The Secretary shall only approve a plan's model of care under this paragraph if each element of the model of care meets the minimum benchmark applicable under the preceding sentence.''.

(2) REVISIONS TO THE DEFINITION OF A SEVERE OR DISABLING CHRONIC CONDITIONS SPECIALIZED NEEDS INDIVIDUAL.—

(A) IN GENERAL.—Section 1859(b)(6)(B)(iii) of the Social Security Act (42 U.S.C. 1395w–28(b)(6)(B)(iii)) is amended—

(i) by striking ''who have'' and inserting ''who—

''(I) before January 1, 2022, have'';

(ii) in subclause (I), as added by clause (i), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new subclause:

''(II) on or after January 1, 2022, have one or more comorbid and medically complex chronic conditions that is life threatening or significantly limits overall health or function, have a high risk of hospitalization or other adverse health outcomes, and require intensive care coordination and that is listed under subsection (f)(9)(A).''.

(B) PANEL OF CLINICAL ADVISORS.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w–28(f)), as amended by subsection (b), is amended by adding at the end the following new paragraph:

''(9) LIST OF CONDITIONS FOR CLARIFICATION OF THE DEFINITION OF A SEVERE OR DISABLING CHRONIC CONDITIONS SPECIALIZED NEEDS INDIVIDUAL.—

''(A) IN GENERAL.—Not later than December 31, 2020, and every 5 years thereafter, subject to subparagraphs (B) and (C), the Secretary shall convene a panel of clinical advisors to establish and update a list of conditions that meet each of the following criteria:

''(i) Conditions that meet the definition of a severe or disabling chronic condition under subsection (b)(6)(B)(iii) on or after January 1, 2022.

''(ii) Conditions that require prescription drugs, providers, and models of care that are unique to the specific population of enrollees in a specialized MA plan for special needs individuals described in such subsection on or after such date and—

''(I) as a result of access to, and enrollment in, such a specialized MA plan for special needs individuals, individuals with such condition would have a reasonable expectation of slowing or halting the progression of the disease, improving health outcomes and decreasing overall costs for individuals diagnosed with such condition compared to available options of care other than through such a specialized MA plan for special needs individuals; or

''(II) have a low prevalence in the general population of beneficiaries under this title or a disproportionally high per-beneficiary cost under this title.

''(B) INCLUSION OF CERTAIN CONDITIONS.—The conditions listed under subparagraph (A) shall include HIV/AIDS, end stage renal disease, and chronic and disabling mental illness.

''(C) REQUIREMENT.—In establishing and updating the list under subparagraph (A), the panel shall take into account the availability of varied benefits, cost-sharing, and supplemental benefits under the model described in paragraph (2) of section 1859(h), including the expansion under paragraph (1) of such section.''.

(d) QUALITY MEASUREMENT AT THE PLAN LEVEL FOR SNPS AND DETERMINATION OF FEASABILITY OF QUALITY MEASUREMENT AT THE PLAN LEVEL FOR ALL MA PLANS.—Section 1853(o) of the Social Security Act (42 U.S.C. 1395w–23(o)) is amended by adding at the end the following new paragraphs:

''(6) QUALITY MEASUREMENT AT THE PLAN LEVEL FOR SNPS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may require reporting of data under section 1852(e) for, and apply under this subsection, quality measures at the plan level for specialized MA plans for special needs individuals instead of at the contract level.

''(B) CONSIDERATIONS.—Prior to applying quality measurement at the plan level under this paragraph, the Secretary shall—

''(i) take into consideration the minimum number of enrollees in a specialized MA plan for special needs individuals in order to determine if a statistically significant or valid measurement of quality at the plan level is possible under this paragraph;

''(ii) take into consideration the impact of such application on plans that serve a disproportionate number of individuals dually eligible for benefits under this title and under title XIX;

''(iii) if quality measures are reported at the plan level, ensure that MA plans are not required to provide duplicative information; and

''(iv) ensure that such reporting does not interfere with the collection of encounter data submitted by MA organizations or the

administration of any changes to the program under this part as a result of the collection of such data.

''(C) APPLICATION.—If the Secretary applies quality measurement at the plan level under this paragraph—

''(i) such quality measurement may include Medicare Health Outcomes Survey (HOS), Healthcare Effectiveness Data and Information Set (HEDIS), Consumer Assessment of Healthcare Providers and Systems (CAHPS) measures and quality measures under part D; and

''(ii) the Secretary shall consider applying administrative actions, such as remedies described in section 1857(g)(2), at the plan level.

''(7) DETERMINATION OF FEASIBILITY OF QUALITY MEASUREMENT AT THE PLAN LEVEL FOR ALL MA PLANS.—

''(A) DETERMINATION OF FEASIBILITY.—The Secretary shall determine the feasibility of requiring reporting of data under section 1852(e) for, and applying under this subsection, quality measures at the plan level for all MA plans under this part.

''(B) CONSIDERATION OF CHANGE.—After making a determination under subparagraph (A), the Secretary shall consider requiring such reporting and applying such quality measures at the plan level as described in such subparagraph''.

(e) GAO STUDY AND REPORT ON STATE-LEVEL INTEGRATION BETWEEN DUAL SNPS AND MEDICAID.—

(1) STUDY.—The Comptroller General of the United States (in this subsection referred to as the ''Comptroller General'') shall conduct a study on State-level integration between specialized MA plans for special needs individuals described in subsection (b)(6) (B)(ii) of section 1859 of the Social Security Act (42 U.S.C. 1395w–28) and the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.). Such study shall include an analysis of the following:

(A) The characteristics of States in which the State agency responsible for administering the State plan under such title XIX has a contract with such a specialized MA plan and that delivers long-term services and supports under the State plan under such title XIX through a managed care program, including the requirements under such State plan with respect to long-term services and supports.

(B) The types of such specialized MA plans, which may include the following:

(i) A plan described in section 1853(a)(1)(B)(iv)(II) of such Act (42 U.S.C. 1395w–23(a)(1)(B)(iv)(II)).

(ii) A plan that meets the requirements described in subsection (f)(3)(D) of such section 1859.

(iii) A plan described in clause (ii) that also meets additional requirements established by the State.

(C) The characteristics of individuals enrolled in such specialized MA plans.

(D) As practicable, the following with respect to State programs for the delivery of long-term services and supports under such title XIX through a managed care program:

(i) Which populations of individuals are eligible to receive such services and supports.

(ii) Whether all such services and supports are provided on a capitated basis or if any of such services and supports are carved out and provided through fee-for service.

(E) As practicable, how the availability and variation of integration arrangements of such specialized MA plans offered in States affects spending, service delivery options, access to community-based care, and utilization of care.

(F) The efforts of State Medicaid programs to transition dually-eligible beneficiaries receiving long-term services and supports (LTSS) from institutional settings to home and community-based settings and related financial impacts of such transitions.

(G) Barriers and opportunities for making further progress on dual integration, as well as recommendations for legislation or administrative action to expedite or refine pathways toward fully integrated care.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

Subtitle C—Expanding Innovation and Technology

SEC. 50321. ADAPTING BENEFITS TO MEET THE NEEDS OF CHRONICALLY ILL MEDICARE ADVANTAGE ENROLLEES.

Section 1859 of the Social Security Act (42 U.S.C. 1395w–28) is amended by adding at the end the following new subsection:

''(h) NATIONAL TESTING OF MEDICARE ADVANTAGE VALUE-BASED INSURANCE DESIGN MODEL.—

''(1) IN GENERAL.—In implementing the Medicare Advantage Value-Based Insurance Design model that is being tested under section 1115A(b), the Secretary shall revise the testing of the model under such section to cover, effective not later than January 1, 2020, all States.

''(2) TERMINATION AND MODIFICATION PROVISION NOT APPLICABLE UNTIL JANUARY 1, 2022.—The provisions of section 1115A(b)(3)(B) shall apply to the Medicare Advantage Value-Based Insurance Design model, including such model as revised under paragraph (1), beginning January 1, 2022, but shall not apply to such model, as so revised, prior to such date.

''(3) FUNDING.—The Secretary shall allocate funds made available under section 1115A(f)(1) to design, implement, and evaluate the Medicare Advantage Value-Based Insurance Design model, as revised under paragraph (1).''.

SEC. 50322. EXPANDING SUPPLEMENTAL BENEFITS TO MEET THE NEEDS OF CHRONICALLY ILL MEDICARE ADVANTAGE ENROLLEES.

(a) IN GENERAL.—Section 1852(a)(3) of the Social Security Act (42 U.S.C. 1395w–22(a)(3)) is amended—

(1) in subparagraph (A), by striking ''Each'' and inserting ''Subject to subparagraph (D), each''; and

(2) by adding at the end the following new subparagraph:

''(D) EXPANDING SUPPLEMENTAL BENEFITS TO MEET THE NEEDS OF CHRONICALLY ILL ENROLLEES.—

''(i) IN GENERAL.—For plan year 2020 and subsequent plan years, in addition to any supplemental health care benefits otherwise provided under this paragraph, an MA plan, including a specialized MA plan for special needs individuals (as defined in section 1859(b)(6)), may provide supplemental benefits described in clause (ii) to a chronically ill enrollee (as defined in clause (iii)).

''(ii) SUPPLEMENTAL BENEFITS DESCRIBED.—

''(I) IN GENERAL.—Supplemental benefits described in this clause are supplemental benefits that, with respect to a chronically ill enrollee, have a reasonable expectation of improving or maintaining the health or overall function of the chronically ill enrollee and may not be limited to being primarily health related benefits.

''(II) AUTHORITY TO WAIVE UNIFORMITY REQUIREMENTS.—The Secretary may, only with respect to supplemental benefits provided to a chronically ill enrollee under this subparagraph, waive the uniformity requirements under this part, as determined appropriate by the Secretary.

''(iii) CHRONICALLY ILL ENROLLEE DEFINED.—In this subparagraph, the term 'chronically ill enrollee' means an enrollee in an MA plan that the Secretary determines—

''(I) has one or more comorbid and medically complex chronic conditions that is life threatening or significantly limits the overall health or function of the enrollee;

''(II) has a high risk of hospitalization or other adverse health outcomes; and

''(III) requires intensive care coordination.''.

(b) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States (in this subsection referred to as the ''Comptroller General'') shall conduct a study on supplemental benefits provided to enrollees in Medicare Advantage plans under part C of title XVIII of the Social Security Act, including specialized MA plans for special needs individuals (as defined in section 1859(b)(6) of such Act (42 U.S.C. 1395w–28(b)(6))). To the extend data are available, such study shall include an analysis of the following:

(A) The type of supplemental benefits provided to such enrollees, the total number of enrollees receiving each supplemental benefit, and whether the supplemental benefit is covered by the standard benchmark cost of the benefit or with an additional premium.

(B) The frequency in which supplemental benefits are utilized by such enrollees.

(C) The impact supplemental benefits have on—

(i) indicators of the quality of care received by such enrollees, including overall health and function of the enrollees;

(ii) the utilization of items and services for which benefits are available under the original Medicare fee-for-service program option under parts A and B of such title XVIII by such enrollees; and

(iii) the amount of the bids submitted by Medicare Advantage Organizations for Medicare Advantage plans under such part C.

(2) CONSULTATION.—In conducting the study under paragraph (1), the Comptroller General shall, as necessary, consult with the Centers for Medicare & Medicaid Services and Medicare Advantage organizations offering Medicare Advantage plans.

(3) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 50323. INCREASING CONVENIENCE FOR MEDICARE ADVANTAGE ENROLLEES THROUGH TELEHEALTH.

(a) IN GENERAL.—Section 1852 of the Social Security Act (42 U.S.C. 1395w–22) is amended—

(1) in subsection (a)(1)(B)(i), by inserting '', subject to subsection (m),'' after ''means''; and

(2) by adding at the end the following new subsection:

''(m) PROVISION OF ADDITIONAL TELEHEALTH BENEFITS.—

''(1) MA PLAN OPTION.—For plan year 2020 and subsequent plan years, subject to the requirements of paragraph (3), an MA plan may provide additional telehealth benefits (as defined in paragraph (2)) to individuals enrolled under this part.

''(2) ADDITIONAL TELEHEALTH BENEFITS DEFINED.—

''(A) IN GENERAL.—For purposes of this subsection and section 1854:

''(i) DEFINITION.—The term 'additional telehealth benefits' means services—

''(I) for which benefits are available under part B, including services for which payment

is not made under section 1834(m) due to the conditions for payment under such section; and

''(II) that are identified for such year as clinically appropriate to furnish using electronic information and telecommunications technology when a physician (as defined in section 1861(r)) or practitioner (described in section 1842(b)(18)(C)) providing the service is not at the same location as the plan enrollee.

''(ii) EXCLUSION OF CAPITAL AND INFRASTRUCTURE COSTS AND INVESTMENTS.—The term 'additional telehealth benefits' does not include capital and infrastructure costs and investments relating to such benefits.

''(B) PUBLIC COMMENT.—Not later than November 30, 2018, the Secretary shall solicit comments on—

''(i) what types of items and services (including those provided through supplemental health care benefits, such as remote patient monitoring, secure messaging, store and forward technologies, and other non-face-to-face communication) should be considered to be additional telehealth benefits; and

''(ii) the requirements for the provision or furnishing of such benefits (such as training and coordination requirements).

''(3) REQUIREMENTS FOR ADDITIONAL TELEHEALTH BENEFITS.—The Secretary shall specify requirements for the provision or furnishing of additional telehealth benefits, including with respect to the following:

''(A) Physician or practitioner qualifications (other than licensure) and other requirements such as specific training.

''(B) Factors necessary for the coordination of such benefits with other items and services including those furnished in-person.

''(C) Such other areas as determined by the Secretary.

''(4) ENROLLEE CHOICE.—If an MA plan provides a service as an additional telehealth benefit (as defined in paragraph (2))—

''(A) the MA plan shall also provide access to such benefit through an in-person visit (and not only as an additional telehealth benefit); and

''(B) an individual enrollee shall have discretion as to whether to receive such service through the in-person visit or as an additional telehealth benefit.

''(5) TREATMENT UNDER MA.—For purposes of this subsection and section 1854, if a plan provides additional telehealth benefits, such additional telehealth benefits shall be treated as if they were benefits under the original Medicare fee-for-service program option.

''(6) CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the requirement under subsection (a)(1) that MA plans provide enrollees with items and services (other than hospice care) for which benefits are available under parts A and B, including benefits available under section 1834(m).''.

(b) CLARIFICATION REGARDING INCLUSION IN BID AMOUNT.—Section 1854(a)(6)(A)(ii)(I) of the Social Security Act (42 U.S.C. 1395w–24(a)(6)(A)(ii)(I)) is amended by inserting '', including, for plan year 2020 and subsequent plan years, the provision of additional telehealth benefits as described in section 1852(m)'' before the semicolon at the end.

SEC. 50324. PROVIDING ACCOUNTABLE CARE ORGANIZATIONS THE ABILITY TO EXPAND THE USE OF TELEHEALTH.

(a) IN GENERAL.—Section 1899 of the Social Security Act (42 U.S.C. 1395jjj) is amended by adding at the end the following new subsection:

''(l) PROVIDING ACOS THE ABILITY TO EXPAND THE USE OF TELEHEALTH SERVICES.—

''(1) IN GENERAL.—In the case of telehealth services for which payment would otherwise be made under this title furnished on or after January 1, 2020, for purposes of this subsection only, the following shall apply with respect to such services furnished by a physician or practitioner participating in an applicable ACO (as defined in paragraph (2)) to a Medicare fee-for-service beneficiary assigned to the applicable ACO:

''(A) INCLUSION OF HOME AS ORIGINATING SITE.—Subject to paragraph (3), the home of a beneficiary shall be treated as an originating site described in section 1834(m)(4)(C)(ii).

''(B) NO APPLICATION OF GEOGRAPHIC LIMITATION.—The geographic limitation under section 1834(m)(4)(C)(i) shall not apply with respect to an originating site described in section 1834(m)(4)(C)(ii) (including the home of a beneficiary under subparagraph (A)), subject to State licensing requirements.

''(2) DEFINITIONS.—In this subsection:

''(A) APPLICABLE ACO.—The term 'applicable ACO' means an ACO participating in a model tested or expanded under section 1115A or under this section—

''(i) that operates under a two-sided model—

''(I) described in section 425.600(a) of title 42, Code of Federal Regulations; or

''(II) tested or expanded under section 1115A; and

''(ii) for which Medicare fee-for-service beneficiaries are assigned to the ACO using a prospective assignment method, as determined appropriate by the Secretary.

''(B) HOME.—The term 'home' means, with respect to a Medicare fee-for-service beneficiary, the place of residence used as the home of the beneficiary.

''(3) TELEHEALTH SERVICES RECEIVED IN THE HOME.—In the case of telehealth services described in paragraph (1) where the home of a Medicare fee-for-service beneficiary is the originating site, the following shall apply:

''(A) NO FACILITY FEE.—There shall be no facility fee paid to the originating site under section 1834(m)(2)(B).

''(B) EXCLUSION OF CERTAIN SERVICES.—No payment may be made for such services that are inappropriate to furnish in the home setting such as services that are typically furnished in inpatient settings such as a hospital.''.

(b) STUDY AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall conduct a study on the implementation of section 1899(l) of the Social Security Act, as added by subsection (a). Such study shall include an analysis of the utilization of, and expenditures for, telehealth services under such section.

(B) COLLECTION OF DATA.—The Secretary may collect such data as the Secretary determines necessary to carry out the study under this paragraph.

(2) REPORT.—Not later than January 1, 2026, the Secretary shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 50325. EXPANDING THE USE OF TELEHEALTH FOR INDIVIDUALS WITH STROKE.

Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)), as amended by section 50302(b)(1), is amended—

(1) in paragraph (4)(C)(i), in the matter preceding subclause (I), by striking ''The term'' and inserting ''Except as provided in paragraph (6), the term''; and

(2) by adding at the end the following new paragraph:

''(6) TREATMENT OF STROKE TELEHEALTH SERVICES.—

''(A) NON-APPLICATION OF ORIGINATING SITE REQUIREMENTS.—The requirements described in paragraph (4)(C) shall not apply with respect to telehealth services furnished on or after January 1, 2019, for purposes of diagnosis, evaluation, or treatment of symptoms of an acute stroke, as determined by the Secretary.

''(B) INCLUSION OF CERTAIN SITES.—With respect to telehealth services described in subparagraph (A), the term 'originating site' shall include any hospital (as defined in section 1861(e)) or critical access hospital (as defined in section 1861(mm)(1)), any mobile stroke unit (as defined by the Secretary), or any other site determined appropriate by the Secretary, at which the eligible telehealth individual is located at the time the service is furnished via a telecommunications system.

''(C) NO ORIGINATING SITE FACILITY FEE FOR NEW SITES.—No facility fee shall be paid under paragraph (2)(B) to an originating site with respect to a telehealth service described in subparagraph (A) if the originating site does not otherwise meet the requirements for an originating site under paragraph (4)(C).''.

Subtitle D—Identifying the Chronically Ill Population

SEC. 50331. PROVIDING FLEXIBILITY FOR BENEFICIARIES TO BE PART OF AN ACCOUNTABLE CARE ORGANIZATION.

Section 1899(c) of the Social Security Act (42 U.S.C. 1395jjj(c)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking ''ACOs.—The Secretary'' and inserting ''ACOs.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary''; and

(3) by adding at the end the following new paragraph:

''(2) PROVIDING FLEXIBILITY.—

''(A) CHOICE OF PROSPECTIVE ASSIGNMENT.—For each agreement period (effective for agreements entered into or renewed on or after January 1, 2020), in the case where an ACO established under the program is in a Track that provides for the retrospective assignment of Medicare fee-for-service beneficiaries to the ACO, the Secretary shall permit the ACO to choose to have Medicare fee-for-service beneficiaries assigned prospectively, rather than retrospectively, to the ACO for an agreement period.

''(B) ASSIGNMENT BASED ON VOLUNTARY IDENTIFICATION BY MEDICARE FEE-FOR-SERVICE BENEFICIARIES.—

''(i) IN GENERAL.—For performance year 2018 and each subsequent performance year, if a system is available for electronic designation, the Secretary shall permit a Medicare fee-for-service beneficiary to voluntarily identify an ACO professional as the primary care provider of the beneficiary for purposes of assigning such beneficiary to an ACO, as determined by the Secretary.

''(ii) NOTIFICATION PROCESS.—The Secretary shall establish a process under which a Medicare fee-for-service beneficiary is—

''(I) notified of their ability to make an identification described in clause (i); and

''(II) informed of the process by which they may make and change such identification.

''(iii) SUPERSEDING CLAIMS-BASED ASSIGNMENT.—A voluntary identification by a Medicare fee-for-service beneficiary under this subparagraph shall supersede any claims-based assignment otherwise determined by the Secretary.''.

Subtitle E—Empowering Individuals and Caregivers in Care Delivery

SEC. 50341. ELIMINATING BARRIERS TO CARE COORDINATION UNDER ACCOUNTABLE CARE ORGANIZATIONS.

(a) IN GENERAL.—Section 1899 of the Social Security Act (42 U.S.C. 1395jjj), as amended by section 50324(a), is amended—

(1) in subsection (b)(2), by adding at the end the following new subparagraph:

''(I) An ACO that seeks to operate an ACO Beneficiary Incentive Program pursuant to subsection (m) shall apply to the Secretary at such time, in such manner, and with such information as the Secretary may require.'';

(2) by adding at the end the following new subsection:

''(m) AUTHORITY TO PROVIDE INCENTIVE PAYMENTS TO BENEFICIARIES WITH RESPECT TO QUALIFYING PRIMARY CARE SERVICES.—

''(1) PROGRAM.—

''(A) IN GENERAL.—In order to encourage Medicare fee-for-service beneficiaries to obtain medically necessary primary care services, an ACO participating under this section under a payment model described in clause (i) or (ii) of paragraph (2)(B) may apply to establish an ACO Beneficiary Incentive Program to provide incentive payments to such beneficiaries who are furnished qualifying services in accordance with this subsection. The Secretary shall permit such an ACO to establish such a program at the Secretary's discretion and subject to such requirements, including program integrity requirements, as the Secretary determines necessary.

''(B) IMPLEMENTATION.—The Secretary shall implement this subsection on a date determined appropriate by the Secretary. Such date shall be no earlier than January 1, 2019, and no later than January 1, 2020.

''(2) CONDUCT OF PROGRAM.—

''(A) DURATION.—Subject to subparagraph (H), an ACO Beneficiary Incentive Program established under this subsection shall be conducted for such period (of not less than 1 year) as the Secretary may approve.

''(B) SCOPE.—An ACO Beneficiary Incentive Program established under this subsection shall provide incentive payments to all of the following Medicare fee-for-service beneficiaries who are furnished qualifying services by the ACO:

''(i) With respect to the Track 2 and Track 3 payment models described in section 425.600(a) of title 42, Code of Federal Regulations (or in any successor regulation), Medicare fee-for-service beneficiaries who are preliminarily prospectively or prospectively assigned (or otherwise assigned, as determined by the Secretary) to the ACO.

''(ii) With respect to any future payment models involving two-sided risk, Medicare fee-for-service beneficiaries who are assigned to the ACO, as determined by the Secretary.

''(C) QUALIFYING SERVICE.—For purposes of this subsection, a qualifying service is a primary care service, as defined in section 425.20 of title 42, Code of Federal Regulations (or in any successor regulation), with respect to which coinsurance applies under part B, furnished through an ACO by—

''(i) an ACO professional described in subsection (h)(1)(A) who has a primary care specialty designation included in the definition of primary care physician under section 425.20 of title 42, Code of Federal Regulations (or any successor regulation);

''(ii) an ACO professional described in subsection (h)(1)(B); or

''(iii) a Federally qualified health center or rural health clinic (as such terms are defined in section 1861(aa)).

''(D) INCENTIVE PAYMENTS.—An incentive payment made by an ACO pursuant to an ACO Beneficiary Incentive Program established under this subsection shall be—

''(i) in an amount up to $20, with such maximum amount updated annually by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year;

''(ii) in the same amount for each Medicare fee-for-service beneficiary described in clause (i) or (ii) of subparagraph (B) without regard to enrollment of such a beneficiary in a medicare supplemental policy (described in section 1882(g)(1)), in a State Medicaid plan under title XIX or a waiver of such a plan, or in any other health insurance policy or health benefit plan;

''(iii) made for each qualifying service furnished to such a beneficiary described in clause (i) or (ii) of subparagraph (B) during a period specified by the Secretary; and

''(iv) made no later than 30 days after a qualifying service is furnished to such a beneficiary described in clause (i) or (ii) of subparagraph (B).

''(E) NO SEPARATE PAYMENTS FROM THE SECRETARY.—The Secretary shall not make any separate payment to an ACO for the costs, including incentive payments, of carrying out an ACO Beneficiary Incentive Program established under this subsection. Nothing in this subparagraph shall be construed as prohibiting an ACO from using shared savings received under this section to carry out an ACO Beneficiary Incentive Program.

''(F) NO APPLICATION TO SHARED SAVINGS CALCULATION.—Incentive payments made by an ACO under this subsection shall be disregarded for purposes of calculating benchmarks, estimated average per capita Medicare expenditures, and shared savings under this section.

''(G) REPORTING REQUIREMENTS.—An ACO conducting an ACO Beneficiary Incentive Program under this subsection shall, at such times and in such format as the Secretary may require, report to the Secretary such information and retain such documentation as the Secretary may require, including the amount and frequency of incentive payments made and the number of Medicare fee-for-service beneficiaries receiving such payments.

''(H) TERMINATION.—The Secretary may terminate an ACO Beneficiary Incentive Program established under this subsection at any time for reasons determined appropriate by the Secretary.

''(3) EXCLUSION OF INCENTIVE PAYMENTS.—Any payment made under an ACO Beneficiary Incentive Program established under this subsection shall not be considered income or resources or otherwise taken into account for purposes of—

''(A) determining eligibility for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds; or

''(B) any Federal or State laws relating to taxation.'';

(3) in subsection (e), by inserting '', including an ACO Beneficiary Incentive Program under subsections (b)(2)(I) and (m)'' after ''the program''; and

(4) in subsection (g)(6), by inserting ''or of an ACO Beneficiary Incentive Program under subsections (b)(2)(I) and (m)'' after ''under subsection (d)(4)''.

(b) AMENDMENT TO SECTION 1128B.—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

(1) by striking ''and'' at the end of subparagraph (I);

(2) by striking the period at the end of subparagraph (J) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(K) an incentive payment made to a Medicare fee-for-service beneficiary by an ACO under an ACO Beneficiary Incentive Program established under subsection (m) of section 1899, if the payment is made in accordance with the requirements of such subsection and meets such other conditions as the Secretary may establish.''.

(c) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall conduct an evaluation of the ACO Beneficiary Incentive Program established under subsections (b)(2)(I) and (m) of section 1899 of the Social Security Act (42 U.S.C. 1395jjj), as added by subsection (a). The evaluation shall include an analysis of the impact of the implementation of the Program on expenditures and beneficiary health outcomes under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) REPORT.—Not later than October 1, 2023, the Secretary shall submit to Congress a report containing the results of the evaluation under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 50342. GAO STUDY AND REPORT ON LONGITUDINAL COMPREHENSIVE CARE PLANNING SERVICES UNDER MEDICARE PART B.

(a) STUDY.—The Comptroller General shall conduct a study on the establishment under part B of the Medicare program under title XVIII of the Social Security Act of a payment code for a visit for longitudinal comprehensive care planning services. Such study shall include an analysis of the following to the extent such information is available:

(1) The frequency with which services similar to longitudinal comprehensive care planning services are furnished to Medicare beneficiaries, which providers of services and suppliers are furnishing those services, whether Medicare reimbursement is being received for those services, and, if so, through which codes those services are being reimbursed.

(2) Whether, and the extent to which, longitudinal comprehensive care planning services would overlap, and could therefore result in duplicative payment, with services covered under the hospice benefit as well as the chronic care management code, evaluation and management codes, or other codes that already exist under part B of the Medicare program.

(3) Any barriers to hospitals, skilled nursing facilities, hospice programs, home health agencies, and other applicable providers working with a Medicare beneficiary to engage in the care planning process and complete the necessary documentation to support the treatment and care plan of the beneficiary and provide such documentation to other providers and the beneficiary or the beneficiary's representative.

(4) Any barriers to providers, other than the provider furnishing longitudinal comprehensive care planning services, accessing the care plan and associated documentation for use related to the care of the Medicare beneficiary.

(5) Potential options for ensuring that applicable providers are notified of a patient's existing longitudinal care plan and that applicable providers consider that plan in making their treatment decisions, and what the challenges might be in implementing such options.

(6) Stakeholder's views on the need for the development of quality metrics with respect to longitudinal comprehensive care planning services, such as measures related to—

(A) the process of eliciting input from the Medicare beneficiary or from a legally authorized representative and documenting in the medical record the patient-directed care plan;

(B) the effectiveness and patient-centeredness of the care plan in organizing delivery of services consistent with the plan;

(C) the availability of the care plan and associated documentation to other providers that care for the beneficiary; and

(D) the extent to which the beneficiary received services and support that is free from discrimination based on advanced age, disability status, or advanced illness.

(7) Stakeholder's views on how such quality metrics would provide information on—

(A) the goals, values, and preferences of the beneficiary;

(B) the documentation of the care plan;

(C) services furnished to the beneficiary; and

(D) outcomes of treatment.

(8) Stakeholder's views on—

(A) the type of training and education needed for applicable providers, individuals, and caregivers in order to facilitate longitudinal comprehensive care planning services;

(B) the types of providers of services and suppliers that should be included in the interdisciplinary team of an applicable provider; and

(C) the characteristics of Medicare beneficiaries that would be most appropriate to receive longitudinal comprehensive care planning services, such as individuals with advanced disease and individuals who need assistance with multiple activities of daily living.

(9) Stakeholder's views on the frequency with which longitudinal comprehensive care planning services should be furnished.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(c) DEFINITIONS.—In this section:

(1) APPLICABLE PROVIDER.—The term ''applicable provider'' means a hospice program (as defined in subsection (dd)(2) of section 1861 of the Social Security Act (42 U.S.C. 1395ww)) or other provider of services (as defined in subsection (u) of such section) or supplier (as defined in subsection (d) of such section) that—

(A) furnishes longitudinal comprehensive care planning services through an interdisciplinary team; and

(B) meets such other requirements as the Secretary may determine to be appropriate.

(2) COMPTROLLER GENERAL.—The term ''Comptroller General'' means the Comptroller General of the United States.

(3) INTERDISCIPLINARY TEAM.—The term ''interdisciplinary team'' means a group that—

(A) includes the personnel described in subsection (dd)(2)(B)(i) of such section 1861;

(B) may include a chaplain, minister, or other clergy; and

(C) may include other direct care personnel.

(4) LONGITUDINAL COMPREHENSIVE CARE PLANNING SERVICES.—The term ''longitudinal comprehensive care planning services'' means a voluntary shared decisionmaking process that is furnished by an applicable provider through an interdisciplinary team and includes a conversation with Medicare beneficiaries who have received a diagnosis of a serious or life-threatening illness. The purpose of such services is to discuss a longitudinal care plan that addresses the progression of the disease, treatment options, the goals, values, and preferences of the beneficiary, and the availability of other resources and social supports that may reduce the beneficiary's health risks and promote self-management and shared decisionmaking.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

Subtitle F—Other Policies to Improve Care for the Chronically Ill

SEC. 50351. GAO STUDY AND REPORT ON IMPROVING MEDICATION SYNCHRONIZATION.

(a) STUDY.—The Comptroller General of the United States (in this section referred to as the ''Comptroller General'') shall conduct a study on the extent to which Medicare prescription drug plans (MA–PD plans and stand alone prescription drug plans) under part D of title XVIII of the Social Security Act and private payors use programs that synchronize pharmacy dispensing so that individuals may receive multiple prescriptions on the same day to facilitate comprehensive counseling and promote medication adherence. The study shall include a analysis of the following:

(1) The extent to which pharmacies have adopted such programs.

(2) The common characteristics of such programs, including how pharmacies structure counseling sessions under such programs and the types of payment and other arrangements that Medicare prescription drug plans and private payors employ under such programs to support the efforts of pharmacies.

(3) How such programs compare for Medicare prescription drug plans and private payors.

(4) What is known about how such programs affect patient medication adherence and overall patient health outcomes, including if adherence and outcomes vary by patient subpopulations, such as disease state and socioeconomic status.

(5) What is known about overall patient satisfaction with such programs and satisfaction with such programs, including within patient subpopulations, such as disease state and socioeconomic status.

(6) The extent to which laws and regulations of the Medicare program support such programs.

(7) Barriers to the use of medication synchronization programs by Medicare prescription drug plans.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 50352. GAO STUDY AND REPORT ON IMPACT OF OBESITY DRUGS ON PATIENT HEALTH AND SPENDING.

(a) STUDY.—The Comptroller General of the United States (in this section referred to as the ''Comptroller General'') shall, to the extent data are available, conduct a study on the use of prescription drugs to manage the weight of obese patients and the impact of coverage of such drugs on patient health and on health care spending. Such study shall examine the use and impact of these obesity drugs in the non-Medicare population and for Medicare beneficiaries who have such drugs covered through an MA–PD plan (as defined in section 1860D–1(a)(3)(C) of the Social Security Act (42 U.S.C. 1395w–101(a)(3)(C))) as a supplemental health care benefit. The study shall include an analysis of the following:

(1) The prevalence of obesity in the Medicare and non-Medicare population.

(2) The utilization of obesity drugs.

(3) The distribution of Body Mass Index by individuals taking obesity drugs, to the extent practicable.

(4) What is known about the use of obesity drugs in conjunction with the receipt of other items or services, such as behavioral counseling, and how these compare to items and services received by obese individuals who do not take obesity drugs.

(5) Physician considerations and attitudes related to prescribing obesity drugs.

(6) The extent to which coverage policies cease or limit coverage for individuals who fail to receive clinical benefit.

(7) What is known about the extent to which individuals who take obesity drugs adhere to the prescribed regimen.

(8) What is known about the extent to which individuals who take obesity drugs maintain weight loss over time.

(9) What is known about the subsequent impact such drugs have on medical services that are directly related to obesity, including with respect to subpopulations determined based on the extent of obesity.

(10) What is known about the spending associated with the care of individuals who take obesity drugs, compared to the spending associated with the care of individuals who do not take such drugs.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 50353. HHS STUDY AND REPORT ON LONG-TERM RISK FACTORS FOR CHRONIC CONDITIONS AMONG MEDICARE BENEFICIARIES.

(a) STUDY.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a study on long-term cost drivers to the Medicare program, including obesity, tobacco use, mental health conditions, and other factors that may contribute to the deterioration of health conditions among individuals with chronic conditions in the Medicare population. The study shall include an analysis of any barriers to collecting and analyzing such information and how to remove any such barriers (including through legislation and administrative actions).

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate. The Secretary shall also post such report on the Internet website of the Department of Health and Human Services.

SEC. 50354. PROVIDING PRESCRIPTION DRUG PLANS WITH PARTS A AND B CLAIMS DATA TO PROMOTE THE APPROPRIATE USE OF MEDICATIONS AND IMPROVE HEALTH OUTCOMES.

Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)) is amended by adding at the end the following new paragraph:

''(6) PROVIDING PRESCRIPTION DRUG PLANS WITH PARTS A AND B CLAIMS DATA TO PROMOTE THE APPROPRIATE USE OF MEDICATIONS AND IMPROVE HEALTH OUTCOMES.—

''(A) PROCESS.—Subject to subparagraph (B), the Secretary shall establish a process under which a PDP sponsor of a prescription drug plan may submit a request for the Secretary to provide the sponsor, on a periodic basis and in an electronic format, beginning in plan year 2020, data described in subparagraph (D) with respect to enrollees in such

plan. Such data shall be provided without regard to whether such enrollees are described in clause (ii) of paragraph (2)(A).

''(B) PURPOSES.—A PDP sponsor may use the data provided to the sponsor pursuant to subparagraph (A) for any of the following purposes:

''(i) To optimize therapeutic outcomes through improved medication use, as such phrase is used in clause (i) of paragraph (2)(A).

''(ii) To improving care coordination so as to prevent adverse health outcomes, such as preventable emergency department visits and hospital readmissions.

''(iii) For any other purpose determined appropriate by the Secretary.

''(C) LIMITATIONS ON DATA USE.—A PDP sponsor shall not use data provided to the sponsor pursuant to subparagraph (A) for any of the following purposes:

''(i) To inform coverage determinations under this part.

''(ii) To conduct retroactive reviews of medically accepted indications determinations.

''(iii) To facilitate enrollment changes to a different prescription drug plan or an MA–PD plan offered by the same parent organization.

''(iv) To inform marketing of benefits.

''(v) For any other purpose that the Secretary determines is necessary to include in order to protect the identity of individuals entitled to, or enrolled for, benefits under this title and to protect the security of personal health information.

''(D) DATA DESCRIBED.—The data described in this clause are standardized extracts (as determined by the Secretary) of claims data under parts A and B for items and services furnished under such parts for time periods specified by the Secretary. Such data shall include data as current as practicable.''.

TITLE IV—PART B IMPROVEMENT ACT AND OTHER PART B ENHANCEMENTS

Subtitle A—Medicare Part B Improvement Act

SEC. 50401. HOME INFUSION THERAPY SERVICES TEMPORARY TRANSITIONAL PAYMENT.

(a) IN GENERAL.—Section 1834(u) of the Social Security Act (42 U.S.C. 1395m(u)) is amended, by adding at the end the following new paragraph:

''(7) HOME INFUSION THERAPY SERVICES TEMPORARY TRANSITIONAL PAYMENT.—

''(A) TEMPORARY TRANSITIONAL PAYMENT.—

''(i) IN GENERAL.—The Secretary shall, in accordance with the payment methodology described in subparagraph (B) and subject to the provisions of this paragraph, provide a home infusion therapy services temporary transitional payment under this part to an eligible home infusion supplier (as defined in subparagraph (F)) for items and services described in subparagraphs (A) and (B) of section 1861(iii)(2)) furnished during the period specified in clause (ii) by such supplier in coordination with the furnishing of transitional home infusion drugs (as defined in clause (iii)).

''(ii) PERIOD SPECIFIED.—For purposes of clause (i), the period specified in this clause is the period beginning on January 1, 2019, and ending on the day before the date of the implementation of the payment system under paragraph (1)(A).

''(iii) TRANSITIONAL HOME INFUSION DRUG DEFINED.—For purposes of this paragraph, the term 'transitional home infusion drug' has the meaning given to the term 'home infusion drug' under section 1861(iii)(3)(C)), except that clause (ii) of such section shall not apply if a drug described in such clause is identified in clauses (i), (ii), (iii) or (iv) of subparagraph (C) as of the date of the enactment of this paragraph.

''(B) PAYMENT METHODOLOGY.—For purposes of this paragraph, the Secretary shall establish a payment methodology, with respect to items and services described in subparagraph (A)(i). Under such payment methodology the Secretary shall—

''(i) create the three payment categories described in clauses (i), (ii), and (iii) of subparagraph (C);

''(ii) assign drugs to such categories, in accordance with such clauses;

''(iii) assign appropriate Healthcare Common Procedure Coding System (HCPCS) codes to each payment category; and

''(iv) establish a single payment amount for each such payment category, in accordance with subparagraph (D), for each infusion drug administration calendar day in the individual's home for drugs assigned to such category.

''(C) PAYMENT CATEGORIES.—

''(i) PAYMENT CATEGORY 1.—The Secretary shall create a payment category 1 and assign to such category drugs which are covered under the Local Coverage Determination on External Infusion Pumps (LCD number L33794) and billed with the following HCPCS codes (as identified as of January 1, 2018, and as subsequently modified by the Secretary): J0133, J0285, J0287, J0288, J0289, J0895, J1170, J1250, J1265, J1325, J1455, J1457, J1570, J2175, J2260, J2270, J2274, J2278, J3010, or J3285.

''(ii) PAYMENT CATEGORY 2.—The Secretary shall create a payment category 2 and assign to such category drugs which are covered under such local coverage determination and billed with the following HCPCS codes (as identified as of January 1, 2018, and as subsequently modified by the Secretary): J1555 JB, J1559 JB, J1561 JB, J1562 JB, J1569 JB, or J1575 JB.

''(iii) PAYMENT CATEGORY 3.—The Secretary shall create a payment category 3 and assign to such category drugs which are covered under such local coverage determination and billed with the following HCPCS codes (as identified as of January 1, 2018, and as subsequently modified by the Secretary): J9000, J9039, J9040, J9065, J9100, J9190, J9200, J9360, or J9370.

''(iv) INFUSION DRUGS NOT OTHERWISE INCLUDED.—With respect to drugs that are not included in payment category 1, 2, or 3 under clause (i), (ii), or (iii), respectively, the Secretary shall assign to the most appropriate of such categories, as determined by the Secretary, drugs which are—

''(I) covered under such local coverage determination and billed under HCPCS codes J7799 or J7999 (as identified as of July 1, 2017, and as subsequently modified by the Secretary); or

''(II) billed under any code that is implemented after the date of the enactment of this paragraph and included in such local coverage determination or included in subregulatory guidance as a home infusion drug described in subparagraph (A)(i).

''(D) PAYMENT AMOUNTS.—

''(i) IN GENERAL.—Under the payment methodology, the Secretary shall pay eligible home infusion suppliers, with respect to items and services described in subparagraph (A)(i) furnished during the period described in subparagraph (A)(ii) by such supplier to an individual, at amounts equal to the amounts determined under the physician fee schedule established under section 1848 for services furnished during the year for codes and units of such codes described in clauses (ii), (iii), and (iv) with respect to drugs included in the payment category under subparagraph (C) specified in the respective clause, determined without application of the geographic adjustment under subsection (e) of such section.

''(ii) PAYMENT AMOUNT FOR CATEGORY 1.—For purposes of clause (i), the codes and units described in this clause, with respect to drugs included in payment category 1 described in subparagraph (C)(i), are one unit of HCPCS code 96365 plus three units of HCPCS code 96366 (as identified as of January 1, 2018, and as subsequently modified by the Secretary).

''(iii) PAYMENT AMOUNT FOR CATEGORY 2.—For purposes of clause (i), the codes and units described in this clause, with respect to drugs included in payment category 2 described in subparagraph (C)(i), are one unit of HCPCS code 96369 plus three units of HCPCS code 96370 (as identified as of January 1, 2018, and as subsequently modified by the Secretary).

''(iv) PAYMENT AMOUNT FOR CATEGORY 3.—For purposes of clause (i), the codes and units described in this clause, with respect to drugs included in payment category 3 described in subparagraph (C)(i), are one unit of HCPCS code 96413 plus three units of HCPCS code 96415 (as identified as of January 1, 2018, and as subsequently modified by the Secretary).

''(E) CLARIFICATIONS.—

''(i) INFUSION DRUG ADMINISTRATION DAY.—For purposes of this subsection, with respect to the furnishing of transitional home infusion drugs or home infusion drugs to an individual by an eligible home infusion supplier or a qualified home infusion therapy supplier, a reference to payment to such supplier for an infusion drug administration calendar day in the individual's home shall refer to payment only for the date on which professional services (as described in section 1861(iii)(2)(A)) were furnished to administer such drugs to such individual. For purposes of the previous sentence, an infusion drug administration calendar day shall include all such drugs administered to such individual on such day.

''(ii) TREATMENT OF MULTIPLE DRUGS ADMINISTERED ON SAME INFUSION DRUG ADMINISTRATION DAY.—In the case that an eligible home infusion supplier, with respect to an infusion drug administration calendar day in an individual's home, furnishes to such individual transitional home infusion drugs which are not all assigned to the same payment category under subparagraph (C), payment to such supplier for such infusion drug administration calendar day in the individual's home shall be a single payment equal to the amount of payment under this paragraph for the drug, among all such drugs so furnished to such individual during such calendar day, for which the highest payment would be made under this paragraph.

''(F) ELIGIBLE HOME INFUSION SUPPLIERS.—In this paragraph, the term 'eligible home infusion supplier' means a supplier that is enrolled under this part as a pharmacy that provides external infusion pumps and external infusion pump supplies and that maintains all pharmacy licensure requirements in the State in which the applicable infusion drugs are administered.

''(G) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph by program instruction or otherwise.''.

(b) CONFORMING AMENDMENTS.—(1) Section 1842(b)(6)(I) of the Social Security Act (42 U.S.C. 1395u(b)(6)(I)) is amended by inserting ''or, in the case of items and services described in clause (i) of section 1834(u)(7)(A) furnished to an individual during the period described in clause (ii) of such section, payment shall be made to the eligible home infusion therapy supplier'' after ''payment shall be made to the qualified home infusion therapy supplier''.

(2) Section 5012(d) of the 21st Century Cures Act is amended by inserting the following before the period at the end: '', except that the amendments made by paragraphs (1)

and (2) of subsection (c) shall apply to items and services furnished on or after January 1, 2019''.

SEC. 50402. ORTHOTIST'S AND PROSTHETIST'S CLINICAL NOTES AS PART OF THE PATIENT'S MEDICAL RECORD.

Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) is amended by adding at the end the following new paragraph:

''(5) DOCUMENTATION CREATED BY ORTHOTISTS AND PROSTHETISTS.—For purposes of determining the reasonableness and medical necessity of orthotics and prosthetics, documentation created by an orthotist or prosthetist shall be considered part of the individual's medical record to support documentation created by eligible professionals described in section 1848(k)(3)(B).''.

SEC. 50403. INDEPENDENT ACCREDITATION FOR DIALYSIS FACILITIES AND ASSURANCE OF HIGH QUALITY SURVEYS.

(a) ACCREDITATION AND SURVEYS.—

(1) IN GENERAL.—Section 1865 of the Social Security Act (42 U.S.C. 1395bb) is amended—

(A) in subsection (a)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking ''or the conditions and requirements under section 1881(b)''; and

(ii) in paragraph (4), by inserting ''(including a renal dialysis facility)'' after ''facility''; and

(B) by adding at the end the following new subsection:

''(e) With respect to an accreditation body that has received approval from the Secretary under subsection (a)(3)(A) for accreditation of provider entities that are required to meet the conditions and requirements under section 1881(b), in addition to review and oversight authorities otherwise applicable under this title, the Secretary shall (as the Secretary determines appropriate) conduct, with respect to such accreditation body and provider entities, any or all of the following as frequently as is otherwise required to be conducted under this title with respect to other accreditation bodies or other provider entities:

''(1) Validation surveys referred to in subsection (d).

''(2) Accreditation program reviews (as defined in section 488.8(c) of title 42 of the Code of Federal Regulations, or a successor regulation).

''(3) Performance reviews (as defined in section 488.8(a) of title 42 of the Code of Federal Regulations, or a successor regulation).''.

(2) TIMING FOR ACCEPTANCE OF REQUESTS FROM ACCREDITATION ORGANIZATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall begin accepting requests from national accreditation bodies for a finding described in section 1865(a)(3)(A) of the Social Security Act (42 U.S.C. 1395bb(a)(3)(A)) for purposes of accrediting provider entities that are required to meet the conditions and requirements under section 1881(b) of such Act (42 U.S.C. 1395rr(b)).

(b) REQUIREMENT FOR TIMING OF SURVEYS OF NEW DIALYSIS FACILITIES.—Section 1881(b)(1) of the Social Security Act (42 U.S.C. 1395rr(b)(1)) is amended by adding at the end the following new sentence: ''Beginning 180 days after the date of the enactment of this sentence, an initial survey of a provider of services or a renal dialysis facility to determine if the conditions and requirements under this paragraph are met shall be initiated not later than 90 days after such date on which both the provider enrollment form (without regard to whether such form is submitted prior to or after such date of enactment) has been determined by the Secretary to be complete and the provider's enrollment status indicates approval is pending the results of such survey.''.

SEC. 50404. MODERNIZING THE APPLICATION OF THE STARK RULE UNDER MEDICARE.

(a) CLARIFICATION OF THE WRITING REQUIREMENT AND SIGNATURE REQUIREMENT FOR ARRANGEMENTS PURSUANT TO THE STARK RULE.—

(1) WRITING REQUIREMENT.—Section 1877(h)(1) of the Social Security Act (42 U.S.C. 1395nn(h)(1)) is amended by adding at the end the following new subparagraph:

''(D) WRITTEN REQUIREMENT CLARIFIED.—In the case of any requirement pursuant to this section for a compensation arrangement to be in writing, such requirement shall be satisfied by such means as determined by the Secretary, including by a collection of documents, including contemporaneous documents evidencing the course of conduct between the parties involved.''.

(2) SIGNATURE REQUIREMENT.—Section 1877(h)(1) of the Social Security Act (42 U.S.C. 1395nn(h)(1)), as amended by paragraph (1), is further amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR SIGNATURE REQUIREMENTS.—In the case of any requirement pursuant to this section for a compensation arrangement to be in writing and signed by the parties, such signature requirement shall be met if—

''(i) not later than 90 consecutive calendar days immediately following the date on which the compensation arrangement became noncompliant, the parties obtain the required signatures; and

''(ii) the compensation arrangement otherwise complies with all criteria of the applicable exception.''.

(b) INDEFINITE HOLDOVER FOR LEASE ARRANGEMENTS AND PERSONAL SERVICES ARRANGEMENTS PURSUANT TO THE STARK RULE.—Section 1877(e) of the Social Security Act (42 U.S.C. 1395nn(e)) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

''(C) HOLDOVER LEASE ARRANGEMENTS.—In the case of a holdover lease arrangement for the lease of office space or equipment, which immediately follows a lease arrangement described in subparagraph (A) for the use of such office space or subparagraph (B) for the use of such equipment and that expired after a term of at least 1 year, payments made by the lessee to the lessor pursuant to such holdover lease arrangement, if—

''(i) the lease arrangement met the conditions of subparagraph (A) for the lease of office space or subparagraph (B) for the use of equipment when the arrangement expired;

''(ii) the holdover lease arrangement is on the same terms and conditions as the immediately preceding arrangement; and

''(iii) the holdover arrangement continues to satisfy the conditions of subparagraph (A) for the lease of office space or subparagraph (B) for the use of equipment.''; and

(2) in paragraph (3), by adding at the end the following new subparagraph:

''(C) HOLDOVER PERSONAL SERVICE ARRANGEMENT.—In the case of a holdover personal service arrangement, which immediately follows an arrangement described in subparagraph (A) that expired after a term of at least 1 year, remuneration from an entity pursuant to such holdover personal service arrangement, if—

''(i) the personal service arrangement met the conditions of subparagraph (A) when the arrangement expired;

''(ii) the holdover personal service arrangement is on the same terms and conditions as the immediately preceding arrangement; and

''(iii) the holdover arrangement continues to satisfy the conditions of subparagraph (A).''.

Subtitle B—Additional Medicare Provisions

SEC. 50411. MAKING PERMANENT THE REMOVAL OF THE RENTAL CAP FOR DURABLE MEDICAL EQUIPMENT UNDER MEDICARE WITH RESPECT TO SPEECH GENERATING DEVICES.

Section 1834(a)(2)(A)(iv) of the Social Security Act (42 U.S.C. 1395m(a)(2)(A)(iv)) is amended by striking ''and before October 1, 2018,''.

SEC. 50412. INCREASED CIVIL AND CRIMINAL PENALTIES AND INCREASED SENTENCES FOR FEDERAL HEALTH CARE PROGRAM FRAUD AND ABUSE.

(a) INCREASED CIVIL MONEY PENALTIES AND CRIMINAL FINES.—

(1) INCREASED CIVIL MONEY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended—

(A) in subsection (a), in the matter following paragraph (10)—

(i) by striking ''$10,000'' and inserting ''$20,000'' each place it appears;

(ii) by striking ''$15,000'' and inserting ''$30,000''; and

(iii) by striking ''$50,000'' and inserting ''$100,000'' each place it appears; and

(B) in subsection (b)—

(i) in paragraph (1), in the flush text following subparagraph (B), by striking ''$2,000'' and inserting ''$5,000'';

(ii) in paragraph (2), by striking ''$2,000'' and inserting ''$5,000''; and

(iii) in paragraph (3)(A)(i), by striking ''$5,000'' and inserting ''$10,000''.

(2) INCREASED CRIMINAL FINES.—Section 1128B of such Act (42 U.S.C. 1320a–7b) is amended—

(A) in subsection (a), in the matter following paragraph (6)—

(i) by striking ''$25,000'' and inserting ''$100,000''; and

(ii) by striking ''$10,000'' and inserting ''$20,000'';

(B) in subsection (b)—

(i) in paragraph (1), in the flush text following subparagraph (B), by striking ''$25,000'' and inserting ''$100,000''; and

(ii) in paragraph (2), in the flush text following subparagraph (B), by striking ''$25,000'' and inserting ''$100,000'';

(C) in subsection (c), by striking ''$25,000'' and inserting ''$100,000'';

(D) in subsection (d), in the flush text following paragraph (2), by striking ''$25,000'' and inserting ''$100,000''; and

(E) in subsection (e), by striking ''$2,000'' and inserting ''$4,000''.

(b) INCREASED SENTENCES FOR FELONIES INVOLVING FEDERAL HEALTH CARE PROGRAM FRAUD AND ABUSE.—

(1) FALSE STATEMENTS AND REPRESENTATIONS.—Section 1128B(a) of the Social Security Act (42 U.S.C. 1320a–7b(a)) is amended, in the matter following paragraph (6), by striking ''not more than five years or both, or (ii)'' and inserting ''not more than 10 years or both, or (ii)''.

(2) ANTIKICKBACK.—Section 1128B(b) of such Act (42 U.S.C. 1320a–7b(b)) is amended—

(A) in paragraph (1), in the flush text following subparagraph (B), by striking ''not more than five years'' and inserting ''not more than 10 years''; and

(B) in paragraph (2), in the flush text following subparagraph (B), by striking ''not more than five years'' and inserting ''not more than 10 years''.

(3) FALSE STATEMENT OR REPRESENTATION WITH RESPECT TO CONDITIONS OR OPERATIONS OF FACILITIES.—Section 1128B(c) of such Act (42 U.S.C. 1320a–7b(c)) is amended by striking ''not more than five years'' and inserting ''not more than 10 years''.

(4) EXCESS CHARGES.—Section 1128B(d) of such Act (42 U.S.C. 1320a–7b(d)) is amended, in the flush text following paragraph (2), by striking ''not more than five years'' and inserting ''not more than 10 years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to acts committed after the date of the enactment of this Act.

SEC. 50413. REDUCING THE VOLUME OF FUTURE EHR-RELATED SIGNIFICANT HARDSHIP REQUESTS.

Section 1848(o)(2)(A) of the Social Security Act (42 U.S.C. 1395w–4(o)(2)(A)) and section 1886(n)(3)(A) of such Act (42 U.S.C. 1395ww(n)(3)(A)) are each amended in the last sentence by striking ''by requiring'' and all that follows through ''this paragraph''.

SEC. 50414. STRENGTHENING RULES IN CASE OF COMPETITION FOR DIABETIC TESTING STRIPS.

(a) SPECIAL RULE IN CASE OF COMPETITION FOR DIABETIC TESTING STRIPS.—

(1) IN GENERAL.—Paragraph (10) of section 1847(b) of the Social Security Act (42 U.S.C. 1395w–3(b)) is amended—

(A) in subparagraph (A), by striking the second sentence and inserting the following new sentence: ''With respect to bids to furnish such types of products on or after January 1, 2019, the volume for such types of products shall be determined by the Secretary through the use of multiple sources of data (from mail order and non-mail order Medicare markets), including market-based data measuring sales of diabetic testing strip products that are not exclusively sold by a single retailer from such markets.''; and

(B) by adding at the end the following new subparagraphs:

''(C) DEMONSTRATION OF ABILITY TO FURNISH TYPES OF DIABETIC TESTING STRIP PRODUCTS.—With respect to bids to furnish diabetic testing strip products on or after January 1, 2019, an entity shall attest to the Secretary that the entity has the ability to obtain an inventory of the types and quantities of diabetic testing strip products that will allow the entity to furnish such products in a manner consistent with its bid and—

''(i) demonstrate to the Secretary, through letters of intent with manufacturers, wholesalers, or other suppliers, or other evidence as the Secretary may specify, such ability; or

''(ii) demonstrate to the Secretary that it made a good faith attempt to obtain such a letter of intent or such other evidence.

''(D) USE OF UNLISTED TYPES IN CALCULATION OF PERCENTAGE.—With respect to bids to furnish diabetic testing strip products on or after January 1, 2019, in determining under subparagraph (A) whether a bid submitted by an entity under such subparagraph covers 50 percent (or such higher percentage as the Secretary may specify) of all types of diabetic testing strip products, the Secretary may not attribute a percentage to types of diabetic testing strip products that the Secretary does not identify by brand, model, and market share volume.

''(E) ADHERENCE TO DEMONSTRATION.—

''(i) IN GENERAL.—In the case of an entity that is furnishing diabetic testing strip products on or after January 1, 2019, under a contract entered into under the competition conducted pursuant to paragraph (1), the Secretary shall establish a process to monitor, on an ongoing basis, the extent to which such entity continues to cover the product types included in the entity's bid.

''(ii) TERMINATION.—If the Secretary determines that an entity described in clause (i) fails to maintain in inventory, or otherwise maintain ready access to (through requirements, contracts, or otherwise) a type of product included in the entity's bid, the Secretary may terminate such contract unless the Secretary finds that the failure of the entity to maintain inventory of, or ready access to, the product is the result of the discontinuation of the product by the product manufacturer, a market-wide shortage of the product, or the introduction of a newer model or version of the product in the market involved.''.

(b) CODIFYING AND EXPANDING ANTI-SWITCHING RULE.—Section 1847(b) of the Social Security Act (42 U.S.C. 1395w–3(b)), as amended by subsection (a)(1), is further amended—

(1) by redesignating paragraph (11) as paragraph (12); and

(2) by inserting after paragraph (10) the following new paragraph:

''(11) ADDITIONAL SPECIAL RULES IN CASE OF COMPETITION FOR DIABETIC TESTING STRIPS.—

''(A) IN GENERAL.—With respect to an entity that is furnishing diabetic testing strip products to individuals under a contract entered into under the competitive acquisition program established under this section, the entity shall furnish to each individual a brand of such products that is compatible with the home blood glucose monitor selected by the individual.

''(B) PROHIBITION ON INFLUENCING AND INCENTIVIZING.—An entity described in subparagraph (A) may not attempt to influence or incentivize an individual to switch the brand of glucose monitor or diabetic testing strip product selected by the individual, including by—

''(i) persuading, pressuring, or advising the individual to switch; or

''(ii) furnishing information about alternative brands to the individual where the individual has not requested such information.

''(C) PROVISION OF INFORMATION.—

''(i) STANDARDIZED INFORMATION.—Not later than January 1, 2019, the Secretary shall develop and make available to entities described in subparagraph (A) standardized information that describes the rights of an individual with respect to such an entity. The information described in the preceding sentence shall include information regarding—

''(I) the requirements established under subparagraphs (A) and (B);

''(II) the right of the individual to purchase diabetic testing strip products from another mail order supplier of such products or a retail pharmacy if the entity is not able to furnish the brand of such product that is compatible with the home blood glucose monitor selected by the individual; and

''(III) the right of the individual to return diabetic testing strip products furnished to the individual by the entity.

''(ii) REQUIREMENT.—With respect to diabetic testing strip products furnished on or after the date on which the Secretary develops the standardized information under clause (i), an entity described in subparagraph (A) may not communicate directly to an individual until the entity has verbally provided the individual with such standardized information.

''(D) ORDER REFILLS.—With respect to diabetic testing strip products furnished on or after January 1, 2019, the Secretary shall require an entity furnishing diabetic testing strip products to an individual to contact and receive a request from the individual for such products not more than 14 days prior to dispensing a refill of such products to the individual.''.

(c) IMPLEMENTATION; NON-APPLICATION OF THE PAPERWORK REDUCTION ACT.—

(1) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, and amendments made by, this section by program instruction or otherwise.

(2) NON-APPLICATION OF THE PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly referred to as the ''Paperwork Reduction Act of 1995''), shall not apply to this section or the amendments made by this section.

TITLE V—OTHER HEALTH EXTENDERS

SEC. 50501. EXTENSION FOR FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501(c) of the Social Security Act (42 U.S.C. 701(c)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (v), by striking ''and'' at the end;

(B) in clause (vi), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(vii) $6,000,000 for each of fiscal years 2018 and 2019.'';

(2) in paragraph (3)(C), by inserting before the period the following: '', and with respect to fiscal years 2018 and 2019, such centers shall also be developed in all territories and at least one such center shall be developed for Indian tribes''; and

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

''(5) For purposes of this subsection—

''(A) the term 'Indian tribe' has the meaning given such term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603);

''(B) the term 'State' means each of the 50 States and the District of Columbia; and

''(C) the term 'territory' means Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.''.

SEC. 50502. EXTENSION FOR SEXUAL RISK AVOIDANCE EDUCATION.

(a) IN GENERAL.—Section 510 of the Social Security Act (42 U.S.C. 710) is amended to read as follows:

''SEC. 510. SEXUAL RISK AVOIDANCE EDUCATION.

''(a) IN GENERAL.—

''(1) ALLOTMENTS TO STATES.—For the purpose described in subsection (b), the Secretary shall, for each of fiscal years 2018 and 2019, allot to each State which has transmitted an application for the fiscal year under section 505(a) an amount equal to the product of—

''(A) the amount appropriated pursuant to subsection (e)(1) for the fiscal year, minus the amount reserved under subsection (e)(2) for the fiscal year; and

''(B) the proportion that the number of low-income children in the State bears to the total of such numbers of children for all the States.

''(2) OTHER ALLOTMENTS.—

''(A) OTHER ENTITIES.—For the purpose described in subsection (b), the Secretary shall, for each of fiscal years 2018 and 2019, for any State which has not transmitted an application for the fiscal year under section 505(a), allot to one or more entities in the State the amount that would have been allotted to the State under paragraph (1) if the State had submitted such an application.

''(B) PROCESS.—The Secretary shall select the recipients of allotments under subparagraph (A) by means of a competitive grant process under which—

''(i) not later than 30 days after the deadline for the State involved to submit an application for the fiscal year under section 505(a), the Secretary publishes a notice soliciting grant applications; and

''(ii) not later than 120 days after such deadline, all such applications must be submitted.

''(b) PURPOSE.—

''(1) IN GENERAL.—Except for research under paragraph (5) and information collection and reporting under paragraph (6), the purpose of an allotment under subsection (a) to a State (or to another entity in the State pursuant to subsection (a)(2)) is to enable the State or other entity to implement education exclusively on sexual risk avoidance (meaning voluntarily refraining from sexual activity).

''(2) REQUIRED COMPONENTS.—Education on sexual risk avoidance pursuant to an allotment under this section shall—

''(A) ensure that the unambiguous and primary emphasis and context for each topic described in paragraph (3) is a message to youth that normalizes the optimal health behavior of avoiding nonmarital sexual activity;

''(B) be medically accurate and complete;

''(C) be age-appropriate;

''(D) be based on adolescent learning and developmental theories for the age group receiving the education; and

''(E) be culturally appropriate, recognizing the experiences of youth from diverse communities, backgrounds, and experiences.

''(3) TOPICS.—Education on sexual risk avoidance pursuant to an allotment under this section shall address each of the following topics:

''(A) The holistic individual and societal benefits associated with personal responsibility, self-regulation, goal setting, healthy decisionmaking, and a focus on the future.

''(B) The advantage of refraining from nonmarital sexual activity in order to improve the future prospects and physical and emotional health of youth.

''(C) The increased likelihood of avoiding poverty when youth attain self-sufficiency and emotional maturity before engaging in sexual activity.

''(D) The foundational components of healthy relationships and their impact on the formation of healthy marriages and safe and stable families.

''(E) How other youth risk behaviors, such as drug and alcohol usage, increase the risk for teen sex.

''(F) How to resist and avoid, and receive help regarding, sexual coercion and dating violence, recognizing that even with consent teen sex remains a youth risk behavior.

''(4) CONTRACEPTION.—Education on sexual risk avoidance pursuant to an allotment under this section shall ensure that—

''(A) any information provided on contraception is medically accurate and complete and ensures that students understand that contraception offers physical risk reduction, but not risk elimination; and

''(B) the education does not include demonstrations, simulations, or distribution of contraceptive devices.

''(5) RESEARCH.—

''(A) IN GENERAL.—A State or other entity receiving an allotment pursuant to subsection (a) may use up to 20 percent of such allotment to build the evidence base for sexual risk avoidance education by conducting or supporting research.

''(B) REQUIREMENTS.—Any research conducted or supported pursuant to subparagraph (A) shall be—

''(i) rigorous;

''(ii) evidence-based; and

''(iii) designed and conducted by independent researchers who have experience in conducting and publishing research in peer-reviewed outlets.

''(6) INFORMATION COLLECTION AND REPORTING.—A State or other entity receiving an allotment pursuant to subsection (a) shall, as specified by the Secretary—

''(A) collect information on the programs and activities funded through the allotment; and

''(B) submit reports to the Secretary on the data from such programs and activities.

''(c) NATIONAL EVALUATION.—

''(1) IN GENERAL.—The Secretary shall—

''(A) in consultation with appropriate State and local agencies, conduct one or more rigorous evaluations of the education funded through this section and associated data; and

''(B) submit a report to the Congress on the results of such evaluations, together with a summary of the information collected pursuant to subsection (b)(6).

''(2) CONSULTATION.—In conducting the evaluations required by paragraph (1), including the establishment of rigorous evaluation methodologies, the Secretary shall consult with relevant stakeholders and evaluation experts.

''(d) APPLICABILITY OF CERTAIN PROVISIONS.—

''(1) Sections 503, 507, and 508 apply to allotments under subsection (a) to the same extent and in the same manner as such sections apply to allotments under section 502(c).

''(2) Sections 505 and 506 apply to allotments under subsection (a) to the extent determined by the Secretary to be appropriate.

''(e) DEFINITIONS.—In this section:

''(1) The term 'age-appropriate' means suitable (in terms of topics, messages, and teaching methods) to the developmental and social maturity of the particular age or age group of children or adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

''(2) The term 'medically accurate and complete' means verified or supported by the weight of research conducted in compliance with accepted scientific methods and—

''(A) published in peer-reviewed journals, where applicable; or

''(B) comprising information that leading professional organizations and agencies with relevant expertise in the field recognize as accurate, objective, and complete.

''(3) The term 'rigorous', with respect to research or evaluation, means using—

''(A) established scientific methods for measuring the impact of an intervention or program model in changing behavior (specifically sexual activity or other sexual risk behaviors), or reducing pregnancy, among youth; or

''(B) other evidence-based methodologies established by the Secretary for purposes of this section.

''(4) The term 'youth' refers to one or more individuals who have attained age 10 but not age 20.

''(f) FUNDING.—

''(1) IN GENERAL.—To carry out this section, there is appropriated, out of any money in the Treasury not otherwise appropriated, $75,000,000 for each of fiscal years 2018 and 2019.

''(2) RESERVATION.—The Secretary shall reserve, for each of fiscal years 2018 and 2019, not more than 20 percent of the amount appropriated pursuant to paragraph (1) for administering the program under this section, including the conducting of national evaluations and the provision of technical assistance to the recipients of allotments.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if enacted on October 1, 2017.

SEC. 50503. EXTENSION FOR PERSONAL RESPONSIBILITY EDUCATION.

(a) IN GENERAL.—Section 513 of the Social Security Act (42 U.S.C. 713) is amended—

(1) in subsection (a)(1)(A), by striking ''2017'' and inserting ''2019''; and

(2) in subsection (a)(4)—

(A) in subparagraph (A), by striking ''2017'' each place it appears and inserting ''2019''; and

(B) in subparagraph (B)—

(i) in the subparagraph heading, by striking ''3-YEAR GRANTS'' and inserting ''COMPETITIVE PREP GRANTS''; and

(ii) in clause (i), by striking ''solicit applications to award 3-year grants in each of fiscal years 2012 through 2017'' and inserting ''continue through fiscal year 2019 grants awarded for any of fiscal years 2015 through 2017'';

(3) in subsection (c)(1), by inserting after ''youth with HIV/AIDS,'' the following: ''victims of human trafficking,''; and

(4) in subsection (f), by striking ''2017'' and inserting ''2019''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on October 1, 2017.

TITLE VI—CHILD AND FAMILY SERVICES AND SUPPORTS EXTENDERS

Subtitle A—Continuing the Maternal, Infant, and Early Childhood Home Visiting Program

SEC. 50601. CONTINUING EVIDENCE-BASED HOME VISITING PROGRAM.

Section 511(j)(1)(H) of the Social Security Act (42 U.S.C. 711(j)(1)(H)) is amended by striking ''fiscal year 2017'' and inserting ''each of fiscal years 2017 through 2022''.

SEC. 50602. CONTINUING TO DEMONSTRATE RESULTS TO HELP FAMILIES.

(a) REQUIRE SERVICE DELIVERY MODELS TO DEMONSTRATE IMPROVEMENT IN APPLICABLE BENCHMARK AREAS.—Section 511 of the Social Security Act (42 U.S.C. 711) is amended in each of subsections (d)(1)(A) and (h)(4)(A) by striking ''each of''.

(b) DEMONSTRATION OF IMPROVEMENTS IN SUBSEQUENT YEARS.—Section 511(d)(1) of such Act (42 U.S.C. 711(d)(1)) is amended by adding at the end the following:

''(D) DEMONSTRATION OF IMPROVEMENTS IN SUBSEQUENT YEARS.—

''(i) CONTINUED MEASUREMENT OF IMPROVEMENT IN APPLICABLE BENCHMARK AREAS.—The eligible entity, after demonstrating improvements for eligible families as specified in subparagraphs (A) and (B), shall continue to track and report, not later than 30 days after the end of fiscal year 2020 and every 3 years thereafter, information demonstrating that the program results in improvements for the eligible families participating in the program in at least 4 of the areas specified in subparagraph (A) that the service delivery model or models selected by the entity are intended to improve.

''(ii) CORRECTIVE ACTION PLAN.—If the eligible entity fails to demonstrate improvement in at least 4 of the areas specified in subparagraph (A), as compared to eligible families who do not receive services under an early childhood home visitation program, the entity shall develop and implement a plan to improve outcomes in each of the areas specified in subparagraph (A) that the service delivery model or models selected by the entity are intended to improve, subject to approval by the Secretary. The plan shall include provisions for the Secretary to monitor implementation of the plan and conduct continued oversight of the program, including through submission by the entity of regular reports to the Secretary.

''(iii) TECHNICAL ASSISTANCE.—The Secretary shall provide an eligible entity required to develop and implement an improvement plan under clause (ii) with technical assistance to develop and implement the plan. The Secretary may provide the technical assistance directly or through grants, contracts, or cooperative agreements.

''(iv) NO IMPROVEMENT OR FAILURE TO SUBMIT REPORT.—If the Secretary determines after a period of time specified by the Secretary that an eligible entity implementing an improvement plan under clause (ii) has failed to demonstrate any improvement in at least 4 of the areas specified in subparagraph (A), or if the Secretary determines that an eligible entity has failed to submit the report required by clause (i), the Secretary shall terminate the grant made to the entity

under this section and may include any unexpended grant funds in grants made to nonprofit organizations under subsection (h)(2)(B).''.

(c) INCLUDING INFORMATION ON APPLICABLE BENCHMARKS IN APPLICATION.—Section 511(e)(5) of such Act (42 U.S.C. 711(e)(5)) is amended by inserting ''that the service delivery model or models selected by the entity are intended to improve'' before the period at the end.

SEC. 50603. REVIEWING STATEWIDE NEEDS TO TARGET RESOURCES.

Section 511(b)(1) of the Social Security Act (42 U.S.C. 711(b)(1)) is amended by striking ''Not later than'' and all that follows through ''section 505(a))'' and inserting ''Each State shall, as a condition of receiving payments from an allotment for the State under section 502, conduct a statewide needs assessment (which may be separate from but in coordination with the statewide needs assessment required under section 505(a) and which shall be reviewed and updated by the State not later than October 1, 2020)''.

SEC. 50604. IMPROVING THE LIKELIHOOD OF SUCCESS IN HIGH-RISK COMMUNITIES.

Section 511(d)(4)(A) of the Social Security Act (42 U.S.C. 711(d)(4)(A)) is amended by inserting '', taking into account the staffing, community resource, and other requirements to operate at least one approved model of home visiting and demonstrate improvements for eligible families'' before the period.

SEC. 50605. OPTION TO FUND EVIDENCE-BASED HOME VISITING ON A PAY FOR OUTCOME BASIS.

(a) IN GENERAL.—Section 511(c) of the Social Security Act (42 U.S.C. 711(c)) is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following:

''(3) AUTHORITY TO USE GRANT FOR A PAY FOR OUTCOMES INITIATIVE.—An eligible entity to which a grant is made under paragraph (1) may use up to 25 percent of the grant for outcomes or success payments related to a pay for outcomes initiative that will not result in a reduction of funding for services delivered by the entity under a childhood home visitation program under this section while the eligible entity develops or operates such an initiative.''.

(b) DEFINITION OF PAY FOR OUTCOMES INITIATIVE.—Section 511(k) of such Act (42 U.S.C. 711(k)) is amended by adding at the end the following:

''(4) PAY FOR OUTCOMES INITIATIVE.—The term 'pay for outcomes initiative' means a performance-based grant, contract, cooperative agreement, or other agreement awarded by a public entity in which a commitment is made to pay for improved outcomes achieved as a result of the intervention that result in social benefit and direct cost savings or cost avoidance to the public sector. Such an initiative shall include—

''(A) a feasibility study that describes how the proposed intervention is based on evidence of effectiveness;

''(B) a rigorous, third-party evaluation that uses experimental or quasi-experimental design or other research methodologies that allow for the strongest possible causal inferences to determine whether the initiative has met its proposed outcomes as a result of the intervention;

''(C) an annual, publicly available report on the progress of the initiative; and

''(D) a requirement that payments are made to the recipient of a grant, contract, or cooperative agreement only when agreed upon outcomes are achieved, except that this requirement shall not apply with respect to payments to a third party conducting the evaluation described in subparagraph (B).''.

(c) EXTENDED AVAILABILITY OF FUNDS.—Section 511(j)(3) of such Act (42 U.S.C. 711(j)(3)) is amended—

(1) by striking ''(3) AVAILABILITY.—Funds'' and inserting the following:

''(3) AVAILABILITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), funds''; and

(2) by adding at the end the following:

''(B) FUNDS FOR PAY FOR OUTCOMES INITIATIVES.—Funds made available to an eligible entity under this section for a fiscal year (or portion of a fiscal year) for a pay for outcomes initiative shall remain available for expenditure by the eligible entity for not more than 10 years after the funds are so made available.''.

SEC. 50606. DATA EXCHANGE STANDARDS FOR IMPROVED INTEROPERABILITY.

(a) IN GENERAL.—Section 511(h) of the Social Security Act (42 U.S.C. 711(h)) is amended by adding at the end the following:

''(5) DATA EXCHANGE STANDARDS FOR IMPROVED INTEROPERABILITY.—

''(A) DESIGNATION AND USE OF DATA EXCHANGE STANDARDS.—

''(i) DESIGNATION.—The head of the department or agency responsible for administering a program funded under this section shall, in consultation with an interagency work group established by the Office of Management and Budget and considering State government perspectives, designate data exchange standards for necessary categories of information that a State agency operating the program is required to electronically exchange with another State agency under applicable Federal law.

''(ii) DATA EXCHANGE STANDARDS MUST BE NONPROPRIETARY AND INTEROPERABLE.—The data exchange standards designated under clause (i) shall, to the extent practicable, be nonproprietary and interoperable.

''(iii) OTHER REQUIREMENTS.—In designating data exchange standards under this paragraph, the Secretary shall, to the extent practicable, incorporate—

''(I) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget;

''(II) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

''(III) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance.

''(B) DATA EXCHANGE STANDARDS FOR FEDERAL REPORTING.—

''(i) DESIGNATION.—The head of the department or agency responsible for administering a program referred to in this section shall, in consultation with an interagency work group established by the Office of Management and Budget, and considering State government perspectives, designate data exchange standards to govern Federal reporting and exchange requirements under applicable Federal law.

''(ii) REQUIREMENTS.—The data exchange reporting standards required by clause (i) shall, to the extent practicable—

''(I) incorporate a widely accepted, nonproprietary, searchable, computer-readable format;

''(II) be consistent with and implement applicable accounting principles;

''(III) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and

''(IV) be capable of being continually upgraded as necessary.

''(iii) INCORPORATION OF NONPROPRIETARY STANDARDS.—In designating data exchange standards under this paragraph, the Secretary shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Mark up Language.

''(iv) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require a change to existing data exchange standards for Federal reporting about a program referred to in this section, if the head of the department or agency responsible for administering the program finds the standards to be effective and efficient.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 2 years after the date of enactment of this Act.

SEC. 50607. ALLOCATION OF FUNDS.

Section 511(j) of the Social Security Act (42 U.S.C. 711(j)) is amended by adding at the end the following:

''(4) ALLOCATION OF FUNDS.—To the extent that the grant amount awarded under this section to an eligible entity is determined on the basis of relative population or poverty considerations, the Secretary shall make the determination using the most accurate Federal data available for the eligible entity.''.

Subtitle B—Extension of Health Professions Workforce Demonstration Projects

SEC. 50611. EXTENSION OF HEALTH WORKFORCE DEMONSTRATION PROJECTS FOR LOW-INCOME INDIVIDUALS.

Section 2008(c)(1) of the Social Security Act (42 U.S.C. 1397g(c)(1)) is amended by striking ''2017'' and inserting ''2019''.

TITLE VII—FAMILY FIRST PREVENTION SERVICES ACT

Subtitle A—Investing in Prevention and Supporting Families

SEC. 50701. SHORT TITLE.

This subtitle may be cited as the ''Bipartisan Budget Act of 2018''.

SEC. 50702. PURPOSE.

The purpose of this subtitle is to enable States to use Federal funds available under parts B and E of title IV of the Social Security Act to provide enhanced support to children and families and prevent foster care placements through the provision of mental health and substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship navigator services.

PART I—PREVENTION ACTIVITIES UNDER TITLE IV–E

SEC. 50711. FOSTER CARE PREVENTION SERVICES AND PROGRAMS.

(a) STATE OPTION.—Section 471 of the Social Security Act (42 U.S.C. 671) is amended—

(1) in subsection (a)(1), by striking ''and'' and all that follows through the semicolon and inserting '', adoption assistance in accordance with section 473, and, at the option of the State, services or programs specified in subsection (e)(1) of this section for children who are candidates for foster care or who are pregnant or parenting foster youth and the parents or kin caregivers of the children, in accordance with the requirements of that subsection;''; and

(2) by adding at the end the following:

''(e) PREVENTION AND FAMILY SERVICES AND PROGRAMS.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Secretary may make a payment to a State for providing the following services or programs for a child described in paragraph (2) and the parents or kin caregivers of the child when the need of the child, such a parent, or such a caregiver for the services or programs are directly related to the safety, permanence, or well-being of the child or to preventing the child from entering foster care:

''(A) MENTAL HEALTH AND SUBSTANCE ABUSE PREVENTION AND TREATMENT SERVICES.—Mental health and substance abuse prevention

and treatment services provided by a qualified clinician for not more than a 12-month period that begins on any date described in paragraph (3) with respect to the child.

''(B) IN-HOME PARENT SKILL-BASED PROGRAMS.—In-home parent skill-based programs for not more than a 12-month period that begins on any date described in paragraph (3) with respect to the child and that include parenting skills training, parent education, and individual and family counseling.

''(2) CHILD DESCRIBED.—For purposes of paragraph (1), a child described in this paragraph is the following:

''(A) A child who is a candidate for foster care (as defined in section 475(13)) but can remain safely at home or in a kinship placement with receipt of services or programs specified in paragraph (1).

''(B) A child in foster care who is a pregnant or parenting foster youth.

''(3) DATE DESCRIBED.—For purposes of paragraph (1), the dates described in this paragraph are the following:

''(A) The date on which a child is identified in a prevention plan maintained under paragraph (4) as a child who is a candidate for foster care (as defined in section 475(13)).

''(B) The date on which a child is identified in a prevention plan maintained under paragraph (4) as a pregnant or parenting foster youth in need of services or programs specified in paragraph (1).

''(4) REQUIREMENTS RELATED TO PROVIDING SERVICES AND PROGRAMS.—Services and programs specified in paragraph (1) may be provided under this subsection only if specified in advance in the child's prevention plan described in subparagraph (A) and the requirements in subparagraphs (B) through (E) are met:

''(A) PREVENTION PLAN.—The State maintains a written prevention plan for the child that meets the following requirements (as applicable):

''(i) CANDIDATES.—In the case of a child who is a candidate for foster care described in paragraph (2)(A), the prevention plan shall—

''(I) identify the foster care prevention strategy for the child so that the child may remain safely at home, live temporarily with a kin caregiver until reunification can be safely achieved, or live permanently with a kin caregiver;

''(II) list the services or programs to be provided to or on behalf of the child to ensure the success of that prevention strategy; and

''(III) comply with such other requirements as the Secretary shall establish.

''(ii) PREGNANT OR PARENTING FOSTER YOUTH.—In the case of a child who is a pregnant or parenting foster youth described in paragraph (2)(B), the prevention plan shall—

''(I) be included in the child's case plan required under section 475(1);

''(II) list the services or programs to be provided to or on behalf of the youth to ensure that the youth is prepared (in the case of a pregnant foster youth) or able (in the case of a parenting foster youth) to be a parent;

''(III) describe the foster care prevention strategy for any child born to the youth; and

''(IV) comply with such other requirements as the Secretary shall establish.

''(B) TRAUMA-INFORMED.—The services or programs to be provided to or on behalf of a child are provided under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address trauma's consequences and facilitate healing.

''(C) ONLY SERVICES AND PROGRAMS PROVIDED IN ACCORDANCE WITH PROMISING, SUPPORTED, OR WELL-SUPPORTED PRACTICES PERMITTED.—

''(i) IN GENERAL.—Only State expenditures for services or programs specified in subparagraph (A) or (B) of paragraph (1) that are provided in accordance with practices that meet the requirements specified in clause (ii) of this subparagraph and that meet the requirements specified in clause (iii), (iv), or (v), respectively, for being a promising, supported, or well-supported practice, shall be eligible for a Federal matching payment under section 474(a)(6)(A).

''(ii) GENERAL PRACTICE REQUIREMENTS.—The general practice requirements specified in this clause are the following:

''(I) The practice has a book, manual, or other available writings that specify the components of the practice protocol and describe how to administer the practice.

''(II) There is no empirical basis suggesting that, compared to its likely benefits, the practice constitutes a risk of harm to those receiving it.

''(III) If multiple outcome studies have been conducted, the overall weight of evidence supports the benefits of the practice.

''(IV) Outcome measures are reliable and valid, and are administrated consistently and accurately across all those receiving the practice.

''(V) There is no case data suggesting a risk of harm that was probably caused by the treatment and that was severe or frequent.

''(iii) PROMISING PRACTICE.—A practice shall be considered to be a 'promising practice' if the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least one study that—

''(I) was rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed; and

''(II) utilized some form of control (such as an untreated group, a placebo group, or a wait list study).

''(iv) SUPPORTED PRACTICE.—A practice shall be considered to be a 'supported practice' if—

''(I) the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least one study that—

''(aa) was rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed;

''(bb) was a rigorous random-controlled trial (or, if not available, a study using a rigorous quasi-experimental research design); and

''(cc) was carried out in a usual care or practice setting; and

''(II) the study described in subclause (I) established that the practice has a sustained effect (when compared to a control group) for at least 6 months beyond the end of the treatment.

''(v) WELL-SUPPORTED PRACTICE.—A practice shall be considered to be a 'well-supported practice' if—

''(I) the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least two studies that—

''(aa) were rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed;

''(bb) were rigorous random-controlled trials (or, if not available, studies using a rigorous quasi-experimental research design); and

''(cc) were carried out in a usual care or practice setting; and

''(II) at least one of the studies described in subclause (I) established that the practice has a sustained effect (when compared to a control group) for at least 1 year beyond the end of treatment.

''(D) GUIDANCE ON PRACTICES CRITERIA AND PRE-APPROVED SERVICES AND PROGRAMS.—

''(i) IN GENERAL.—Not later than October 1, 2018, the Secretary shall issue guidance to States regarding the practices criteria required for services or programs to satisfy the requirements of subparagraph (C). The guidance shall include a pre-approved list of services and programs that satisfy the requirements.

''(ii) UPDATES.—The Secretary shall issue updates to the guidance required by clause (i) as often as the Secretary determines necessary.

''(E) OUTCOME ASSESSMENT AND REPORTING.—The State shall collect and report to the Secretary the following information with respect to each child for whom, or on whose behalf mental health and substance abuse prevention and treatment services or in-home parent skill-based programs are provided during a 12-month period beginning on the date the child is determined by the State to be a child described in paragraph (2):

''(i) The specific services or programs provided and the total expenditures for each of the services or programs.

''(ii) The duration of the services or programs provided.

''(iii) In the case of a child described in paragraph (2)(A), the child's placement status at the beginning, and at the end, of the 1-year period, respectively, and whether the child entered foster care within 2 years after being determined a candidate for foster care.

''(5) STATE PLAN COMPONENT.—

''(A) IN GENERAL.—A State electing to provide services or programs specified in paragraph (1) shall submit as part of the State plan required by subsection (a) a prevention services and programs plan component that meets the requirements of subparagraph (B).

''(B) PREVENTION SERVICES AND PROGRAMS PLAN COMPONENT.—In order to meet the requirements of this subparagraph, a prevention services and programs plan component, with respect to each 5-year period for which the plan component is in operation in the State, shall include the following:

''(i) How providing services and programs specified in paragraph (1) is expected to improve specific outcomes for children and families.

''(ii) How the State will monitor and oversee the safety of children who receive services and programs specified in paragraph (1), including through periodic risk assessments throughout the period in which the services and programs are provided on behalf of a child and reexamination of the prevention plan maintained for the child under paragraph (4) for the provision of the services or programs if the State determines the risk of the child entering foster care remains high

despite the provision of the services or programs.

''(iii) With respect to the services and programs specified in subparagraphs (A) and (B) of paragraph (1), information on the specific promising, supported, or well-supported practices the State plans to use to provide the services or programs, including a description of—

''(I) the services or programs and whether the practices used are promising, supported, or well-supported;

''(II) how the State plans to implement the services or programs, including how implementation of the services or programs will be continuously monitored to ensure fidelity to the practice model and to determine outcomes achieved and how information learned from the monitoring will be used to refine and improve practices;

''(III) how the State selected the services or programs;

''(IV) the target population for the services or programs; and

''(V) how each service or program provided will be evaluated through a well-designed and rigorous process, which may consist of an ongoing, cross-site evaluation approved by the Secretary.

''(iv) A description of the consultation that the State agencies responsible for administering the State plans under this part and part B engage in with other State agencies responsible for administering health programs, including mental health and substance abuse prevention and treatment services, and with other public and private agencies with experience in administering child and family services, including community-based organizations, in order to foster a continuum of care for children described in paragraph (2) and their parents or kin caregivers.

''(v) A description of how the State shall assess children and their parents or kin caregivers to determine eligibility for services or programs specified in paragraph (1).

''(vi) A description of how the services or programs specified in paragraph (1) that are provided for or on behalf of a child and the parents or kin caregivers of the child will be coordinated with other child and family services provided to the child and the parents or kin caregivers of the child under the State plans in effect under subparts 1 and 2 of part B.

''(vii) Descriptions of steps the State is taking to support and enhance a competent, skilled, and professional child welfare workforce to deliver trauma-informed and evidence-based services, including—

''(I) ensuring that staff is qualified to provide services or programs that are consistent with the promising, supported, or well-supported practice models selected; and

''(II) developing appropriate prevention plans, and conducting the risk assessments required under clause (iii).

''(viii) A description of how the State will provide training and support for caseworkers in assessing what children and their families need, connecting to the families served, knowing how to access and deliver the needed trauma-informed and evidence-based services, and overseeing and evaluating the continuing appropriateness of the services.

''(ix) A description of how caseload size and type for prevention caseworkers will be determined, managed, and overseen.

''(x) An assurance that the State will report to the Secretary such information and data as the Secretary may require with respect to the provision of services and programs specified in paragraph (1), including information and data necessary to determine the performance measures for the State under paragraph (6) and compliance with paragraph (7).

''(C) REIMBURSEMENT FOR SERVICES UNDER THE PREVENTION PLAN COMPONENT.—

''(i) LIMITATION.—Except as provided in subclause (ii), a State may not receive a Federal payment under this part for a given promising, supported, or well-supported practice unless (in accordance with subparagraph (B)(iii)(V)) the plan includes a well-designed and rigorous evaluation strategy for that practice.

''(ii) WAIVER OF LIMITATION.—The Secretary may waive the requirement for a well-designed and rigorous evaluation of any well-supported practice if the Secretary deems the evidence of the effectiveness of the practice to be compelling and the State meets the continuous quality improvement requirements included in subparagraph (B)(iii)(II) with regard to the practice.

''(6) PREVENTION SERVICES MEASURES.—

''(A) ESTABLISHMENT; ANNUAL UPDATES.—Beginning with fiscal year 2021, and annually thereafter, the Secretary shall establish the following prevention services measures based on information and data reported by States that elect to provide services and programs specified in paragraph (1):

''(i) PERCENTAGE OF CANDIDATES FOR FOSTER CARE WHO DO NOT ENTER FOSTER CARE.—The percentage of candidates for foster care for whom, or on whose behalf, the services or programs are provided who do not enter foster care, including those placed with a kin caregiver outside of foster care, during the 12-month period in which the services or programs are provided and through the end of the succeeding 12-month period.

''(ii) PER-CHILD SPENDING.—The total amount of expenditures made for mental health and substance abuse prevention and treatment services or in-home parent skill-based programs, respectively, for, or on behalf of, each child described in paragraph (2).

''(B) DATA.—The Secretary shall establish and annually update the prevention services measures—

''(i) based on the median State values of the information reported under each clause of subparagraph (A) for the 3 then most recent years; and

''(ii) taking into account State differences in the price levels of consumption goods and services using the most recent regional price parities published by the Bureau of Economic Analysis of the Department of Commerce or such other data as the Secretary determines appropriate.

''(C) PUBLICATION OF STATE PREVENTION SERVICES MEASURES.—The Secretary shall annually make available to the public the prevention services measures of each State.

''(7) MAINTENANCE OF EFFORT FOR STATE FOSTER CARE PREVENTION EXPENDITURES.—

''(A) IN GENERAL.—If a State elects to provide services and programs specified in paragraph (1) for a fiscal year, the State foster care prevention expenditures for the fiscal year shall not be less than the amount of the expenditures for fiscal year 2014 (or, at the option of a State described in subparagraph (E), fiscal year 2015 or fiscal year 2016 (whichever the State elects)).

''(B) STATE FOSTER CARE PREVENTION EXPENDITURES.—The term 'State foster care prevention expenditures' means the following:

''(i) TANF; IV–B; SSBG.—State expenditures for foster care prevention services and activities under the State program funded under part A (including from amounts made available by the Federal Government), under the State plan developed under part B (including any such amounts), or under the Social Services Block Grant Programs under subtitle A of title XX (including any such amounts).

''(ii) OTHER STATE PROGRAMS.—State expenditures for foster care prevention services and activities under any State program that is not described in clause (i) (other than any State expenditures for foster care prevention services and activities under the State program under this part (including under a waiver of the program)).

''(C) STATE EXPENDITURES.—The term 'State expenditures' means all State or local funds that are expended by the State or a local agency including State or local funds that are matched or reimbursed by the Federal Government and State or local funds that are not matched or reimbursed by the Federal Government.

''(D) DETERMINATION OF PREVENTION SERVICES AND ACTIVITIES.—The Secretary shall require each State that elects to provide services and programs specified in paragraph (1) to report the expenditures specified in subparagraph (B) for fiscal year 2014 and for such fiscal years thereafter as are necessary to determine whether the State is complying with the maintenance of effort requirement in subparagraph (A). The Secretary shall specify the specific services and activities under each program referred to in subparagraph (B) that are 'prevention services and activities' for purposes of the reports.

''(E) STATE DESCRIBED.—For purposes of subparagraph (A), a State is described in this subparagraph if the population of children in the State in 2014 was less than 200,000 (as determined by the United States Census Bureau).

''(8) PROHIBITION AGAINST USE OF STATE FOSTER CARE PREVENTION EXPENDITURES AND FEDERAL IV–E PREVENTION FUNDS FOR MATCHING OR EXPENDITURE REQUIREMENT.—A State that elects to provide services and programs specified in paragraph (1) shall not use any State foster care prevention expenditures for a fiscal year for the State share of expenditures under section 474(a)(6) for a fiscal year.

''(9) ADMINISTRATIVE COSTS.—Expenditures described in section 474(a)(6)(B)—

''(A) shall not be eligible for payment under subparagraph (A), (B), or (E) of section 474(a)(3); and

''(B) shall be eligible for payment under section 474(a)(6)(B) without regard to whether the expenditures are incurred on behalf of a child who is, or is potentially, eligible for foster care maintenance payments under this part.

''(10) APPLICATION.—

''(A) IN GENERAL.—The provision of services or programs under this subsection to or on behalf of a child described in paragraph (2) shall not be considered to be receipt of aid or assistance under the State plan under this part for purposes of eligibility for any other program established under this Act.

''(B) CANDIDATES IN KINSHIP CARE.—A child described in paragraph (2) for whom such services or programs under this subsection are provided for more than 6 months while in the home of a kin caregiver, and who would satisfy the AFDC eligibility requirement of section 472(a)(3)(A)(ii)(II) but for residing in the home of the caregiver for more than 6 months, is deemed to satisfy that requirement for purposes of determining whether the child is eligible for foster care maintenance payments under section 472.''.

(b) DEFINITION.—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following:

''(13) The term 'child who is a candidate for foster care' means, a child who is identified in a prevention plan under section 471(e)(4)(A) as being at imminent risk of entering foster care (without regard to whether the child would be eligible for foster care maintenance payments under section 472 or is or would be eligible for adoption assistance or kinship guardianship assistance payments under section 473) but who can remain safely in the child's home or in a kinship

placement as long as services or programs specified in section 471(e)(1) that are necessary to prevent the entry of the child into foster care are provided. The term includes a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement.''.

(c) PAYMENTS UNDER TITLE IV–E.—Section 474(a) of such Act (42 U.S.C. 674(a)) is amended—

(1) in paragraph (5), by striking the period at the end and inserting ''; plus''; and

(2) by adding at the end the following:

''(6) subject to section 471(e)—

''(A) for each quarter—

''(i) subject to clause (ii)—

''(I) beginning after September 30, 2019, and before October 1, 2026, an amount equal to 50 percent of the total amount expended during the quarter for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices in section 471(e)(4)(C); and

''(II) beginning after September 30, 2026, an amount equal to the Federal medical assistance percentage (which shall be as defined in section 1905(b), in the case of a State other than the District of Columbia, or 70 percent, in the case of the District of Columbia) of the total amount expended during the quarter for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices in section 471(e)(4)(C) (or, with respect to the payments made during the quarter under a cooperative agreement or contract entered into by the State and an Indian tribe, tribal organization, or tribal consortium for the administration or payment of funds under this part, an amount equal to the Federal medical assistance percentage that would apply under section 479B(d) (in this paragraph referred to as the 'tribal FMAP') if the Indian tribe, tribal organization, or tribal consortium made the payments under a program operated under that section, unless the tribal FMAP is less than the Federal medical assistance percentage that applies to the State); except that

''(ii) not less than 50 percent of the total amount expended by a State under clause (i) for a fiscal year shall be for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with well-supported practices; plus

''(B) for each quarter specified in subparagraph (A), an amount equal to the sum of the following proportions of the total amount expended during the quarter—

''(i) 50 percent of so much of the expenditures as are found necessary by the Secretary for the proper and efficient administration of the State plan for the provision of services or programs specified in section 471(e)(1), including expenditures for activities approved by the Secretary that promote the development of necessary processes and procedures to establish and implement the provision of the services and programs for individuals who are eligible for the services and programs and expenditures attributable to data collection and reporting; and

''(ii) 50 percent of so much of the expenditures with respect to the provision of services and programs specified in section 471(e)(1) as are for training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision and of the members of the staff of State-licensed or State-approved child welfare agencies providing services to children described in section 471(e)(2) and their parents or kin caregivers, including on how to determine who are individuals eligible for the services or programs, how to identify and provide appropriate services and programs, and how to oversee and evaluate the ongoing appropriateness of the services and programs.''.

(d) TECHNICAL ASSISTANCE AND BEST PRACTICES, CLEARINGHOUSE, AND DATA COLLECTION AND EVALUATIONS.—Section 476 of such Act (42 U.S.C. 676) is amended by adding at the end the following:

''(d) TECHNICAL ASSISTANCE AND BEST PRACTICES, CLEARINGHOUSE, DATA COLLECTION, AND EVALUATIONS RELATING TO PREVENTION SERVICES AND PROGRAMS.—

''(1) TECHNICAL ASSISTANCE AND BEST PRACTICES.—The Secretary shall provide to States and, as applicable, to Indian tribes, tribal organizations, and tribal consortia, technical assistance regarding the provision of services and programs described in section 471(e)(1) and shall disseminate best practices with respect to the provision of the services and programs, including how to plan and implement a well-designed and rigorous evaluation of a promising, supported, or well-supported practice.

''(2) CLEARINGHOUSE OF PROMISING, SUPPORTED, AND WELL-SUPPORTED PRACTICES.—The Secretary shall, directly or through grants, contracts, or interagency agreements, evaluate research on the practices specified in clauses (iii), (iv), and (v), respectively, of section 471(e)(4)(C), and programs that meet the requirements described in section 427(a)(1), including culturally specific, or location- or population-based adaptations of the practices, to identify and establish a public clearinghouse of the practices that satisfy each category described by such clauses. In addition, the clearinghouse shall include information on the specific outcomes associated with each practice, including whether the practice has been shown to prevent child abuse and neglect and reduce the likelihood of foster care placement by supporting birth families and kinship families and improving targeted supports for pregnant and parenting youth and their children.

''(3) DATA COLLECTION AND EVALUATIONS.—The Secretary, directly or through grants, contracts, or interagency agreements, may collect data and conduct evaluations with respect to the provision of services and programs described in section 471(e)(1) for purposes of assessing the extent to which the provision of the services and programs—

''(A) reduces the likelihood of foster care placement;

''(B) increases use of kinship care arrangements; or

''(C) improves child well-being.

''(4) REPORTS TO CONGRESS.—

''(A) IN GENERAL.—The Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives periodic reports based on the provision of services and programs described in section 471(e)(1) and the activities carried out under this subsection.

''(B) PUBLIC AVAILABILITY.—The Secretary shall make the reports to Congress submitted under this paragraph publicly available.

''(5) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary $1,000,000 for fiscal year 2018 and each fiscal year thereafter to carry out this subsection.''.

(e) APPLICATION TO PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—

(1) IN GENERAL.—Section 479B of such Act (42 U.S.C. 679c) is amended—

(A) in subsection (c)(1)—

(i) in subparagraph (C)(i)—

(I) in subclause (II), by striking ''and'' after the semicolon;

(II) in subclause (III), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(IV) at the option of the tribe, organization, or consortium, services and programs specified in section 471(e)(1) to children described in section 471(e)(2) and their parents or kin caregivers, in accordance with section 471(e) and subparagraph (E).''; and

(ii) by adding at the end the following:

''(E) PREVENTION SERVICES AND PROGRAMS FOR CHILDREN AND THEIR PARENTS AND KIN CAREGIVERS.—

''(i) IN GENERAL.—In the case of a tribe, organization, or consortium that elects to provide services and programs specified in section 471(e)(1) to children described in section 471(e)(2) and their parents or kin caregivers under the plan, the Secretary shall specify the requirements applicable to the provision of the services and programs. The requirements shall, to the greatest extent practicable, be consistent with the requirements applicable to States under section 471(e) and shall permit the provision of the services and programs in the form of services and programs that are adapted to the culture and context of the tribal communities served.

''(ii) PERFORMANCE MEASURES.—The Secretary shall establish specific performance measures for each tribe, organization, or consortium that elects to provide services and programs specified in section 471(e)(1). The performance measures shall, to the greatest extent practicable, be consistent with the prevention services measures required for States under section 471(e)(6) but shall allow for consideration of factors unique to the provision of the services by tribes, organizations, or consortia.''; and

(B) in subsection (d)(1), by striking ''and (5)'' and inserting ''(5), and (6)(A)''.

(2) CONFORMING AMENDMENT.—The heading for subsection (d) of section 479B of such Act (42 U.S.C. 679c) is amended by striking ''FOR FOSTER CARE MAINTENANCE AND ADOPTION ASSISTANCE PAYMENTS''.

(f) APPLICATION TO PROGRAMS OPERATED BY TERRITORIES.—Section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by striking ''or 413(f)'' and inserting ''413(f), or 474(a)(6)''.

SEC. 50712. FOSTER CARE MAINTENANCE PAYMENTS FOR CHILDREN WITH PARENTS IN A LICENSED RESIDENTIAL FAMILY-BASED TREATMENT FACILITY FOR SUBSTANCE ABUSE.

(a) IN GENERAL.—Section 472 of the Social Security Act (42 U.S.C. 672) is amended—

(1) in subsection (a)(2)(C), by striking ''or'' and inserting '', with a parent residing in a licensed residential family-based treatment facility, but only to the extent permitted under subsection (j), or in a''; and

(2) by adding at the end the following:

''(j) CHILDREN PLACED WITH A PARENT RESIDING IN A LICENSED RESIDENTIAL FAMILY-BASED TREATMENT FACILITY FOR SUBSTANCE ABUSE.—

''(1) IN GENERAL.—Notwithstanding the preceding provisions of this section, a child who is eligible for foster care maintenance payments under this section, or who would be eligible for the payments if the eligibility were determined without regard to paragraphs (1)(B) and (3) of subsection (a), shall be eligible for the payments for a period of not more than 12 months during which the child is placed with a parent who is in a licensed residential family-based treatment facility for substance abuse, but only if—

''(A) the recommendation for the placement is specified in the child's case plan before the placement;

''(B) the treatment facility provides, as part of the treatment for substance abuse, parenting skills training, parent education, and individual and family counseling; and

''(C) the substance abuse treatment, parenting skills training, parent education, and individual and family counseling is provided under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing.

''(2) APPLICATION.—With respect to children for whom foster care maintenance payments are made under paragraph (1), only the children who satisfy the requirements of paragraphs (1)(B) and (3) of subsection (a) shall be considered to be children with respect to whom foster care maintenance payments are made under this section for purposes of subsection (h) or section 473(b)(3)(B).''.

(b) CONFORMING AMENDMENT.—Section 474(a)(1) of such Act (42 U.S.C. 674(a)(1)) is amended by inserting ''subject to section 472(j),'' before ''an amount equal to the Federal'' the first place it appears.

SEC. 50713. TITLE IV–E PAYMENTS FOR EVIDENCE-BASED KINSHIP NAVIGATOR PROGRAMS.

Section 474(a) of the Social Security Act (42 U.S.C. 674(a)), as amended by section 50711(c), is amended—

(1) in paragraph (6), by striking the period at the end and inserting ''; plus''; and

(2) by adding at the end the following:

''(7) an amount equal to 50 percent of the amounts expended by the State during the quarter as the Secretary determines are for kinship navigator programs that meet the requirements described in section 427(a)(1) and that the Secretary determines are operated in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices in section 471(e)(4)(C), without regard to whether the expenditures are incurred on behalf of children who are, or are potentially, eligible for foster care maintenance payments under this part.''.

PART II—ENHANCED SUPPORT UNDER TITLE IV–B

SEC. 50721. ELIMINATION OF TIME LIMIT FOR FAMILY REUNIFICATION SERVICES WHILE IN FOSTER CARE AND PERMITTING TIME-LIMITED FAMILY REUNIFICATION SERVICES WHEN A CHILD RETURNS HOME FROM FOSTER CARE.

(a) IN GENERAL.—Section 431(a)(7) of the Social Security Act (42 U.S.C. 629a(a)(7)) is amended—

(1) in the paragraph heading, by striking ''TIME-LIMITED FAMILY'' and inserting ''FAMILY''; and

(2) in subparagraph (A)—

(A) by striking ''time-limited family'' and inserting ''family'';

(B) by inserting ''or a child who has been returned home'' after ''child care institution''; and

(C) by striking '', but only during the 15-month period that begins on the date that the child, pursuant to section 475(5)(F), is considered to have entered foster care'' and inserting ''and to ensure the strength and stability of the reunification. In the case of a child who has been returned home, the services and activities shall only be provided during the 15-month period that begins on the date that the child returns home''.

(b) CONFORMING AMENDMENTS.—

(1) Section 430 of such Act (42 U.S.C. 629) is amended in the matter preceding paragraph (1), by striking ''time-limited''.

(2) Subsections (a)(4), (a)(5)(A), and (b)(1) of section 432 of such Act (42 U.S.C. 629b) are amended by striking ''time-limited'' each place it appears.

SEC. 50722. REDUCING BUREAUCRACY AND UNNECESSARY DELAYS WHEN PLACING CHILDREN IN HOMES ACROSS STATE LINES.

(a) STATE PLAN REQUIREMENT.—Section 471(a)(25) of the Social Security Act (42 U.S.C. 671(a)(25)) is amended—

(1) by striking ''provide'' and inserting ''provides''; and

(2) by inserting '', which, in the case of a State other than the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, or American Samoa, not later than October 1, 2027, shall include the use of an electronic interstate case-processing system'' before the first semicolon.

(b) EXEMPTION OF INDIAN TRIBES.—Section 479B(c) of such Act (42 U.S.C. 679c(c)) is amended by adding at the end the following:

''(4) INAPPLICABILITY OF STATE PLAN REQUIREMENT TO HAVE IN EFFECT PROCEDURES PROVIDING FOR THE USE OF AN ELECTRONIC INTERSTATE CASE-PROCESSING SYSTEM.—.The requirement in section 471(a)(25) that a State plan provide that the State shall have in effect procedures providing for the use of an electronic interstate case-processing system shall not apply to an Indian tribe, tribal organization, or tribal consortium that elects to operate a program under this part.''.

(c) FUNDING FOR THE DEVELOPMENT OF AN ELECTRONIC INTERSTATE CASE-PROCESSING SYSTEM TO EXPEDITE THE INTERSTATE PLACEMENT OF CHILDREN IN FOSTER CARE OR GUARDIANSHIP, OR FOR ADOPTION.—Section 437 of such Act (42 U.S.C. 629g) is amended by adding at the end the following:

''(g) FUNDING FOR THE DEVELOPMENT OF AN ELECTRONIC INTERSTATE CASE-PROCESSING SYSTEM TO EXPEDITE THE INTERSTATE PLACEMENT OF CHILDREN IN FOSTER CARE OR GUARDIANSHIP, OR FOR ADOPTION.—

''(1) PURPOSE.—The purpose of this subsection is to facilitate the development of an electronic interstate case-processing system for the exchange of data and documents to expedite the placements of children in foster, guardianship, or adoptive homes across State lines.

''(2) REQUIREMENTS.—A State that seeks funding under this subsection shall submit to the Secretary the following:

''(A) A description of the goals and outcomes to be achieved, which goals and outcomes must result in—

''(i) reducing the time it takes for a child to be provided with a safe and appropriate permanent living arrangement across State lines;

''(ii) improving administrative processes and reducing costs in the foster care system; and

''(iii) the secure exchange of relevant case files and other necessary materials in real time, and timely communications and placement decisions regarding interstate placements of children.

''(B) A description of the activities to be funded in whole or in part with the funds, including the sequencing of the activities.

''(C) A description of the strategies for integrating programs and services for children who are placed across State lines.

''(D) Such other information as the Secretary may require.

''(3) FUNDING AUTHORITY.—The Secretary may provide funds to a State that complies with paragraph (2). In providing funds under this subsection, the Secretary shall prioritize States that are not yet connected with the electronic interstate case-processing system referred to in paragraph (1).

''(4) USE OF FUNDS.—A State to which funding is provided under this subsection shall use the funding to support the State in connecting with, or enhancing or expediting services provided under, the electronic interstate case-processing system referred to in paragraph (1).

''(5) EVALUATIONS.—Not later than 1 year after the final year in which funds are awarded under this subsection, the Secretary shall submit to the Congress, and make available to the general public by posting on a website, a report that contains the following information:

''(A) How using the electronic interstate case-processing system developed pursuant to paragraph (4) has changed the time it takes for children to be placed across State lines.

''(B) The number of cases subject to the Interstate Compact on the Placement of Children that were processed through the electronic interstate case-processing system, and the number of interstate child placement cases that were processed outside the electronic interstate case-processing system, by each State in each year.

''(C) The progress made by States in implementing the electronic interstate case-processing system.

''(D) How using the electronic interstate case-processing system has affected various metrics related to child safety and well-being, including the time it takes for children to be placed across State lines.

''(E) How using the electronic interstate case-processing system has affected administrative costs and caseworker time spent on placing children across State lines.

''(6) DATA INTEGRATION.—The Secretary, in consultation with the Secretariat for the Interstate Compact on the Placement of Children and the States, shall assess how the electronic interstate case-processing system developed pursuant to paragraph (4) could be used to better serve and protect children that come to the attention of the child welfare system, by—

''(A) connecting the system with other data systems (such as systems operated by State law enforcement and judicial agencies, systems operated by the Federal Bureau of Investigation for the purposes of the Innocence Lost National Initiative, and other systems);

''(B) simplifying and improving reporting related to paragraphs (34) and (35) of section 471(a) regarding children or youth who have been identified as being a sex trafficking victim or children missing from foster care; and

''(C) improving the ability of States to quickly comply with background check requirements of section 471(a)(20), including checks of child abuse and neglect registries as required by section 471(a)(20)(B).''.

(d) RESERVATION OF FUNDS TO IMPROVE THE INTERSTATE PLACEMENT OF CHILDREN.—Section 437(b) of such Act (42 U.S.C. 629g(b)) is amended by adding at the end the following:

''(4) IMPROVING THE INTERSTATE PLACEMENT OF CHILDREN.—The Secretary shall reserve $5,000,000 of the amount made available for fiscal year 2018 for grants under subsection (g), and the amount so reserved shall remain available through fiscal year 2022.''.

SEC. 50723. ENHANCEMENTS TO GRANTS TO IMPROVE WELL-BEING OF FAMILIES AFFECTED BY SUBSTANCE ABUSE.

Section 437(f) of the Social Security Act (42 U.S.C. 629g(f)) is amended—

(1) in the subsection heading, by striking ''INCREASE THE WELL-BEING OF, AND TO IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY'' and inserting ''IMPLEMENT IV–E PREVENTION SERVICES, AND IMPROVE THE WELL-BEING OF, AND IMPROVE PERMANENCY OUTCOMES FOR, CHILDREN AND FAMILIES AFFECTED BY HEROIN, OPIOIDS, AND OTHER'';

(2) by striking paragraph (2) and inserting the following:

''(2) REGIONAL PARTNERSHIP DEFINED.—In this subsection, the term 'regional partnership' means a collaborative agreement (which may be established on an interstate, State, or intrastate basis) entered into by the following:

''(A) MANDATORY PARTNERS FOR ALL PARTNERSHIP GRANTS.—

''(i) The State child welfare agency that is responsible for the administration of the State plan under this part and part E.

''(ii) The State agency responsible for administering the substance abuse prevention and treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act.

''(B) MANDATORY PARTNERS FOR PARTNERSHIP GRANTS PROPOSING TO SERVE CHILDREN IN OUT-OF-HOME PLACEMENTS.—If the partnership proposes to serve children in out-of-home placements, the Juvenile Court or Administrative Office of the Court that is most appropriate to oversee the administration of court programs in the region to address the population of families who come to the attention of the court due to child abuse or neglect.

''(C) OPTIONAL PARTNERS.—At the option of the partnership, any of the following:

''(i) An Indian tribe or tribal consortium.

''(ii) Nonprofit child welfare service providers.

''(iii) For-profit child welfare service providers.

''(iv) Community health service providers, including substance abuse treatment providers.

''(v) Community mental health providers.

''(vi) Local law enforcement agencies.

''(vii) School personnel.

''(viii) Tribal child welfare agencies (or a consortia of the agencies).

''(ix) Any other providers, agencies, personnel, officials, or entities that are related to the provision of child and family services under a State plan approved under this subpart.

''(D) EXCEPTION FOR REGIONAL PARTNERSHIPS WHERE THE LEAD APPLICANT IS AN INDIAN TRIBE OR TRIBAL CONSORTIA.—If an Indian tribe or tribal consortium enters into a regional partnership for purposes of this subsection, the Indian tribe or tribal consortium—

''(i) may (but is not required to) include the State child welfare agency as a partner in the collaborative agreement;

''(ii) may not enter into a collaborative agreement only with tribal child welfare agencies (or a consortium of the agencies); and

''(iii) if the condition described in paragraph (2)(B) applies, may include tribal court organizations in lieu of other judicial partners.'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking ''2012 through 2016'' and inserting ''2017 through 2021''; and

(ii) by striking ''$500,000 and not more than $1,000,000'' and inserting ''$250,000 and not more than $1,000,000'';

(B) in subparagraph (B)—

(i) in the subparagraph heading, by inserting ''; PLANNING'' after ''APPROVAL'';

(ii) in clause (i), by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''; and

(iii) by adding at the end the following:

''(iii) SUFFICIENT PLANNING.—A grant awarded under this subsection shall be disbursed in two phases: a planning phase (not to exceed 2 years) and an implementation phase. The total disbursement to a grantee for the planning phase may not exceed $250,000, and may not exceed the total anticipated funding for the implementation phase.''; and

(C) by adding at the end the following:

''(D) LIMITATION ON PAYMENT FOR A FISCAL YEAR.—No payment shall be made under subparagraph (A) or (C) for a fiscal year until the Secretary determines that the eligible partnership has made sufficient progress in meeting the goals of the grant and that the members of the eligible partnership are coordinating to a reasonable degree with the other members of the eligible partnership.'';

(4) in paragraph (4)—

(A) in subparagraph (B)—

(i) in clause (i), by inserting '', parents, and families'' after ''children'';

(ii) in clause (ii), by striking ''safety and permanence for such children; and'' and inserting ''safe, permanent caregiving relationships for the children;'';

(iii) in clause (iii), by striking ''or'' and inserting ''increase reunification rates for children who have been placed in out-of-home care, or decrease''; and

(iv) by redesignating clause (iii) as clause (v) and inserting after clause (ii) the following:

''(iii) improve the substance abuse treatment outcomes for parents including retention in treatment and successful completion of treatment;

''(iv) facilitate the implementation, delivery, and effectiveness of prevention services and programs under section 471(e); and'';

(B) in subparagraph (D), by striking ''where appropriate,''; and

(C) by striking subparagraphs (E) and (F) and inserting the following:

''(E) A description of a plan for sustaining the services provided by or activities funded under the grant after the conclusion of the grant period, including through the use of prevention services and programs under section 471(e) and other funds provided to the State for child welfare and substance abuse prevention and treatment services.

''(F) Additional information needed by the Secretary to determine that the proposed activities and implementation will be consistent with research or evaluations showing which practices and approaches are most effective.'';

(5) in paragraph (5)(A), by striking ''abuse treatment'' and inserting ''use disorder treatment including medication assisted treatment and in-home substance abuse disorder treatment and recovery'';

(6) in paragraph (7)—

(A) by striking ''and'' at the end of subparagraph (C); and

(B) by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

''(D) demonstrate a track record of successful collaboration among child welfare, substance abuse disorder treatment and mental health agencies; and'';

(7) in paragraph (8)—

(A) in subparagraph (A)—

(i) by striking ''establish indicators that will be'' and inserting ''review indicators that are''; and

(ii) by striking ''in using funds made available under such grants to achieve the purpose of this subsection'' and inserting ''and establish a set of core indicators related to child safety, parental recovery, parenting capacity, and family well-being. In developing the core indicators, to the extent possible, indicators shall be made consistent with the outcome measures described in section 471(e)(6)''; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting ''base the performance measures on lessons learned from prior rounds of regional partnership grants under this subsection, and'' before ''consult''; and

(ii) by striking clauses (iii) and (iv) and inserting the following:

''(iii) Other stakeholders or constituencies as determined by the Secretary.'';

(8) in paragraph (9)(A), by striking clause (i) and inserting the following:

''(i) SEMIANNUAL REPORTS.—Not later than September 30 of each fiscal year in which a recipient of a grant under this subsection is paid funds under the grant, and every 6 months thereafter, the grant recipient shall submit to the Secretary a report on the services provided and activities carried out during the reporting period, progress made in achieving the goals of the program, the number of children, adults, and families receiving services, and such additional information as the Secretary determines is necessary. The report due not later than September 30 of the last such fiscal year shall include, at a minimum, data on each of the performance indicators included in the evaluation of the regional partnership.''; and

(9) in paragraph (10), by striking ''2012 through 2016'' and inserting ''2017 through 2021''.

PART III—MISCELLANEOUS

SEC. 50731. REVIEWING AND IMPROVING LICENSING STANDARDS FOR PLACEMENT IN A RELATIVE FOSTER FAMILY HOME.

(a) IDENTIFICATION OF REPUTABLE MODEL LICENSING STANDARDS.—Not later than October 1, 2018, the Secretary of Health and Human Services shall identify reputable model licensing standards with respect to the licensing of foster family homes (as defined in section 472(c)(1) of the Social Security Act).

(b) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (34)(B), by striking ''and'' after the semicolon;

(2) in paragraph (35)(B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(36) provides that, not later than April 1, 2019, the State shall submit to the Secretary information addressing—

''(A) whether the State licensing standards are in accord with model standards identified by the Secretary, and if not, the reason for the specific deviation and a description as to why having a standard that is reasonably in accord with the corresponding national model standards is not appropriate for the State;

''(B) whether the State has elected to waive standards established in 471(a)(10)(A) for relative foster family homes (pursuant to waiver authority provided by 471(a)(10)(D)), a description of which standards the State most commonly waives, and if the State has not elected to waive the standards, the reason for not waiving these standards;

''(C) if the State has elected to waive standards specified in subparagraph (B), how caseworkers are trained to use the waiver authority and whether the State has developed a process or provided tools to assist caseworkers in waiving nonsafety standards per the authority provided in 471(a)(10)(D) to quickly place children with relatives; and

''(D) a description of the steps the State is taking to improve caseworker training or the process, if any; and''.

SEC. 50732. DEVELOPMENT OF A STATEWIDE PLAN TO PREVENT CHILD ABUSE AND NEGLECT FATALITIES.

Section 422(b)(19) of the Social Security Act (42 U.S.C. 622(b)(19)) is amended to read as follows:

''(19) document steps taken to track and prevent child maltreatment deaths by including—

''(A) a description of the steps the State is taking to compile complete and accurate information on the deaths required by Federal law to be reported by the State agency referred to in paragraph (1), including gathering relevant information on the deaths from the relevant organizations in the State including entities such as State vital statistics department, child death review teams, law enforcement agencies, offices of medical examiners, or coroners; and

''(B) a description of the steps the State is taking to develop and implement a comprehensive, statewide plan to prevent the fatalities that involves and engages relevant public and private agency partners, including those in public health, law enforcement, and the courts.''.

SEC. 50733. MODERNIZING THE TITLE AND PURPOSE OF TITLE IV–E.

(a) PART HEADING.—The heading for part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended to read as follows:

''PART E—FEDERAL PAYMENTS FOR FOSTER CARE, PREVENTION, AND PERMANENCY''.

(b) PURPOSE.—The first sentence of section 470 of such Act (42 U.S.C. 670) is amended—

(1) by striking ''1995) and'' and inserting ''1995),'';

(2) by inserting ''kinship guardianship assistance, and prevention services or programs specified in section 471(e)(1),'' after ''needs,''; and

(3) by striking ''(commencing with the fiscal year which begins October 1, 1980)''.

SEC. 50734. EFFECTIVE DATES.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), subject to subsection (b), the amendments made by parts I through III of this subtitle shall take effect on October 1, 2018.

(2) EXCEPTIONS.—The amendments made by sections 50711(d), 50731, and 50733 shall take effect on the date of enactment of this Act.

(b) TRANSITION RULE.—

(1) IN GENERAL.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by parts I through III of this subtitle, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(2) APPLICATION TO PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—In the case of an Indian tribe, tribal organization, or tribal consortium which the Secretary of Health and Human Services determines requires time to take action necessary to comply with the additional requirements imposed by the amendments made by parts I through III of this subtitle (whether the tribe, organization, or tribal consortium has a plan under section 479B of the Social Security Act or a cooperative agreement or contract entered into with a State), the Secretary shall provide the tribe, organization, or tribal consortium with such additional time as the Secretary determines is necessary for the tribe, organization, or tribal consortium to take the action to comply with the additional requirements before being regarded as failing to comply with the requirements.

PART IV—ENSURING THE NECESSITY OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME

SEC. 50741. LIMITATION ON FEDERAL FINANCIAL PARTICIPATION FOR PLACEMENTS THAT ARE NOT IN FOSTER FAMILY HOMES.

(a) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

(1) IN GENERAL.—Section 472 of the Social Security Act (42 U.S.C. 672), as amended by section 50712(a), is amended—

(A) in subsection (a)(2)(C), by inserting '', but only to the extent permitted under subsection (k)'' after ''institution''; and

(B) by adding at the end the following:

''(k) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

''(1) IN GENERAL.—Beginning with the third week for which foster care maintenance payments are made under this section on behalf of a child placed in a child-care institution, no Federal payment shall be made to the State under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of the child unless—

''(A) the child is placed in a child-care institution that is a setting specified in paragraph (2) (or is placed in a licensed residential family-based treatment facility consistent with subsection (j)); and

''(B) in the case of a child placed in a qualified residential treatment program (as defined in paragraph (4)), the requirements specified in paragraph (3) and section 475A(c) are met.

''(2) SPECIFIED SETTINGS FOR PLACEMENT.—The settings for placement specified in this paragraph are the following:

''(A) A qualified residential treatment program (as defined in paragraph (4)).

''(B) A setting specializing in providing prenatal, post-partum, or parenting supports for youth.

''(C) In the case of a child who has attained 18 years of age, a supervised setting in which the child is living independently.

''(D) A setting providing high-quality residential care and supportive services to children and youth who have been found to be, or are at risk of becoming, sex trafficking victims, in accordance with section 471(a)(9)(C).

''(3) ASSESSMENT TO DETERMINE APPROPRIATENESS OF PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—

''(A) DEADLINE FOR ASSESSMENT.—In the case of a child who is placed in a qualified residential treatment program, if the assessment required under section 475A(c)(1) is not completed within 30 days after the placement is made, no Federal payment shall be made to the State under section 474(a)(1) for any amounts expended for foster care maintenance payments on behalf of the child during the placement.

''(B) DEADLINE FOR TRANSITION OUT OF PLACEMENT.—If the assessment required under section 475A(c)(1) determines that the placement of a child in a qualified residential treatment program is not appropriate, a court disapproves such a placement under section 475A(c)(2), or a child who has been in an approved placement in a qualified residential treatment program is going to return home or be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home, Federal payments shall be made to the State under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of the child while the child remains in the qualified residential treatment program only during the period necessary for the child to transition home or to such a placement. In no event shall a State receive Federal payments under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of a child who remains placed in a qualified residential treatment program after the end of the 30-day period that begins on the date a determination is made that the placement is no longer the recommended or approved placement for the child.

''(4) QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—For purposes of this part, the term 'qualified residential treatment program' means a program that—

''(A) has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to a child, is able to implement the treatment identified for the child by the assessment of the child required under section 475A(c);

''(B) subject to paragraphs (5) and (6), has registered or licensed nursing staff and other licensed clinical staff who—

''(i) provide care within the scope of their practice as defined by State law;

''(ii) are on-site according to the treatment model referred to in subparagraph (A); and

''(iii) are available 24 hours a day and 7 days a week;

''(C) to extent appropriate, and in accordance with the child's best interests, facilitates participation of family members in the child's treatment program;

''(D) facilitates outreach to the family members of the child, including siblings, documents how the outreach is made (including contact information), and maintains contact information for any known biological family and fictive kin of the child;

''(E) documents how family members are integrated into the treatment process for the child, including post-discharge, and how sibling connections are maintained;

''(F) provides discharge planning and family-based aftercare support for at least 6 months post-discharge; and

''(G) is licensed in accordance with section 471(a)(10) and is accredited by any of the following independent, not-for-profit organizations:

''(i) The Commission on Accreditation of Rehabilitation Facilities (CARF).

''(ii) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

''(iii) The Council on Accreditation (COA).

''(iv) Any other independent, not-for-profit accrediting organization approved by the Secretary.

''(5) ADMINISTRATIVE COSTS.—The prohibition in paragraph (1) on Federal payments under section 474(a)(1) shall not be construed as prohibiting Federal payments for administrative expenditures incurred on behalf of a child placed in a child-care institution and for which payment is available under section 474(a)(3).

''(6) RULE OF CONSTRUCTION.—The requirements in paragraph (4)(B) shall not be construed as requiring a qualified residential treatment program to acquire nursing and behavioral health staff solely through means of a direct employer to employee relationship.''.

(2) CONFORMING AMENDMENT.—Section 474(a)(1) of the Social Security Act (42 U.S.C. 674(a)(1)), as amended by section 50712(b), is amended by striking ''section 472(j)'' and inserting ''subsections (j) and (k) of section 472''.

(b) DEFINITION OF FOSTER FAMILY HOME, CHILD-CARE INSTITUTION.—Section 472(c) of such Act (42 U.S.C. 672(c)(1)) is amended to read as follows:

''(c) DEFINITIONS.—For purposes of this part:

''(1) FOSTER FAMILY HOME.—

''(A) IN GENERAL.—The term 'foster family home' means the home of an individual or family—

''(i) that is licensed or approved by the State in which it is situated as a foster family home that meets the standards established for the licensing or approval; and

''(ii) in which a child in foster care has been placed in the care of an individual, who resides with the child and who has been licensed or approved by the State to be a foster parent—

''(I) that the State deems capable of adhering to the reasonable and prudent parent standard;

''(II) that provides 24-hour substitute care for children placed away from their parents or other caretakers; and

''(III) that provides the care for not more than six children in foster care.

''(B) STATE FLEXIBILITY.—The number of foster children that may be cared for in a home under subparagraph (A) may exceed the numerical limitation in subparagraph (A)(ii)(III), at the option of the State, for any of the following reasons:

''(i) To allow a parenting youth in foster care to remain with the child of the parenting youth.

''(ii) To allow siblings to remain together.

''(iii) To allow a child with an established meaningful relationship with the family to remain with the family.

''(iv) To allow a family with special training or skills to provide care to a child who has a severe disability.

''(C) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as prohibiting a foster parent from renting the home in which the parent cares for a foster child placed in the parent's care.

''(2) CHILD-CARE INSTITUTION.—

''(A) IN GENERAL.—The term 'child-care institution' means a private child-care institution, or a public child-care institution which accommodates no more than 25 children, which is licensed by the State in which it is situated or has been approved by the agency of the State responsible for licensing or approval of institutions of this type as meeting the standards established for the licensing.

''(B) SUPERVISED SETTINGS.—In the case of a child who has attained 18 years of age, the term shall include a supervised setting in which the individual is living independently, in accordance with such conditions as the Secretary shall establish in regulations.

''(C) EXCLUSIONS.—The term shall not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.''.

(c) TRAINING FOR STATE JUDGES, ATTORNEYS, AND OTHER LEGAL PERSONNEL IN CHILD WELFARE CASES.—Section 438(b)(1) of such Act (42 U.S.C. 629h(b)(1)) is amended in the matter preceding subparagraph (A) by inserting ''shall provide for the training of judges, attorneys, and other legal personnel in child welfare cases on Federal child welfare policies and payment limitations with respect to children in foster care who are placed in settings that are not a foster family home,'' after ''with respect to the child,''.

(d) ASSURANCE OF NONIMPACT ON JUVENILE JUSTICE SYSTEM.—

(1) STATE PLAN REQUIREMENT.—Section 471(a) of such Act (42 U.S.C. 671(a)), as amended by section 50731, is further amended by adding at the end the following:

''(37) includes a certification that, in response to the limitation imposed under section 472(k) with respect to foster care maintenance payments made on behalf of any child who is placed in a setting that is not a foster family home, the State will not enact or advance policies or practices that would result in a significant increase in the population of youth in the State's juvenile justice system.''.

(2) GAO STUDY AND REPORT.—The Comptroller General of the United States shall evaluate the impact, if any, on State juvenile justice systems of the limitation imposed under section 472(k) of the Social Security Act (as added by section 50741(a)(1)) on foster care maintenance payments made on behalf of any child who is placed in a setting that is not a foster family home, in accordance with the amendments made by subsections (a) and (b) of this section. In particular, the Comptroller General shall evaluate the extent to which children in foster care who also are subject to the juvenile justice system of the State are placed in a facility under the jurisdiction of the juvenile justice system and whether the lack of available congregate care placements under the jurisdiction of the child welfare systems is a contributing factor to that result. Not later than December 31, 2025, the Comptroller General shall submit to Congress a report on the results of the evaluation.

SEC. 50742. ASSESSMENT AND DOCUMENTATION OF THE NEED FOR PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.

Section 475A of the Social Security Act (42 U.S.C. 675a) is amended by adding at the end the following:

''(c) ASSESSMENT, DOCUMENTATION, AND JUDICIAL DETERMINATION REQUIREMENTS FOR PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—In the case of any child who is placed in a qualified residential treatment program (as defined in section 472(k)(4)), the following requirements shall apply for purposes of approving the case plan for the child and the case system review procedure for the child:

''(1)(A) Within 30 days of the start of each placement in such a setting, a qualified individual (as defined in subparagraph (D)) shall—

''(i) assess the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool approved by the Secretary;

''(ii) determine whether the needs of the child can be met with family members or through placement in a foster family home or, if not, which setting from among the settings specified in section 472(k)(2) would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and

''(iii) develop a list of child-specific short- and long-term mental and behavioral health goals.

''(B)(i) The State shall assemble a family and permanency team for the child in accordance with the requirements of clauses (ii) and (iii). The qualified individual conducting the assessment required under subparagraph (A) shall work in conjunction with the family of, and permanency team for, the child while conducting and making the assessment.

''(ii) The family and permanency team shall consist of all appropriate biological family members, relative, and fictive kin of the child, as well as, as appropriate, professionals who are a resource to the family of the child, such as teachers, medical or mental health providers who have treated the child, or clergy. In the case of a child who has attained age 14, the family and permanency team shall include the members of the permanency planning team for the child that are selected by the child in accordance with section 475(5)(C)(iv).

''(iii) The State shall document in the child's case plan—

''(I) the reasonable and good faith effort of the State to identify and include all the individuals described in clause (ii) on the child's family and permanency team;

''(II) all contact information for members of the family and permanency team, as well as contact information for other family members and fictive kin who are not part of the family and permanency team;

''(III) evidence that meetings of the family and permanency team, including meetings relating to the assessment required under subparagraph (A), are held at a time and place convenient for family;

''(IV) if reunification is the goal, evidence demonstrating that the parent from whom the child was removed provided input on the members of the family and permanency team;

''(V) evidence that the assessment required under subparagraph (A) is determined in conjunction with the family and permanency team;

''(VI) the placement preferences of the family and permanency team relative to the assessment that recognizes children should be placed with their siblings unless there is a finding by the court that such placement is contrary to their best interest; and

''(VII) if the placement preferences of the family and permanency team and child are not the placement setting recommended by the qualified individual conducting the assessment under subparagraph (A), the reasons why the preferences of the team and of the child were not recommended.

''(C) In the case of a child who the qualified individual conducting the assessment under subparagraph (A) determines should not be placed in a foster family home, the qualified individual shall specify in writing the reasons why the needs of the child cannot be met by the family of the child or in a foster family home. A shortage or lack of foster family homes shall not be an acceptable reason for determining that the needs of the child cannot be met in a foster family home. The qualified individual also shall specify in writing why the recommended placement in a qualified residential treatment program is the setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child.

''(D)(i) Subject to clause (ii), in this subsection, the term 'qualified individual' means a trained professional or licensed clinician who is not an employee of the State agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the State.

''(ii) The Secretary may approve a request of a State to waive any requirement in clause (i) upon a submission by the State, in accordance with criteria established by the Secretary, that certifies that the trained professionals or licensed clinicians with responsibility for performing the assessments described in subparagraph (A) shall maintain objectivity with respect to determining the most effective and appropriate placement for a child.

''(2) Within 60 days of the start of each placement in a qualified residential treatment program, a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or an administrative body appointed or approved by the court, independently, shall—

''(A) consider the assessment, determination, and documentation made by the qualified individual conducting the assessment under paragraph (1);

''(B) determine whether the needs of the child can be met through placement in a foster family home or, if not, whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and

''(C) approve or disapprove the placement.

''(3) The written documentation made under paragraph (1)(C) and documentation of the determination and approval or disapproval of the placement in a qualified residential treatment program by a court or administrative body under paragraph (2) shall be included in and made part of the case plan for the child.

''(4) As long as a child remains placed in a qualified residential treatment program, the State agency shall submit evidence at each status review and each permanency hearing held with respect to the child—

''(A) demonstrating that ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home, that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child;

''(B) documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

''(C) documenting the efforts made by the State agency to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.

''(5) In the case of any child who is placed in a qualified residential treatment program for more than 12 consecutive months or 18 nonconsecutive months (or, in the case of a child who has not attained age 13, for more than 6 consecutive or nonconsecutive months), the State agency shall submit to the Secretary—

''(A) the most recent versions of the evidence and documentation specified in paragraph (4); and

''(B) the signed approval of the head of the State agency for the continued placement of the child in that setting.''.

SEC. 50743. PROTOCOLS TO PREVENT INAPPROPRIATE DIAGNOSES.

(a) STATE PLAN REQUIREMENT.—Section 422(b)(15)(A) of the Social Security Act (42 U.S.C. 622(b)(15)(A)) is amended—

(1) in clause (vi), by striking ''and'' after the semicolon;

(2) by redesignating clause (vii) as clause (viii); and

(3) by inserting after clause (vi) the following:

''(vii) the procedures and protocols the State has established to ensure that children in foster care placements are not inappropriately diagnosed with mental illness, other emotional or behavioral disorders, medically fragile conditions, or developmental disabilities, and placed in settings that are not foster family homes as a result of the inappropriate diagnoses; and''.

(b) EVALUATION.—Section 476 of such Act (42 U.S.C. 676), as amended by section 50711(d), is further amended by adding at the end the following:

''(e) EVALUATION OF STATE PROCEDURES AND PROTOCOLS TO PREVENT INAPPROPRIATE DIAGNOSES OF MENTAL ILLNESS OR OTHER CONDITIONS.—The Secretary shall conduct an evaluation of the procedures and protocols established by States in accordance with the requirements of section 422(b)(15)(A)(vii). The evaluation shall analyze the extent to which States comply with and enforce the procedures and protocols and the effectiveness of various State procedures and protocols and shall identify best practices. Not later than January 1, 2020, the Secretary shall submit a report on the results of the evaluation to Congress.''.

SEC. 50744. ADDITIONAL DATA AND REPORTS REGARDING CHILDREN PLACED IN A SETTING THAT IS NOT A FOSTER FAMILY HOME.

Section 479A(a)(7)(A) of the Social Security Act (42 U.S.C. 679b(a)(7)(A)) is amended by striking clauses (i) through (vi) and inserting the following:

''(i) with respect to each such placement—

''(I) the type of the placement setting, including whether the placement is shelter care, a group home and if so, the range of the child population in the home, a residential treatment facility, a hospital or institution providing medical, rehabilitative, or psychiatric care, a setting specializing in providing prenatal, post-partum, or parenting supports, or some other kind of child-care institution and if so, what kind;

''(II) the number of children in the placement setting and the age, race, ethnicity, and gender of each of the children;

''(III) for each child in the placement setting, the length of the placement of the child in the setting, whether the placement of the child in the setting is the first placement of the child and if not, the number and type of previous placements of the child, and whether the child has special needs or another diagnosed mental or physical illness or condition; and

''(IV) the extent of any specialized education, treatment, counseling, or other services provided in the setting; and

''(ii) separately, the number and ages of children in the placements who have a permanency plan of another planned permanent living arrangement; and''.

SEC. 50745. CRIMINAL RECORDS CHECKS AND CHECKS OF CHILD ABUSE AND NEGLECT REGISTRIES FOR ADULTS WORKING IN CHILD-CARE INSTITUTIONS AND OTHER GROUP CARE SETTINGS.

(a) STATE PLAN REQUIREMENT.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(1) in subparagraph (A)(ii), by striking ''and'' after the semicolon;

(2) in subparagraph (B)(iii), by striking ''and''after the semicolon;

(3) in subparagraph (C), by adding ''and'' after the semicolon; and

(4) by inserting after subparagraph (C), the following new subparagraph:

''(D) provides procedures for any child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, to conduct criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(f)(3)(A) of title 28, United States Code), and checks described in subparagraph (B) of this paragraph, on any adult working in a child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, unless the State reports to the Secretary the alternative criminal records checks and child abuse registry checks the State conducts on any adult working in a child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, and why the checks specified in this subparagraph are not appropriate for the State;''.

(b) TECHNICAL AMENDMENTS.—Subparagraphs (A) and (C) of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) are each amended by striking ''section 534(e)(3)(A)'' and inserting ''section 534(f)(3)(A)''.

SEC. 50746. EFFECTIVE DATES; APPLICATION TO WAIVERS.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Subject to paragraph (2) and subsections (b), (c), and (d), the amendments made by this part shall take effect as if enacted on January 1, 2018.

(2) TRANSITION RULE.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this part, the State plan shall not be regarded as failing to comply with the requirements of part B or E of title IV of such Act solely on the basis of the failure of the plan to meet the additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(b) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION FOR PLACEMENTS THAT ARE NOT IN FOSTER FAMILY HOMES AND RELATED PROVISIONS.—

(1) IN GENERAL.—The amendments made by sections 50741(a), 50741(b), 50741(d), and 50742 shall take effect on October 1, 2019.

(2) STATE OPTION TO DELAY EFFECTIVE DATE FOR NOT MORE THAN 2 YEARS.—If a State requests a delay in the effective date, the Secretary of Health and Human Services shall delay the effective date provided for in paragraph (1) with respect to the State for the amount of time requested by the State, not to exceed 2 years. If the effective date is so delayed for a period with respect to a State under the preceding sentence, then—

(A) notwithstanding section 50734, the date that the amendments made by section 50711(c) take effect with respect to the State shall be delayed for the period; and

(B) in applying section 474(a)(6) of the Social Security Act with respect to the State, ''on or after the date this paragraph takes effect with respect to the State'' is deemed to be substituted for ''after September 30, 2019'' in subparagraph (A)(i)(I) of such section.

(c) CRIMINAL RECORDS CHECKS AND CHECKS OF CHILD ABUSE AND NEGLECT REGISTRIES FOR ADULTS WORKING IN CHILD-CARE INSTITUTIONS AND OTHER GROUP CARE SETTINGS.—Subject to subsection (a)(2), the amendments made by section 50745 shall take effect on October 1, 2018.

(d) APPLICATION TO STATES WITH WAIVERS.—In the case of a State that, on the date of enactment of this Act, has in effect a waiver approved under section 1130 of the Social Security Act (42 U.S.C. 1320a–9), the amendments made by this part shall not apply with respect to the State before the expiration (determined without regard to any extensions) of the waiver to the extent the amendments are inconsistent with the terms of the waiver.

PART V—CONTINUING SUPPORT FOR CHILD AND FAMILY SERVICES

SEC. 50751. SUPPORTING AND RETAINING FOSTER FAMILIES FOR CHILDREN.

(a) SUPPORTING AND RETAINING FOSTER PARENTS AS A FAMILY SUPPORT SERVICE.—Section 431(a)(2)(B) of the Social Security

Act (42 U.S.C. 631(a)(2)(B)) is amended by redesignating clauses (iii) through (vi) as clauses (iv) through (vii), respectively, and inserting after clause (ii) the following:

''(iii) To support and retain foster families so they can provide quality family-based settings for children in foster care.''.

(b) SUPPORT FOR FOSTER FAMILY HOMES.—Section 436 of such Act (42 U.S.C. 629f) is amended by adding at the end the following:

''(c) SUPPORT FOR FOSTER FAMILY HOMES.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary for fiscal year 2018, $8,000,000 for the Secretary to make competitive grants to States, Indian tribes, or tribal consortia to support the recruitment and retention of high-quality foster families to increase their capacity to place more children in family settings, focused on States, Indian tribes, or tribal consortia with the highest percentage of children in non-family settings. The amount appropriated under this subparagraph shall remain available through fiscal year 2022.''.

SEC. 50752. EXTENSION OF CHILD AND FAMILY SERVICES PROGRAMS.

(a) EXTENSION OF STEPHANIE TUBBS JONES CHILD WELFARE SERVICES PROGRAM.—Section 425 of the Social Security Act (42 U.S.C. 625) is amended by striking ''2012 through 2016'' and inserting ''2017 through 2021''.

(b) EXTENSION OF PROMOTING SAFE AND STABLE FAMILIES PROGRAM AUTHORIZATIONS.—

(1) IN GENERAL.—Section 436(a) of such Act (42 U.S.C. 629f(a)) is amended by striking all that follows ''$345,000,000'' and inserting ''for each of fiscal years 2017 through 2021.''.

(2) DISCRETIONARY GRANTS.—Section 437(a) of such Act (42 U.S.C. 629g(a)) is amended by striking ''2012 through 2016'' and inserting ''2017 through 2021''.

(c) EXTENSION OF FUNDING RESERVATIONS FOR MONTHLY CASEWORKER VISITS AND REGIONAL PARTNERSHIP GRANTS.—Section 436(b) of such Act (42 U.S.C. 629f(b)) is amended—

(1) in paragraph (4)(A), by striking ''2012 through 2016'' and inserting ''2017 through 2021''; and

(2) in paragraph (5), by striking ''2012 through 2016'' and inserting ''2017 through 2021''.

(d) REAUTHORIZATION OF FUNDING FOR STATE COURTS.—

(1) EXTENSION OF PROGRAM.—Section 438(c)(1) of such Act (42 U.S.C. 629h(c)(1)) is amended by striking ''2012 through 2016'' and inserting ''2017 through 2021''.

(2) EXTENSION OF FEDERAL SHARE.—Section 438(d) of such Act (42 U.S.C. 629h(d)) is amended by striking ''2012 through 2016'' and inserting ''2017 through 2021''.

(e) REPEAL OF EXPIRED PROVISIONS.—Section 438(e) of such Act (42 U.S.C. 629h(e)) is repealed.

SEC. 50753. IMPROVEMENTS TO THE JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM AND RELATED PROVISIONS.

(a) AUTHORITY TO SERVE FORMER FOSTER YOUTH UP TO AGE 23.—Section 477 of the Social Security Act (42 U.S.C. 677) is amended—

(1) in subsection (a)(5), by inserting ''(or 23 years of age, in the case of a State with a certification under subsection (b)(3)(A)(ii) to provide assistance and services to youths who have aged out of foster care and have not attained such age, in accordance with such subsection)'' after ''21 years of age'';

(2) in subsection (b)(3)(A)—

(A) by inserting ''(i)'' before ''A certification'';

(B) by striking ''children who have left foster care'' and all that follows through the period and inserting ''youths who have aged out of foster care and have not attained 21 years of age.''; and

(C) by adding at the end the following:

''(ii) If the State has elected under section 475(8)(B) to extend eligibility for foster care to all children who have not attained 21 years of age, or if the Secretary determines that the State agency responsible for administering the State plans under this part and part B uses State funds or any other funds not provided under this part to provide services and assistance for youths who have aged out of foster care that are comparable to the services and assistance the youths would receive if the State had made such an election, the certification required under clause (i) may provide that the State will provide assistance and services to youths who have aged out of foster care and have not attained 23 years of age.''; and

(3) in subsection (b)(3)(B), by striking ''children who have left foster care'' and all that follows through the period and inserting ''youths who have aged out of foster care and have not attained 21 years of age (or 23 years of age, in the case of a State with a certification under subparagraph (A)(i) to provide assistance and services to youths who have aged out of foster care and have not attained such age, in accordance with subparagraph (A)(ii)).''.

(b) AUTHORITY TO REDISTRIBUTE UNSPENT FUNDS.—Section 477(d) of such Act (42 U.S.C. 677(d)) is amended—

(1) in paragraph (4), by inserting ''or does not expend allocated funds within the time period specified under section 477(d)(3)'' after ''provided by the Secretary''; and

(2) by adding at the end the following:

''(5) REDISTRIBUTION OF UNEXPENDED AMOUNTS.—

''(A) AVAILABILITY OF AMOUNTS.—To the extent that amounts paid to States under this section in a fiscal year remain unexpended by the States at the end of the succeeding fiscal year, the Secretary may make the amounts available for redistribution in the second succeeding fiscal year among the States that apply for additional funds under this section for that second succeeding fiscal year.

''(B) REDISTRIBUTION.—

''(i) IN GENERAL.—The Secretary shall redistribute the amounts made available under subparagraph (A) for a fiscal year among eligible applicant States. In this subparagraph, the term 'eligible applicant State' means a State that has applied for additional funds for the fiscal year under subparagraph (A) if the Secretary determines that the State will use the funds for the purpose for which originally allotted under this section.

''(ii) AMOUNT TO BE REDISTRIBUTED.—The amount to be redistributed to each eligible applicant State shall be the amount so made available multiplied by the State foster care ratio, (as defined in subsection (c)(4), except that, in such subsection, 'all eligible applicant States (as defined in subsection (d)(5)(B)(i))' shall be substituted for 'all States').

''(iii) TREATMENT OF REDISTRIBUTED AMOUNT.—Any amount made available to a State under this paragraph shall be regarded as part of the allotment of the State under this section for the fiscal year in which the redistribution is made.

''(C) TRIBES.—For purposes of this paragraph, the term 'State' includes an Indian tribe, tribal organization, or tribal consortium that receives an allotment under this section.''.

(c) EXPANDING AND CLARIFYING THE USE OF EDUCATION AND TRAINING VOUCHERS.—

(1) IN GENERAL.—Section 477(i)(3) of such Act (42 U.S.C. 677(i)(3)) is amended—

(A) by striking ''on the date'' and all that follows through ''23'' and inserting ''to remain eligible until they attain 26''; and

(B) by inserting '', but in no event may a youth participate in the program for more than 5 years (whether or not consecutive)'' before the period.

(2) CONFORMING AMENDMENT.—Section 477(i)(1) of such Act (42 U.S.C. 677(i)(1)) is amended by inserting ''who have attained 14 years of age'' before the period.

(d) OTHER IMPROVEMENTS.—Section 477 of such Act (42 U.S.C. 677), as amended by subsections (a), (b), and (c), is amended—

(1) in the section heading, by striking ''**INDEPENDENCE PROGRAM**'' and inserting ''**PROGRAM FOR SUCCESSFUL TRANSITION TO ADULTHOOD**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''identify children who are likely to remain in foster care until 18 years of age and to help these children make the transition to self-sufficiency by providing services'' and inserting ''support all youth who have experienced foster care at age 14 or older in their transition to adulthood through transitional services'';

(ii) by inserting ''and post-secondary education'' after ''high school diploma''; and

(iii) by striking ''training in daily living skills, training in budgeting and financial management skills'' and inserting ''training and opportunities to practice daily living skills (such as financial literacy training and driving instruction)'';

(B) in paragraph (2), by striking ''who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment'' and inserting ''who have experienced foster care at age 14 or older achieve meaningful, permanent connections with a caring adult'';

(C) in paragraph (3), by striking ''who are likely to remain in foster care until 18 years of age prepare for and enter postsecondary training and education institutions'' and inserting ''who have experienced foster care at age 14 or older engage in age or developmentally appropriate activities, positive youth development, and experiential learning that reflects what their peers in intact families experience''; and

(D) by striking paragraph (4) and redesignating paragraphs (5) through (8) as paragraphs (4) through (7);

(3) in subsection (b)—

(A) in paragraph (2)(D), by striking ''adolescents'' and inserting ''youth''; and

(B) in paragraph (3)—

(i) in subparagraph (D)—

(I) by inserting ''including training on youth development'' after ''to provide training''; and

(II) by striking ''adolescents preparing for independent living'' and all that follows through the period and inserting ''youth preparing for a successful transition to adulthood and making a permanent connection with a caring adult.'';

(ii) in subparagraph (H), by striking ''adolescents'' each place it appears and inserting ''youth''; and

(iii) in subparagraph (K)—

(I) by striking ''an adolescent'' and inserting ''a youth''; and

(II) by striking ''the adolescent'' each place it appears and inserting ''the youth''; and

(4) in subsection (f), by striking paragraph (2) and inserting the following:

''(2) REPORT TO CONGRESS.—Not later than October 1, 2019, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the National Youth in Transition Database and any other databases in which States report outcome measures relating to children in foster care and children who have aged out of foster

care or left foster care for kinship guardianship or adoption. The report shall include the following:

''(A) A description of the reasons for entry into foster care and of the foster care experiences, such as length of stay, number of placement settings, case goal, and discharge reason of 17-year-olds who are surveyed by the National Youth in Transition Database and an analysis of the comparison of that description with the reasons for entry and foster care experiences of children of other ages who exit from foster care before attaining age 17.

''(B) A description of the characteristics of the individuals who report poor outcomes at ages 19 and 21 to the National Youth in Transition Database.

''(C) Benchmarks for determining what constitutes a poor outcome for youth who remain in or have exited from foster care and plans the executive branch will take to incorporate these benchmarks in efforts to evaluate child welfare agency performance in providing services to children transitioning from foster care.

''(D) An analysis of the association between types of placement, number of overall placements, time spent in foster care, and other factors, and outcomes at ages 19 and 21.

''(E) An analysis of the differences in outcomes for children in and formerly in foster care at age 19 and 21 among States.''.

(e) CLARIFYING DOCUMENTATION PROVIDED TO FOSTER YOUTH LEAVING FOSTER CARE.—Section 475(5)(I) of such Act (42 U.S.C. 675(5)(I)) is amended by inserting after ''REAL ID Act of 2005'' the following: '', and any official documentation necessary to prove that the child was previously in foster care''.

PART VI—CONTINUING INCENTIVES TO STATES TO PROMOTE ADOPTION AND LEGAL GUARDIANSHIP

SEC. 50761. REAUTHORIZING ADOPTION AND LEGAL GUARDIANSHIP INCENTIVE PROGRAMS.

(a) IN GENERAL.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended—

(1) in subsection (b)(4), by striking ''2013 through 2015'' and inserting ''2016 through 2020'';

(2) in subsection (h)(1)(D), by striking ''2016'' and inserting ''2021''; and

(3) in subsection (h)(2), by striking ''2016'' and inserting ''2021''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on October 1, 2017.

PART VII—TECHNICAL CORRECTIONS

SEC. 50771. TECHNICAL CORRECTIONS TO DATA EXCHANGE STANDARDS TO IMPROVE PROGRAM COORDINATION.

(a) IN GENERAL.—Section 440 of the Social Security Act (42 U.S.C. 629m) is amended to read as follows:

''SEC. 440. DATA EXCHANGE STANDARDS FOR IMPROVED INTEROPERABILITY.

''(a) DESIGNATION.—The Secretary shall, in consultation with an interagency work group established by the Office of Management and Budget and considering State government perspectives, by rule, designate data exchange standards to govern, under this part and part E—

''(1) necessary categories of information that State agencies operating programs under State plans approved under this part are required under applicable Federal law to electronically exchange with another State agency; and

''(2) Federal reporting and data exchange required under applicable Federal law.

''(b) REQUIREMENTS.—The data exchange standards required by paragraph (1) shall, to the extent practicable—

''(1) incorporate a widely accepted, nonproprietary, searchable, computer-readable format, such as the Extensible Markup Language;

''(2) contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;

''(3) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance;

''(4) be consistent with and implement applicable accounting principles;

''(5) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and

''(6) be capable of being continually upgraded as necessary.

''(c) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require a change to existing data exchange standards found to be effective and efficient.''.

(b) EFFECTIVE DATE.—Not later than the date that is 24 months after the date of the enactment of this section, the Secretary of Health and Human Services shall issue a proposed rule that—

(1) identifies federally required data exchanges, include specification and timing of exchanges to be standardized, and address the factors used in determining whether and when to standardize data exchanges; and

(2) specifies State implementation options and describes future milestones.

SEC. 50772. TECHNICAL CORRECTIONS TO STATE REQUIREMENT TO ADDRESS THE DEVELOPMENTAL NEEDS OF YOUNG CHILDREN.

Section 422(b)(18) of the Social Security Act (42 U.S.C. 622(b)(18)) is amended by striking ''such children'' and inserting ''all vulnerable children under 5 years of age''.

PART VIII—ENSURING STATES REINVEST SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE

SEC. 50781. DELAY OF ADOPTION ASSISTANCE PHASE-IN.

(a) IN GENERAL.—The table in section 473(e)(1)(B) of the Social Security Act (42 U.S.C. 673(e)(1)(B)) is amended by striking the last 2 rows and inserting the following:

''2017 through 2023	2
2024	2 (or, in the case of a child for whom an adoption assistance agreement is entered into under this section on or after July 1, 2024, any age)
2025 or thereafter	any age.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if enacted on January 1, 2018.

SEC. 50782. GAO STUDY AND REPORT ON STATE REINVESTMENT OF SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE.

(a) STUDY.—The Comptroller General of the United States shall study the extent to which States are complying with the requirements of section 473(a)(8) of the Social Security Act (42 U.S.C. 673(a)(8)) relating to the effects of phasing out the AFDC income eligibility requirements for adoption assistance payments under section 473 of the Social Security Act, as enacted by section 402 of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110–351; 122 Stat. 3975) and amended by section 206 of the Preventing Sex Trafficking and Strengthening Families Act (Public Law 113–183; 128 Stat. 1919). In particular, the Comptroller General shall analyze the extent to which States are complying with the following requirements under section 473(a)(8)(D) of the Social Security Act:

(1) The requirement to spend an amount equal to the amount of the savings (if any) in State expenditures under part E of title IV of the Social Security Act resulting from phasing out the AFDC income eligibility requirements for adoption assistance payments under section 473 of such Act to provide to children of families any service that may be provided under part B or E of title IV of such Act.

(2) The requirement that a State shall spend not less than 30 percent of the amount of any savings described in paragraph (1) on post-adoption services, post-guardianship services, and services to support and sustain positive permanent outcomes for children who otherwise might enter into foster care under the responsibility of the State, with at least ⅔ of the spending by the State to comply with the 30 percent requirement being spent on post-adoption and post-guardianship services.

(b) REPORT.—The Comptroller General of the United States shall submit to the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Secretary of Health and Human Services a report that contains the results of the study required by subsection (a), including recommendations to ensure compliance with laws referred to in subsection (a).

TITLE VIII—SUPPORTING SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS

SEC. 50801. SHORT TITLE.

This subtitle may be cited as the ''Social Impact Partnerships to Pay for Results Act''.

SEC. 50802. SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS.

Title XX of the Social Security Act (42 U.S.C. 1397 et seq.) is amended—

(1) in the title heading, by striking ''TO STATES'' and inserting ''AND PROGRAMS''; and

(2) by adding at the end the following:

''Subtitle C—Social Impact Demonstration Projects

''PURPOSES

''SEC. 2051. The purposes of this subtitle are the following:

''(1) To improve the lives of families and individuals in need in the United States by funding social programs that achieve real results.

''(2) To redirect funds away from programs that, based on objective data, are ineffective, and into programs that achieve demonstrable, measurable results.

''(3) To ensure Federal funds are used effectively on social services to produce positive outcomes for both service recipients and taxpayers.

''(4) To establish the use of social impact partnerships to address some of our Nation's most pressing problems.

''(5) To facilitate the creation of public-private partnerships that bundle philanthropic or other private resources with existing public spending to scale up effective social interventions already being implemented by private organizations, nonprofits, charitable organizations, and State and local governments across the country.

''(6) To bring pay-for-performance to the social sector, allowing the United States to improve the impact and effectiveness of vital social services programs while redirecting inefficient or duplicative spending.

''(7) To incorporate outcomes measurement and randomized controlled trials or other rigorous methodologies for assessing program impact.

''SOCIAL IMPACT PARTNERSHIP APPLICATION

''SEC. 2052. (a) NOTICE.—Not later than 1 year after the date of the enactment of this

subtitle, the Secretary of the Treasury, in consultation with the Federal Interagency Council on Social Impact Partnerships, shall publish in the Federal Register a request for proposals from States or local governments for social impact partnership projects in accordance with this section.

''(b) REQUIRED OUTCOMES FOR SOCIAL IMPACT PARTNERSHIP PROJECT.—To qualify as a social impact partnership project under this subtitle, a project must produce one or more measurable, clearly defined outcomes that result in social benefit and Federal, State, or local savings through any of the following:

''(1) Increasing work and earnings by individuals in the United States who are unemployed for more than 6 consecutive months.

''(2) Increasing employment and earnings of individuals who have attained 16 years of age but not 25 years of age.

''(3) Increasing employment among individuals receiving Federal disability benefits.

''(4) Reducing the dependence of low-income families on Federal means-tested benefits.

''(5) Improving rates of high school graduation.

''(6) Reducing teen and unplanned pregnancies.

''(7) Improving birth outcomes and early childhood health and development among low-income families and individuals.

''(8) Reducing rates of asthma, diabetes, or other preventable diseases among low-income families and individuals to reduce the utilization of emergency and other high-cost care.

''(9) Increasing the proportion of children living in two-parent families.

''(10) Reducing incidences and adverse consequences of child abuse and neglect.

''(11) Reducing the number of youth in foster care by increasing adoptions, permanent guardianship arrangements, reunifications, or placements with a fit and willing relative, or by avoiding placing children in foster care by ensuring they can be cared for safely in their own homes.

''(12) Reducing the number of children and youth in foster care residing in group homes, child care institutions, agency-operated foster homes, or other non-family foster homes, unless it is determined that it is in the interest of the child's long-term health, safety, or psychological well-being to not be placed in a family foster home.

''(13) Reducing the number of children returning to foster care.

''(14) Reducing recidivism among juvenile offenders, individuals released from prison, or other high-risk populations.

''(15) Reducing the rate of homelessness among our most vulnerable populations.

''(16) Improving the health and well-being of those with mental, emotional, and behavioral health needs.

''(17) Improving the educational outcomes of special-needs or low-income children.

''(18) Improving the employment and well-being of returning United States military members.

''(19) Increasing the financial stability of low-income families.

''(20) Increasing the independence and employability of individuals who are physically or mentally disabled.

''(21) Other measurable outcomes defined by the State or local government that result in positive social outcomes and Federal savings.

''(c) APPLICATION REQUIRED.—The notice described in subsection (a) shall require a State or local government to submit an application for the social impact partnership project that addresses the following:

''(1) The outcome goals of the project.

''(2) A description of each intervention in the project and anticipated outcomes of the intervention.

''(3) Rigorous evidence demonstrating that the intervention can be expected to produce the desired outcomes.

''(4) The target population that will be served by the project.

''(5) The expected social benefits to participants who receive the intervention and others who may be impacted.

''(6) Projected Federal, State, and local government costs and other costs to conduct the project.

''(7) Projected Federal, State, and local government savings and other savings, including an estimate of the savings to the Federal Government, on a program-by-program basis and in the aggregate, if the project is implemented and the outcomes are achieved as a result of the intervention.

''(8) If savings resulting from the successful completion of the project are estimated to accrue to the State or local government, the likelihood of the State or local government to realize those savings.

''(9) A plan for delivering the intervention through a social impact partnership model.

''(10) A description of the expertise of each service provider that will administer the intervention, including a summary of the experience of the service provider in delivering the proposed intervention or a similar intervention, or demonstrating that the service provider has the expertise necessary to deliver the proposed intervention.

''(11) An explanation of the experience of the State or local government, the intermediary, or the service provider in raising private and philanthropic capital to fund social service investments.

''(12) The detailed roles and responsibilities of each entity involved in the project, including any State or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

''(13) A summary of the experience of the service provider in delivering the proposed intervention or a similar intervention, or a summary demonstrating the service provider has the expertise necessary to deliver the proposed intervention.

''(14) A summary of the unmet need in the area where the intervention will be delivered or among the target population who will receive the intervention.

''(15) The proposed payment terms, the methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

''(16) The project budget.

''(17) The project timeline.

''(18) The criteria used to determine the eligibility of an individual for the project, including how selected populations will be identified, how they will be referred to the project, and how they will be enrolled in the project.

''(19) The evaluation design.

''(20) The metrics that will be used in the evaluation to determine whether the outcomes have been achieved as a result of the intervention and how the metrics will be measured.

''(21) An explanation of how the metrics used in the evaluation to determine whether the outcomes achieved as a result of the intervention are independent, objective indicators of impact and are not subject to manipulation by the service provider, intermediary, or investor.

''(22) A summary explaining the independence of the evaluator from the other entities involved in the project and the evaluator's experience in conducting rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials on the intervention or similar interventions.

''(23) The capacity of the service provider to deliver the intervention to the number of participants the State or local government proposes to serve in the project.

''(24) A description of whether and how the State or local government and service providers plan to sustain the intervention, if it is timely and appropriate to do so, to ensure that successful interventions continue to operate after the period of the social impact partnership.

''(d) PROJECT INTERMEDIARY INFORMATION REQUIRED.—The application described in subsection (c) shall also contain the following information about any intermediary for the social impact partnership project (whether an intermediary is a service provider or other entity):

''(1) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

''(2) The mission and goals.

''(3) Information on whether the intermediary is already working with service providers that provide this intervention or an explanation of the capacity of the intermediary to begin working with service providers to provide the intervention.

''(4) Experience working in a collaborative environment across government and non-governmental entities.

''(5) Previous experience collaborating with public or private entities to implement evidence-based programs.

''(6) Ability to raise or provide funding to cover operating costs (if applicable to the project).

''(7) Capacity and infrastructure to track outcomes and measure results, including—

''(A) capacity to track and analyze program performance and assess program impact; and

''(B) experience with performance-based awards or performance-based contracting and achieving project milestones and targets.

''(8) Role in delivering the intervention.

''(9) How the intermediary would monitor program success, including a description of the interim benchmarks and outcome measures.

''(e) FEASIBILITY STUDIES FUNDED THROUGH OTHER SOURCES.—The notice described in subsection (a) shall permit a State or local government to submit an application for social impact partnership funding that contains information from a feasibility study developed for purposes other than applying for funding under this subtitle.

''AWARDING SOCIAL IMPACT PARTNERSHIP AGREEMENTS

''SEC. 2053. (a) TIMELINE IN AWARDING AGREEMENT.—Not later than 6 months after receiving an application in accordance with section 2052, the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, shall determine whether to enter into an agreement for a social impact partnership project with a State or local government.

''(b) CONSIDERATIONS IN AWARDING AGREEMENT.—In determining whether to enter into an agreement for a social impact partnership project (the application for which was submitted under section 2052) the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships and the head of any Federal agency administering a similar intervention or serving a population similar to that served by the project, shall consider each of the following:

''(1) The recommendations made by the Commission on Social Impact Partnerships.

''(2) The value to the Federal Government of the outcomes expected to be achieved if

the outcomes specified in the agreement are achieved as a result of the intervention.

''(3) The likelihood, based on evidence provided in the application and other evidence, that the State or local government in collaboration with the intermediary and the service providers will achieve the outcomes.

''(4) The savings to the Federal Government if the outcomes specified in the agreement are achieved as a result of the intervention.

''(5) The savings to the State and local governments if the outcomes specified in the agreement are achieved as a result of the intervention.

''(6) The expected quality of the evaluation that would be conducted with respect to the agreement.

''(7) The capacity and commitment of the State or local government to sustain the intervention, if appropriate and timely and if the intervention is successful, beyond the period of the social impact partnership.

''(c) AGREEMENT AUTHORITY.—

''(1) AGREEMENT REQUIREMENTS.—In accordance with this section, the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships and the head of any Federal agency administering a similar intervention or serving a population similar to that served by the project, may enter into an agreement for a social impact partnership project with a State or local government if the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, determines that each of the following requirements are met:

''(A) The State or local government agrees to achieve one or more outcomes as a result of the intervention, as specified in the agreement and validated by independent evaluation, in order to receive payment.

''(B) The Federal payment to the State or local government for each specified outcome achieved as a result of the intervention is less than or equal to the value of the outcome to the Federal Government over a period not to exceed 10 years, as determined by the Secretary, in consultation with the State or local government.

''(C) The duration of the project does not exceed 10 years.

''(D) The State or local government has demonstrated, through the application submitted under section 2052, that, based on prior rigorous experimental evaluations or rigorous quasi-experimental studies, the intervention can be expected to achieve each outcome specified in the agreement.

''(E) The State, local government, intermediary, or service provider has experience raising private or philanthropic capital to fund social service investments (if applicable to the project).

''(F) The State or local government has shown that each service provider has experience delivering the intervention, a similar intervention, or has otherwise demonstrated the expertise necessary to deliver the intervention.

''(2) PAYMENT.—The Secretary shall pay the State or local government only if the independent evaluator described in section 2055 determines that the social impact partnership project has met the requirements specified in the agreement and achieved an outcome as a result of the intervention, as specified in the agreement and validated by independent evaluation.

''(d) NOTICE OF AGREEMENT AWARD.—Not later than 30 days after entering into an agreement under this section the Secretary shall publish a notice in the Federal Register that includes, with regard to the agreement, the following:

''(1) The outcome goals of the social impact partnership project.

''(2) A description of each intervention in the project.

''(3) The target population that will be served by the project.

''(4) The expected social benefits to participants who receive the intervention and others who may be impacted.

''(5) The detailed roles, responsibilities, and purposes of each Federal, State, or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

''(6) The payment terms, the methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

''(7) The project budget.

''(8) The project timeline.

''(9) The project eligibility criteria.

''(10) The evaluation design.

''(11) The metrics that will be used in the evaluation to determine whether the outcomes have been achieved as a result of each intervention and how these metrics will be measured.

''(12) The estimate of the savings to the Federal, State, and local government, on a program-by-program basis and in the aggregate, if the agreement is entered into and implemented and the outcomes are achieved as a result of each intervention.

''(e) AUTHORITY TO TRANSFER ADMINISTRATION OF AGREEMENT.—The Secretary may transfer to the head of another Federal agency the authority to administer (including making payments under) an agreement entered into under subsection (c), and any funds necessary to do so.

''(f) REQUIREMENT ON FUNDING USED TO BENEFIT CHILDREN.—Not less than 50 percent of all Federal payments made to carry out agreements under this section shall be used for initiatives that directly benefit children.

''FEASIBILITY STUDY FUNDING

''SEC. 2054. (a) REQUESTS FOR FUNDING FOR FEASIBILITY STUDIES.—The Secretary shall reserve a portion of the amount made available to carry out this subtitle to assist States or local governments in developing feasibility studies to apply for social impact partnership funding under section 2052. To be eligible to receive funding to assist with completing a feasibility study, a State or local government shall submit an application for feasibility study funding addressing the following:

''(1) A description of the outcome goals of the social impact partnership project.

''(2) A description of the intervention, including anticipated program design, target population, an estimate regarding the number of individuals to be served, and setting for the intervention.

''(3) Evidence to support the likelihood that the intervention will produce the desired outcomes.

''(4) A description of the potential metrics to be used.

''(5) The expected social benefits to participants who receive the intervention and others who may be impacted.

''(6) Estimated costs to conduct the project.

''(7) Estimates of Federal, State, and local government savings and other savings if the project is implemented and the outcomes are achieved as a result of each intervention.

''(8) An estimated timeline for implementation and completion of the project, which shall not exceed 10 years.

''(9) With respect to a project for which the State or local government selects an intermediary to operate the project, any partnerships needed to successfully execute the project and the ability of the intermediary to foster the partnerships.

''(10) The expected resources needed to complete the feasibility study for the State or local government to apply for social impact partnership funding under section 2052.

''(b) FEDERAL SELECTION OF APPLICATIONS FOR FEASIBILITY STUDY.—Not later than 6 months after receiving an application for feasibility study funding under subsection (a), the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships and the head of any Federal agency administering a similar intervention or serving a population similar to that served by the project, shall select State or local government feasibility study proposals for funding based on the following:

''(1) The recommendations made by the Commission on Social Impact Partnerships.

''(2) The likelihood that the proposal will achieve the desired outcomes.

''(3) The value of the outcomes expected to be achieved as a result of each intervention.

''(4) The potential savings to the Federal Government if the social impact partnership project is successful.

''(5) The potential savings to the State and local governments if the project is successful.

''(c) PUBLIC DISCLOSURE.—Not later than 30 days after selecting a State or local government for feasibility study funding under this section, the Secretary shall cause to be published on the website of the Federal Interagency Council on Social Impact Partnerships information explaining why a State or local government was granted feasibility study funding.

''(d) FUNDING RESTRICTION.—

''(1) FEASIBILITY STUDY RESTRICTION.—The Secretary may not provide feasibility study funding under this section for more than 50 percent of the estimated total cost of the feasibility study reported in the State or local government application submitted under subsection (a).

''(2) AGGREGATE RESTRICTION.—Of the total amount made available to carry out this subtitle, the Secretary may not use more than $10,000,000 to provide feasibility study funding to States or local governments under this section.

''(3) NO GUARANTEE OF FUNDING.—The Secretary shall have the option to award no funding under this section.

''(e) SUBMISSION OF FEASIBILITY STUDY REQUIRED.—Not later than 9 months after the receipt of feasibility study funding under this section, a State or local government receiving the funding shall complete the feasibility study and submit the study to the Federal Interagency Council on Social Impact Partnerships.

''(f) DELEGATION OF AUTHORITY.—The Secretary may transfer to the head of another Federal agency the authorities provided in this section and any funds necessary to exercise the authorities.

''EVALUATIONS

''SEC. 2055. (a) AUTHORITY TO ENTER INTO AGREEMENTS.—For each State or local government awarded a social impact partnership project approved by the Secretary under this subtitle, the head of the relevant agency, as recommended by the Federal Interagency Council on Social Impact Partnerships and determined by the Secretary, shall enter into an agreement with the State or local government to pay for all or part of the independent evaluation to determine whether the State or local government project has achieved a specific outcome as a result of the intervention in order for the State or local government to receive outcome payments under this subtitle.

''(b) EVALUATOR QUALIFICATIONS.—The head of the relevant agency may not enter into an agreement with a State or local government unless the head determines that the evaluator is independent of the other parties

to the agreement and has demonstrated substantial experience in conducting rigorous evaluations of program effectiveness including, where available and appropriate, well-implemented randomized controlled trials on the intervention or similar interventions.

''(c) METHODOLOGIES TO BE USED.—The evaluation used to determine whether a State or local government will receive outcome payments under this subtitle shall use experimental designs using random assignment or other reliable, evidence-based research methodologies, as certified by the Federal Interagency Council on Social Impact Partnerships, that allow for the strongest possible causal inferences when random assignment is not feasible.

''(d) PROGRESS REPORT.—

''(1) SUBMISSION OF REPORT.—The independent evaluator shall—

''(A) not later than 2 years after a project has been approved by the Secretary and biannually thereafter until the project is concluded, submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a written report summarizing the progress that has been made in achieving each outcome specified in the agreement; and

''(B) before the scheduled time of the first outcome payment and before the scheduled time of each subsequent payment, submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a written report that includes the results of the evaluation conducted to determine whether an outcome payment should be made along with information on the unique factors that contributed to achieving or failing to achieve the outcome, the challenges faced in attempting to achieve the outcome, and information on the improved future delivery of this or similar interventions.

''(2) SUBMISSION TO THE SECRETARY AND CONGRESS.—Not later than 30 days after receipt of the written report pursuant to paragraph (1)(B), the Federal Interagency Council on Social Impact Partnerships shall submit the report to the Secretary and each committee of jurisdiction in the House of Representatives and the Senate.

''(e) FINAL REPORT.—

''(1) SUBMISSION OF REPORT.—Within 6 months after the social impact partnership project is completed, the independent evaluator shall—

''(A) evaluate the effects of the activities undertaken pursuant to the agreement with regard to each outcome specified in the agreement; and

''(B) submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a written report that includes the results of the evaluation and the conclusion of the evaluator as to whether the State or local government has fulfilled each obligation of the agreement, along with information on the unique factors that contributed to the success or failure of the project, the challenges faced in attempting to achieve the outcome, and information on the improved future delivery of this or similar interventions.

''(2) SUBMISSION TO THE SECRETARY AND CONGRESS.—Not later than 30 days after receipt of the written report pursuant to paragraph (1)(B), the Federal Interagency Council on Social Impact Partnerships shall submit the report to the Secretary and each committee of jurisdiction in the House of Representatives and the Senate.

''(f) LIMITATION ON COST OF EVALUATIONS.—Of the amount made available under this subtitle for social impact partnership projects, the Secretary may not obligate more than 15 percent to evaluate the implementation and outcomes of the projects.

''(g) DELEGATION OF AUTHORITY.—The Secretary may transfer to the head of another Federal agency the authorities provided in this section and any funds necessary to exercise the authorities.

''FEDERAL INTERAGENCY COUNCIL ON SOCIAL IMPACT PARTNERSHIPS

''SEC. 2056. (a) ESTABLISHMENT.—There is established the Federal Interagency Council on Social Impact Partnerships (in this section referred to as the 'Council') to—

''(1) coordinate with the Secretary on the efforts of social impact partnership projects funded under this subtitle;

''(2) advise and assist the Secretary in the development and implementation of the projects;

''(3) advise the Secretary on specific programmatic and policy matter related to the projects;

''(4) provide subject-matter expertise to the Secretary with regard to the projects;

''(5) certify to the Secretary that each State or local government that has entered into an agreement with the Secretary for a social impact partnership project under this subtitle and each evaluator selected by the head of the relevant agency under section 2055 has access to Federal administrative data to assist the State or local government and the evaluator in evaluating the performance and outcomes of the project;

''(6) address issues that will influence the future of social impact partnership projects in the United States;

''(7) provide guidance to the executive branch on the future of social impact partnership projects in the United States;

''(8) prior to approval by the Secretary, certify that each State and local government application for a social impact partnership contains rigorous, independent data and reliable, evidence-based research methodologies to support the conclusion that the project will yield savings to the State or local government or the Federal Government if the project outcomes are achieved;

''(9) certify to the Secretary, in the case of each approved social impact partnership that is expected to yield savings to the Federal Government, that the project will yield a projected savings to the Federal Government if the project outcomes are achieved, and coordinate with the relevant Federal agency to produce an after-action accounting once the project is complete to determine the actual Federal savings realized, and the extent to which actual savings aligned with projected savings; and

''(10) provide periodic reports to the Secretary and make available reports periodically to Congress and the public on the implementation of this subtitle.

''(b) COMPOSITION OF COUNCIL.—The Council shall have 11 members, as follows:

''(1) CHAIR.—The Chair of the Council shall be the Director of the Office of Management and Budget.

''(2) OTHER MEMBERS.—The head of each of the following entities shall designate one officer or employee of the entity to be a Council member:

''(A) The Department of Labor.

''(B) The Department of Health and Human Services.

''(C) The Social Security Administration.

''(D) The Department of Agriculture.

''(E) The Department of Justice.

''(F) The Department of Housing and Urban Development.

''(G) The Department of Education.

''(H) The Department of Veterans Affairs.

''(I) The Department of the Treasury.

''(J) The Corporation for National and Community Service.

''COMMISSION ON SOCIAL IMPACT PARTNERSHIPS

''SEC. 2057. (a) ESTABLISHMENT.—There is established the Commission on Social Impact Partnerships (in this section referred to as the 'Commission').

''(b) DUTIES.—The duties of the Commission shall be to—

''(1) assist the Secretary and the Federal Interagency Council on Social Impact Partnerships in reviewing applications for funding under this subtitle;

''(2) make recommendations to the Secretary and the Federal Interagency Council on Social Impact Partnerships regarding the funding of social impact partnership agreements and feasibility studies; and

''(3) provide other assistance and information as requested by the Secretary or the Federal Interagency Council on Social Impact Partnerships.

''(c) COMPOSITION.—The Commission shall be composed of nine members, of whom—

''(1) one shall be appointed by the President, who will serve as the Chair of the Commission;

''(2) one shall be appointed by the Majority Leader of the Senate;

''(3) one shall be appointed by the Minority Leader of the Senate;

''(4) one shall be appointed by the Speaker of the House of Representatives;

''(5) one shall be appointed by the Minority Leader of the House of Representatives;

''(6) one shall be appointed by the Chairman of the Committee on Finance of the Senate;

''(7) one shall be appointed by the ranking member of the Committee on Finance of the Senate;

''(8) one member shall be appointed by the Chairman of the Committee on Ways and Means of the House of Representatives; and

''(9) one shall be appointed by the ranking member of the Committee on Ways and Means of the House of Representatives.

''(d) QUALIFICATIONS OF COMMISSION MEMBERS.—The members of the Commission shall—

''(1) be experienced in finance, economics, pay for performance, or program evaluation;

''(2) have relevant professional or personal experience in a field related to one or more of the outcomes listed in this subtitle; or

''(3) be qualified to review applications for social impact partnership projects to determine whether the proposed metrics and evaluation methodologies are appropriately rigorous and reliant upon independent data and evidence-based research.

''(e) TIMING OF APPOINTMENTS.—The appointments of the members of the Commission shall be made not later than 120 days after the date of the enactment of this subtitle, or, in the event of a vacancy, not later than 90 days after the date the vacancy arises. If a member of Congress fails to appoint a member by that date, the President may select a member of the President's choice on behalf of the member of Congress. Notwithstanding the preceding sentence, if not all appointments have been made to the Commission as of that date, the Commission may operate with no fewer than five members until all appointments have been made.

''(f) TERM OF APPOINTMENTS.—

''(1) IN GENERAL.—The members appointed under subsection (c) shall serve as follows:

''(A) Three members shall serve for 2 years.

''(B) Three members shall serve for 3 years.

''(C) Three members (one of which shall be Chair of the Commission appointed by the President) shall serve for 4 years.

''(2) ASSIGNMENT OF TERMS.—The Commission shall designate the term length that each member appointed under subsection (c) shall serve by unanimous agreement. In the event that unanimous agreement cannot be

reached, term lengths shall be assigned to the members by a random process.

''(g) VACANCIES.—Subject to subsection (e), in the event of a vacancy in the Commission, whether due to the resignation of a member, the expiration of a member's term, or any other reason, the vacancy shall be filled in the manner in which the original appointment was made and shall not affect the powers of the Commission.

''(h) APPOINTMENT POWER.—Members of the Commission appointed under subsection (c) shall not be subject to confirmation by the Senate.

''LIMITATION ON USE OF FUNDS

''SEC. 2058. Of the amounts made available to carry out this subtitle, the Secretary may not use more than $2,000,000 in any fiscal year to support the review, approval, and oversight of social impact partnership projects, including activities conducted by—

''(1) the Federal Interagency Council on Social Impact Partnerships; and

''(2) any other agency consulted by the Secretary before approving a social impact partnership project or a feasibility study under section 2054.

''NO FEDERAL FUNDING FOR CREDIT ENHANCEMENTS

''SEC. 2059. No amount made available to carry out this subtitle may be used to provide any insurance, guarantee, or other credit enhancement to a State or local government under which a Federal payment would be made to a State or local government as the result of a State or local government failing to achieve an outcome specified in an agreement.

''AVAILABILITY OF FUNDS

''SEC. 2060. Amounts made available to carry out this subtitle shall remain available until 10 years after the date of the enactment of this subtitle.

''WEBSITE

''SEC. 2061. The Federal Interagency Council on Social Impact Partnerships shall establish and maintain a public website that shall display the following:

''(1) A copy of, or method of accessing, each notice published regarding a social impact partnership project pursuant to this subtitle.

''(2) A copy of each feasibility study funded under this subtitle.

''(3) For each State or local government that has entered into an agreement with the Secretary for a social impact partnership project, the website shall contain the following information:

''(A) The outcome goals of the project.

''(B) A description of each intervention in the project.

''(C) The target population that will be served by the project.

''(D) The expected social benefits to participants who receive the intervention and others who may be impacted.

''(E) The detailed roles, responsibilities, and purposes of each Federal, State, or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

''(F) The payment terms, methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

''(G) The project budget.

''(H) The project timeline.

''(I) The project eligibility criteria.

''(J) The evaluation design.

''(K) The metrics used to determine whether the proposed outcomes have been achieved and how these metrics are measured.

''(4) A copy of the progress reports and the final reports relating to each social impact partnership project.

''(5) An estimate of the savings to the Federal, State, and local government, on a program-by-program basis and in the aggregate, resulting from the successful completion of the social impact partnership project.

''REGULATIONS

''SEC. 2062. The Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, may issue regulations as necessary to carry out this subtitle.

''DEFINITIONS

''SEC. 2063. In this subtitle:

''(1) AGENCY.—The term 'agency' has the meaning given that term in section 551 of title 5, United States Code.

''(2) INTERVENTION.—The term 'intervention' means a specific service delivered to achieve an impact through a social impact partnership project.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(4) SOCIAL IMPACT PARTNERSHIP PROJECT.—The term 'social impact partnership project' means a project that finances social services using a social impact partnership model.

''(5) SOCIAL IMPACT PARTNERSHIP MODEL.—The term 'social impact partnership model' means a method of financing social services in which—

''(A) Federal funds are awarded to a State or local government only if a State or local government achieves certain outcomes agreed on by the State or local government and the Secretary; and

''(B) the State or local government coordinates with service providers, investors (if applicable to the project), and (if necessary) an intermediary to identify—

''(i) an intervention expected to produce the outcome;

''(ii) a service provider to deliver the intervention to the target population; and

''(iii) investors to fund the delivery of the intervention.

''(6) STATE.—The term 'State' means each State of the United States, the District of Columbia, each commonwealth, territory or possession of the United States, and each federally recognized Indian tribe.

''FUNDING

''SEC. 2064. Out of any money in the Treasury of the United States not otherwise appropriated, there is hereby appropriated $100,000,000 for fiscal year 2018 to carry out this subtitle.''.

TITLE IX—PUBLIC HEALTH PROGRAMS

SEC. 50901. EXTENSION FOR COMMUNITY HEALTH CENTERS, THE NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GME PROGRAMS.

(a) COMMUNITY HEALTH CENTERS FUNDING.—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)), as amended by section 3101 of Public Law 115-96, is amended to read as follows:

''(F) $3,800,000,000 for fiscal year 2018 and $4,000,000,000 for fiscal year 2019.''.

(b) OTHER COMMUNITY HEALTH CENTERS PROVISIONS.—Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended—

(1) in subsection (b)(1)(A)(ii), by striking ''abuse'' and inserting ''use disorder'';

(2) in subsection (b)(2)(A), by striking ''abuse'' and inserting ''use disorder'';

(3) in subsection (c)—

(A) in paragraph (1), by striking subparagraphs (B) through (D);

(B) by striking ''(1) IN GENERAL'' and all that follows through ''The Secretary'' and inserting the following:

''(1) CENTERS.—The Secretary''; and

(C) in paragraph (1), as amended, by redesignating clauses (i) through (v) as subparagraphs (A) through (E) and moving the margin of each of such redesignated subparagraph 2 ems to the left;

(4) by striking subsection (d) and inserting the following:

''(d) IMPROVING QUALITY OF CARE.—

''(1) SUPPLEMENTAL AWARDS.—The Secretary may award supplemental grant funds to health centers funded under this section to implement evidence-based models for increasing access to high-quality primary care services, which may include models related to—

''(A) improving the delivery of care for individuals with multiple chronic conditions;

''(B) workforce configuration;

''(C) reducing the cost of care;

''(D) enhancing care coordination;

''(E) expanding the use of telehealth and technology-enabled collaborative learning and capacity building models;

''(F) care integration, including integration of behavioral health, mental health, or substance use disorder services; and

''(G) addressing emerging public health or substance use disorder issues to meet the health needs of the population served by the health center.

''(2) SUSTAINABILITY.—In making supplemental awards under this subsection, the Secretary may consider whether the health center involved has submitted a plan for continuing the activities funded under this subsection after supplemental funding is expended.

''(3) SPECIAL CONSIDERATION.—The Secretary may give special consideration to applications for supplemental funding under this subsection that seek to address significant barriers to access to care in areas with a greater shortage of health care providers and health services relative to the national average.'';

(5) in subsection (e)(1)—

(A) in subparagraph (B)—

(i) by striking ''2 years'' and inserting ''1 year''; and

(ii) by adding at the end the following: ''The Secretary shall not make a grant under this paragraph unless the applicant provides assurances to the Secretary that within 120 days of receiving grant funding for the operation of the health center, the applicant will submit, for approval by the Secretary, an implementation plan to meet the requirements of subsection (k)(3). The Secretary may extend such 120-day period for achieving compliance upon a demonstration of good cause by the health center.''; and

(B) in subparagraph (C)—

(i) in the subparagraph heading, by striking ''AND PLANS'';

(ii) by striking ''or plan (as described in subparagraphs (B) and (C) of subsection (c)(1))'';

(iii) by striking ''or plan, including the purchase'' and inserting the following: ''including—

''(i) the purchase'';

(iv) by inserting '', which may include data and information systems'' after ''of equipment'';

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

(vi) by adding at the end the following:

''(ii) the provision of training and technical assistance; and

''(iii) other activities that—

''(I) reduce costs associated with the provision of health services;

''(II) improve access to, and availability of, health services provided to individuals served by the centers;

''(III) enhance the quality and coordination of health services; or

''(IV) improve the health status of communities.'';

(6) in subsection (e)(5)(B)—

(A) in the heading of subparagraph (B), by striking ''AND PLANS''; and

(B) by striking ''and subparagraphs (B) and (C) of subsection (c)(1) to a health center or to a network or plan'' and inserting ''to a health center or to a network'';

(7) in subsection (e), by adding at the end the following:

''(6) NEW ACCESS POINTS AND EXPANDED SERVICES.—

''(A) APPROVAL OF NEW ACCESS POINTS.—

''(i) IN GENERAL.—The Secretary may approve applications for grants under subparagraph (A) or (B) of paragraph (1) to establish new delivery sites.

''(ii) SPECIAL CONSIDERATION.—In carrying out clause (i), the Secretary may give special consideration to applicants that have demonstrated the new delivery site will be located within a sparsely populated area, or an area which has a level of unmet need that is higher relative to other applicants.

''(iii) CONSIDERATION OF APPLICATIONS.—In carrying out clause (i), the Secretary shall approve applications for grants in such a manner that the ratio of the medically underserved populations in rural areas which may be expected to use the services provided by the applicants involved to the medically underserved populations in urban areas which may be expected to use the services provided by the applicants is not less than two to three or greater than three to two.

''(iv) SERVICE AREA OVERLAP.—If in carrying out clause (i) the applicant proposes to serve an area that is currently served by another health center funded under this section, the Secretary may consider whether the award of funding to an additional health center in the area can be justified based on the unmet need for additional services within the catchment area.

''(B) APPROVAL OF EXPANDED SERVICE APPLICATIONS.—

''(i) IN GENERAL.—The Secretary may approve applications for grants under subparagraph (A) or (B) of paragraph (1) to expand the capacity of the applicant to provide required primary health services described in subsection (b)(1) or additional health services described in subsection (b)(2).

''(ii) PRIORITY EXPANSION PROJECTS.—In carrying out clause (i), the Secretary may give special consideration to expanded service applications that seek to address emerging public health or behavioral health, mental health, or substance abuse issues through increasing the availability of additional health services described in subsection (b)(2) in an area in which there are significant barriers to accessing care.

''(iii) CONSIDERATION OF APPLICATIONS.—In carrying out clause (i), the Secretary shall approve applications for grants in such a manner that the ratio of the medically underserved populations in rural areas which may be expected to use the services provided by the applicants involved to the medically underserved populations in urban areas which may be expected to use the services provided by such applicants is not less than two to three or greater than three to two.'';

(8) in subsection (h)—

(A) in paragraph (1), by striking ''and children and youth at risk of homelessness'' and inserting '', children and youth at risk of homelessness, homeless veterans, and veterans at risk of homelessness''; and

(B) in paragraph (5)—

(i) by striking subparagraph (B);

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(iii) in subparagraph (B) (as so redesignated)—

(I) in the subparagraph heading, by striking ''ABUSE'' and inserting ''USE DISORDER''; and

(II) by striking ''abuse'' and inserting ''use disorder'';

(9) in subsection (k)—

(A) in paragraph (2)—

(i) in the paragraph heading, by inserting ''UNMET'' before ''NEED'';

(ii) in the matter preceding subparagraph (A), by inserting ''or subsection (e)(6)'' after ''subsection (e)(1)'';

(iii) in subparagraph (A), by inserting ''unmet'' before ''need for health services'';

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

(v) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(vi) by adding after subparagraph (C) the following:

''(D) in the case of an application for a grant pursuant to subsection (e)(6), a demonstration that the applicant has consulted with appropriate State and local government agencies, and health care providers regarding the need for the health services to be provided at the proposed delivery site.'';

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting ''or subsection (e)(6)'' after ''subsection (e)(1)(B)'';

(ii) in subparagraph (B), by striking ''in the catchment area of the center'' and inserting '', including other health care providers that provide care within the catchment area, local hospitals, and specialty providers in the catchment area of the center, to provide access to services not available through the health center and to reduce the non-urgent use of hospital emergency departments'';

(iii) in subparagraph (H)(ii), by inserting ''who shall be directly employed by the center'' after ''approves the selection of a director for the center'';

(iv) in subparagraph (L), by striking ''and'' at the end;

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

(vi) by inserting after subparagraph (M), the following:

''(N) the center has written policies and procedures in place to ensure the appropriate use of Federal funds in compliance with applicable Federal statutes, regulations, and the terms and conditions of the Federal award.''; and

(C) by striking paragraph (4);

(10) in subsection (l), by adding at the end the following: ''Funds expended to carry out activities under this subsection and operational support activities under subsection (m) shall not exceed 3 percent of the amount appropriated for this section for the fiscal year involved.'';

(11) in subsection (q)(4), by adding at the end the following: ''A waiver provided by the Secretary under this paragraph may not remain in effect for more than 1 year and may not be extended after such period. An entity may not receive more than one waiver under this paragraph in consecutive years.'';

(12) in subsection (r)(3)—

(A) by striking ''appropriate committees of Congress a report concerning the distribution of funds under this section'' and inserting the following: ''Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report including, at a minimum—

''(A) the distribution of funds for carrying out this section'';

(B) by striking ''populations. Such report shall include an assessment'' and inserting the following: ''populations;

''(B) an assessment'';

(C) by striking ''and the rationale for any substantial changes in the distribution of funds.'' and inserting a semicolon; and

(D) by adding at the end the following:

''(C) the distribution of awards and funding for new or expanded services in each of rural areas and urban areas;

''(D) the distribution of awards and funding for establishing new access points, and the number of new access points created;

''(E) the amount of unexpended funding for loan guarantees and loan guarantee authority under title XVI;

''(F) the rationale for any substantial changes in the distribution of funds;

''(G) the rate of closures for health centers and access points;

''(H) the number and reason for any grants awarded pursuant to subsection (e)(1)(B); and

''(I) the number and reason for any waivers provided pursuant to subsection (q)(4).'';

(13) in subsection (r), by adding at the end the following new paragraph:

''(5) FUNDING FOR PARTICIPATION OF HEALTH CENTERS IN ALL OF US RESEARCH PROGRAM.—In addition to any amounts made available pursuant to paragraph (1) of this subsection, section 402A of this Act, or section 10503 of the Patient Protection and Affordable Care Act, there is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, to the Secretary $25,000,000 for fiscal year 2018 to support the participation of health centers in the All of Us Research Program under the Precision Medicine Initiative under section 498E of this Act.''; and

(14) by striking subsection (s).

(c) NATIONAL HEALTH SERVICE CORPS.—Section 10503(b)(2)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)(F)), as amended by section 3101 of Public Law 115-96, is amended to read as follows:

''(F) $310,000,000 for each of fiscal years 2018 and 2019.''.

(d) TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.—

(1) PAYMENTS.—Subsection (a) of section 340H of the Public Health Service Act (42 U.S.C. 256h) is amended to read as follows:

''(a) PAYMENTS.—

''(1) IN GENERAL.—Subject to subsection (h)(2), the Secretary shall make payments under this section for direct expenses and indirect expenses to qualified teaching health centers that are listed as sponsoring institutions by the relevant accrediting body for, as appropriate—

''(A) maintenance of filled positions at existing approved graduate medical residency training programs;

''(B) expansion of existing approved graduate medical residency training programs; and

''(C) establishment of new approved graduate medical residency training programs.

''(2) PER RESIDENT AMOUNT.—In making payments under paragraph (1), the Secretary shall consider the cost of training residents at teaching health centers and the implications of the per resident amount on approved graduate medical residency training programs at teaching health centers.

''(3) PRIORITY.—In making payments under paragraph (1)(C), the Secretary shall give priority to qualified teaching health centers that—

''(A) serve a health professional shortage area with a designation in effect under section 332 or a medically underserved community (as defined in section 799B); or

''(B) are located in a rural area (as defined in section 1886(d)(2)(D) of the Social Security Act).''.

(2) FUNDING.—Paragraph (1) of section 340H(g) of the Public Health Service Act (42 U.S.C. 256h(g)), as amended by section 3101 of Public Law 115-96, is amended by striking ''and $30,000,000 for the period of the first and

second quarters of fiscal year 2018,'' and inserting ''and $126,500,000 for each of fiscal years 2018 and 2019,''.

(3) ANNUAL REPORTING.—Subsection (h)(1) of section 340H of the Public Health Service Act (42 U.S.C. 256h) is amended—

(A) by redesignating subparagraph (D) as subparagraph (H); and

(B) by inserting after subparagraph (C) the following:

''(D) The number of patients treated by residents described in paragraph (4).

''(E) The number of visits by patients treated by residents described in paragraph (4).

''(F) Of the number of residents described in paragraph (4) who completed their residency training at the end of such residency academic year, the number and percentage of such residents entering primary care practice (meaning any of the areas of practice listed in the definition of a primary care residency program in section 749A).

''(G) Of the number of residents described in paragraph (4) who completed their residency training at the end of such residency academic year, the number and percentage of such residents who entered practice at a health care facility—

''(i) primarily serving a health professional shortage area with a designation in effect under section 332 or a medically underserved community (as defined in section 799B); or

''(ii) located in a rural area (as defined in section 1886(d)(2)(D) of the Social Security Act).''.

(4) REPORT ON TRAINING COSTS.—Not later than March 31, 2019, the Secretary of Health and Human Services shall submit to the Congress a report on the direct graduate expenses of approved graduate medical residency training programs, and the indirect expenses associated with the additional costs of teaching residents, of qualified teaching health centers (as such terms are used or defined in section 340H of the Public Health Service Act (42 U.S.C. 256h)).

(5) DEFINITION.—Subsection (j) of section 340H of the Public Health Service Act (42 U.S.C. 256h) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) NEW APPROVED GRADUATE MEDICAL RESIDENCY TRAINING PROGRAM.—The term 'new approved graduate medical residency training program' means an approved graduate medical residency training program for which the sponsoring qualified teaching health center has not received a payment under this section for a previous fiscal year (other than pursuant to subsection (a)(1)(C)).''.

(6) TECHNICAL CORRECTION.—Subsection (f) of section 340H (42 U.S.C. 256h) is amended by striking ''hospital'' each place it appears and inserting ''teaching health center''.

(7) PAYMENTS FOR PREVIOUS FISCAL YEARS.—The provisions of section 340H of the Public Health Service Act (42 U.S.C. 256h), as in effect on the day before the date of enactment of Public Law 115-96, shall continue to apply with respect to payments under such section for fiscal years before fiscal year 2018.

(e) APPLICATION.—Amounts appropriated pursuant to this section for fiscal year 2018 or 2019 are subject to the requirements contained in Public Law 115–31 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254b–256).

(f) CONFORMING AMENDMENTS.—Paragraph (4) of section 3014(h) of title 18, United States Code, as amended by section 3101 of Public Law 115-96, is amended by striking ''and section 3101(d) of the CHIP and Public Health Funding Extension Act'' and inserting ''and section 50901(e) of the Advancing Chronic Care, Extenders, and Social Services Act''.

SEC. 50902. EXTENSION FOR SPECIAL DIABETES PROGRAMS.

(a) SPECIAL DIABETES PROGRAM FOR TYPE I DIABETES.—Section 330B(b)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(D)), as amended by section 3102 of Public Law 115-96, is amended to read as follows:

''(D) $150,000,000 for each of fiscal years 2018 and 2019, to remain available until expended.''.

(b) SPECIAL DIABETES PROGRAM FOR INDIANS.—Subparagraph (D) of section 330C(c)(2) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)), as amended by section 3102 of Public Law 115-96, is amended to read as follows:

''(D) $150,000,000 for each of fiscal years 2018 and 2019, to remain available until expended.''.

TITLE X—MISCELLANEOUS HEALTH CARE POLICIES

SEC. 51001. HOME HEALTH PAYMENT REFORM.

(a) BUDGET NEUTRAL TRANSITION TO A 30-DAY UNIT OF PAYMENT FOR HOME HEALTH SERVICES.—Section 1895(b) of the Social Security Act (42 U.S.C. 1395fff(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''PAYMENT.—In defining'' and inserting ''PAYMENT.—

''(A) IN GENERAL.—In defining''; and

(B) by adding at the end the following new subparagraph:

''(B) 30-DAY UNIT OF SERVICE.—For purposes of implementing the prospective payment system with respect to home health units of service furnished during a year beginning with 2020, the Secretary shall apply a 30-day unit of service as the unit of service applied under this paragraph.'';

(2) in paragraph (3)—

(A) in subparagraph (A), by adding at the end the following new clause:

''(iv) BUDGET NEUTRALITY FOR 2020.—With respect to payments for home health units of service furnished that end during the 12-month period beginning January 1, 2020, the Secretary shall calculate a standard prospective payment amount (or amounts) for 30-day units of service (as described in paragraph (2)(B)) for the prospective payment system under this subsection. Such standard prospective payment amount (or amounts) shall be calculated in a manner such that the estimated aggregate amount of expenditures under the system during such period with application of paragraph (2)(B) is equal to the estimated aggregate amount of expenditures that otherwise would have been made under the system during such period if paragraph (2)(B) had not been enacted. The previous sentence shall be applied before (and not affect the application of) paragraph (3)(B). In calculating such amount (or amounts), the Secretary shall make assumptions about behavior changes that could occur as a result of the implementation of paragraph (2)(B) and the case-mix adjustment factors established under paragraph (4)(B) and shall provide a description of such assumptions in the notice and comment rulemaking used to implement this clause.''; and

(B) by adding at the end the following new subparagraph:

''(D) BEHAVIOR ASSUMPTIONS AND ADJUSTMENTS.—

''(i) IN GENERAL.—The Secretary shall annually determine the impact of differences between assumed behavior changes (as described in paragraph (3)(A)(iv)) and actual behavior changes on estimated aggregate expenditures under this subsection with respect to years beginning with 2020 and ending with 2026.

''(ii) PERMANENT ADJUSTMENTS.—The Secretary shall, at a time and in a manner determined appropriate, through notice and comment rulemaking, provide for one or more permanent increases or decreases to the standard prospective payment amount (or amounts) for applicable years, on a prospective basis, to offset for such increases or decreases in estimated aggregate expenditures (as determined under clause (i)).

''(iii) TEMPORARY ADJUSTMENTS FOR RETROSPECTIVE BEHAVIOR.—The Secretary shall, at a time and in a manner determined appropriate, through notice and comment rulemaking, provide for one or more temporary increases or decreases to the payment amount for a unit of home health services (as determined under paragraph (4)) for applicable years, on a prospective basis, to offset for such increases or decreases in estimated aggregate expenditures (as determined under clause (i)). Such a temporary increase or decrease shall apply only with respect to the year for which such temporary increase or decrease is made, and the Secretary shall not take into account such a temporary increase or decrease in computing such amount under this subsection for a subsequent year.''; and

(3) in paragraph (4)(B)—

(A) by striking ''FACTORS.—The Secretary'' and inserting ''FACTORS.—

''(i) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following new clause:

''(ii) TREATMENT OF THERAPY THRESHOLDS.—For 2020 and subsequent years, the Secretary shall eliminate the use of therapy thresholds (established by the Secretary) in case mix adjustment factors established under clause (i) for calculating payments under the prospective payment system under this subsection.''.

(b) TECHNICAL EXPERT PANEL.—

(1) IN GENERAL.—During the period beginning on January 1, 2018, and ending on December 31, 2018, the Secretary of Health and Human Services shall hold at least one session of a technical expert panel, the participants of which shall include home health providers, patient representatives, and other relevant stakeholders. The technical expert panel shall identify and prioritize recommendations with respect to the prospective payment system for home health services under section 1895(b) of the Social Security Act (42 U.S.C. 1395fff(b)), on the following:

(A) The Home Health Groupings Model, as described in the proposed rule ''Medicare and Medicaid Programs; CY 2018 Home Health Prospective Payment System Rate Update and Proposed CY 2019 Case-Mix Adjustment Methodology Refinements; Home Health Value-Based Purchasing Model; and Home Health Quality Reporting Requirements'' (82 Fed. Reg. 35294 through 35332 (July 28, 2017)).

(B) Alternative case-mix models to the Home Health Groupings Model that were submitted during 2017 as comments in response to proposed rule making, including patient-focused factors that consider the risks of hospitalization and readmission to a hospital, improvement or maintenance of functionality of individuals to increase the capacity for self-care, quality of care, and resource utilization.

(2) INAPPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the technical expert panel under paragraph (1).

(3) REPORT.—Not later than April 1, 2019, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate

a report on the recommendations of such panel described in such paragraph.

(4) NOTICE AND COMMENT RULEMAKING.—Not later than December 31, 2019, the Secretary of Health and Human Services shall pursue notice and comment rulemaking on a case-mix system with respect to the prospective payment system for home health services under section 1895(b) of the Social Security Act (42 U.S.C. 1395fff(b)).

(c) REPORTS.—

(1) INTERIM REPORT.—Not later than March 15, 2022, the Medicare Payment Advisory Commission shall submit to Congress an interim report on the application of a 30-day unit of service as the unit of service applied under section 1895(b)(2) of the Social Security Act (42 U.S.C. 1395fff(b)(2)), as amended by subsection (a), including an analysis of the level of payments provided to home health agencies as compared to the cost of delivering home health services, and any unintended consequences, including with respect to behavioral changes and quality.

(2) FINAL REPORT.—Not later than March 15, 2026, such Commission shall submit to Congress a final report on such application and any such consequences.

SEC. 51002. INFORMATION TO SATISFY DOCUMENTATION OF MEDICARE ELIGIBILITY FOR HOME HEALTH SERVICES.

(a) PART A.—Section 1814(a) of the Social Security Act (42 U.S.C. 1395f(a)) is amended by inserting before ''For purposes of paragraph (2)(C),'' the following new sentence: ''For purposes of documentation for physician certification and recertification made under paragraph (2) on or after January 1, 2019, and made with respect to home health services furnished by a home health agency, in addition to using documentation in the medical record of the physician who so certifies or the medical record of the acute or post-acute care facility (in the case that home health services were furnished to an individual who was directly admitted to the home health agency from such a facility), the Secretary may use documentation in the medical record of the home health agency as supporting material, as appropriate to the case involved.''.

(b) PART B.—Section 1835(a) of the Social Security Act (42 U.S.C. 1395n(a)) is amended by inserting before ''For purposes of paragraph (2)(A),'' the following new sentence: ''For purposes of documentation for physician certification and recertification made under paragraph (2) on or after January 1, 2019, and made with respect to home health services furnished by a home health agency, in addition to using documentation in the medical record of the physician who so certifies or the medical record of the acute or post-acute care facility (in the case that home health services were furnished to an individual who was directly admitted to the home health agency from such a facility), the Secretary may use documentation in the medical record of the home health agency as supporting material, as appropriate to the case involved.''.

SEC. 51003. TECHNICAL AMENDMENTS TO PUBLIC LAW 114–10.

(a) MIPS TRANSITION.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (q)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''items and services'' and inserting ''covered professional services (as defined in subsection (k)(3)(A))''; and

(ii) in subparagraph (C)(iv)—

(I) by amending subclause (I) to read as follows:

''(I) The minimum number (as determined by the Secretary) of—

''(aa) for performance periods beginning before January 1, 2018, individuals enrolled under this part who are treated by the eligible professional for the performance period involved; and

''(bb) for performance periods beginning on or after January 1, 2018, individuals enrolled under this part who are furnished covered professional services (as defined in subsection (k)(3)(A)) by the eligible professional for the performance period involved.'';

(II) in subclause (II), by striking ''items and services'' and inserting ''covered professional services (as defined in subsection (k)(3)(A))''; and

(III) by amending subclause (III) to read as follows:

''(III) The minimum amount (as determined by the Secretary) of—

''(aa) for performance periods beginning before January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

''(bb) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.'';

(B) in paragraph (5)(D)—

(i) in clause (i)(I), by inserting ''subject to clause (iii),'' after ''clauses (i) and (ii) of paragraph (2)(A),''; and

(ii) by adding at the end the following new clause:

''(iii) TRANSITION YEARS.—For each of the second, third, fourth, and fifth years for which the MIPS applies to payments, the performance score for the performance category described in paragraph (2)(A)(ii) shall not take into account the improvement of the professional involved.'';

(C) in paragraph (5)(E)—

(i) in clause (i)(I)(bb)—

(I) in the heading by striking ''FIRST 2 YEARS'' and inserting ''FIRST 5 YEARS''; and

(II) by striking ''the first and second years'' and inserting ''each of the first through fifth years'';

(ii) in clause (i)(II)(bb)—

(I) in the heading, by striking ''2 YEARS'' and inserting ''5 YEARS''; and

(II) by striking the second sentence and inserting the following new sentences: ''For each of the second, third, fourth, and fifth years for which the MIPS applies to payments, not less than 10 percent and not more than 30 percent of such score shall be based on performance with respect to the category described in clause (ii) of paragraph (2)(A). Nothing in the previous sentence shall be construed, with respect to a performance period for a year described in the previous sentence, as preventing the Secretary from basing 30 percent of such score for such year with respect to the category described in such clause (ii), if the Secretary determines, based on information posted under subsection (r)(2)(I) that sufficient resource use measures are ready for adoption for use under the performance category under paragraph (2)(A)(ii) for such performance period.'';

(D) in paragraph (6)(D)—

(i) in clause (i), in the second sentence, by striking ''Such performance threshold'' and inserting ''Subject to clauses (iii) and (iv), such performance threshold'';

(ii) in clause (ii)—

(I) in the first sentence, by inserting ''(beginning with 2019 and ending with 2024)'' after ''for each year of the MIPS''; and

(II) in the second sentence, by inserting ''subject to clause (iii),'' after ''For each such year,'';

(iii) in clause (iii)—

(I) in the heading, by striking ''2'' and inserting ''5''; and

(II) in the first sentence, by striking ''two years'' and inserting ''five years''; and

(iv) by adding at the end the following new clause:

''(iv) ADDITIONAL SPECIAL RULE FOR THIRD, FOURTH AND FIFTH YEARS OF MIPS.—For purposes of determining MIPS adjustment factors under subparagraph (A), in addition to the requirements specified in clause (iii), the Secretary shall increase the performance threshold with respect to each of the third, fourth, and fifth years to which the MIPS applies to ensure a gradual and incremental transition to the performance threshold described in clause (i) (as estimated by the Secretary) with respect to the sixth year to which the MIPS applies.'';

(E) in paragraph (6)(E)—

(i) by striking ''In the case of items and services'' and inserting ''In the case of covered professional services (as defined in subsection (k)(3)(A))''; and

(ii) by striking ''under this part with respect to such items and services'' and inserting ''under this part with respect to such covered professional services''; and

(F) in paragraph (7), in the first sentence, by striking ''items and services'' and inserting ''covered professional services (as defined in subsection (k)(3)(A))'';

(2) in subsection (r)(2), by adding at the end the following new subparagraph:

''(I) INFORMATION.—The Secretary shall, not later than December 31st of each year (beginning with 2018), post on the Internet website of the Centers for Medicare & Medicaid Services information on resource use measures in use under subsection (q), resource use measures under development and the time-frame for such development, potential future resource use measure topics, a description of stakeholder engagement, and the percent of expenditures under part A and this part that are covered by resource use measures.''; and

(3) in subsection (s)(5)(B), by striking ''section 1833(z)(2)(C)'' and inserting ''section 1833(z)(3)(D)''.

(b) PHYSICIAN-FOCUSED PAYMENT MODEL TECHNICAL ADVISORY COMMITTEE PROVISION OF INITIAL PROPOSAL FEEDBACK.—Section 1868(c)(2)(C) of the Social Security Act (42 U.S.C. 1395ee(c)(2)(C)) is amended to read as follows:

''(C) COMMITTEE REVIEW OF MODELS SUBMITTED.—The Committee, on a periodic basis—

''(i) shall review models submitted under subparagraph (B);

''(ii) may provide individuals and stakeholder entities who submitted such models with—

''(I) initial feedback on such models regarding the extent to which such models meet the criteria described in subparagraph (A); and

''(II) an explanation of the basis for the feedback provided under subclause (I); and

''(iii) shall prepare comments and recommendations regarding whether such models meet the criteria described in subparagraph (A) and submit such comments and recommendations to the Secretary.''.

SEC. 51004. EXPANDED ACCESS TO MEDICARE INTENSIVE CARDIAC REHABILITATION PROGRAMS.

Section 1861(eee)(4)(B) of the Social Security Act (42 U.S.C. 1395x(eee)(4)(B)) is amended—

(1) in clause (v), by striking ''or'' at the end;

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

(3) by adding at the end the following new clauses:

''(vii) stable, chronic heart failure (defined as patients with left ventricular ejection fraction of 35 percent or less and New York

Heart Association (NYHA) class II to IV symptoms despite being on optimal heart failure therapy for at least 6 weeks); or

''(viii) any additional condition for which the Secretary has determined that a cardiac rehabilitation program shall be covered, unless the Secretary determines, using the same process used to determine that the condition is covered for a cardiac rehabilitation program, that such coverage is not supported by the clinical evidence.''.

SEC. 51005. EXTENSION OF BLENDED SITE NEUTRAL PAYMENT RATE FOR CERTAIN LONG-TERM CARE HOSPITAL DISCHARGES; TEMPORARY ADJUSTMENT TO SITE NEUTRAL PAYMENT RATES.

(a) EXTENSION.—Section 1886(m)(6)(B)(i) of the Social Security Act (42 U.S.C. 1395ww(m)(6)(B)(i)) is amended—

(1) in subclause (I), by striking ''fiscal year 2016 or fiscal year 2017'' and inserting ''fiscal years 2016 through 2019''; and

(2) in subclause (II), by striking ''2018'' and inserting ''2020''.

(b) TEMPORARY ADJUSTMENT TO SITE NEUTRAL PAYMENT RATES.—Section 1886(m)(6)(B) of the Social Security Act (42 U.S.C. 1395ww(m)(6)(B)) is amended—

(1) in clause (ii), in the matter preceding subclause (I), by striking ''In this paragraph'' and inserting ''Subject to clause (iv), in this paragraph''; and

(2) by adding at the end the following new clause:

''(iv) ADJUSTMENT.—For each of fiscal years 2018 through 2026, the amount that would otherwise apply under clause (ii)(I) for the year (determined without regard to this clause) shall be reduced by 4.6 percent.''.

SEC. 51006. RECOGNITION OF ATTENDING PHYSICIAN ASSISTANTS AS ATTENDING PHYSICIANS TO SERVE HOSPICE PATIENTS.

(a) RECOGNITION OF ATTENDING PHYSICIAN ASSISTANTS AS ATTENDING PHYSICIANS TO SERVE HOSPICE PATIENTS.—

(1) IN GENERAL.—Section 1861(dd)(3)(B) of the Social Security Act (42 U.S.C. 1395x(dd)(3)(B)) is amended—

(A) by striking ''or nurse'' and inserting '', the nurse''; and

(B) by inserting '', or the physician assistant (as defined in such subsection)'' after ''subsection (aa)(5))''.

(2) CLARIFICATION OF HOSPICE ROLE OF PHYSICIAN ASSISTANTS.—Section 1814(a)(7)(A)(i)(I) of the Social Security Act (42 U.S.C. 1395f(a)(7)(A)(i)(I)) is amended by inserting ''or a physician assistant'' after ''a nurse practitioner''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2019.

SEC. 51007. EXTENSION OF ENFORCEMENT INSTRUCTION ON SUPERVISION REQUIREMENTS FOR OUTPATIENT THERAPEUTIC SERVICES IN CRITICAL ACCESS AND SMALL RURAL HOSPITALS THROUGH 2017.

Section 1 of Public Law 113–198, as amended by section 1 of Public Law 114–112 and section 16004(a) of the 21st Century Cures Act (Public Law 114–255), is amended—

(1) in the section heading, by striking ''**2016**'' and inserting ''**2017**''; and

(2) by striking ''and 2016'' and inserting ''2016, and 2017''.

SEC. 51008. ALLOWING PHYSICIAN ASSISTANTS, NURSE PRACTITIONERS, AND CLINICAL NURSE SPECIALISTS TO SUPERVISE CARDIAC, INTENSIVE CARDIAC, AND PULMONARY REHABILITATION PROGRAMS.

(a) CARDIAC AND INTENSIVE CARDIAC REHABILITATION PROGRAMS.—Section 1861(eee) of the Social Security Act (42 U.S.C. 1395x(eee)) is amended—

(1) in paragraph (1)—

(A) by striking ''physician-supervised''; and

(B) by inserting ''under the supervision of a physician (as defined in subsection (r)(1)) or a physician assistant, nurse practitioner, or clinical nurse specialist (as those terms are defined in subsection (aa)(5))'' before the period at the end;

(2) in paragraph (2)—

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

(B) in subparagraph (B), by striking ''a physician'' and inserting ''a physician (as defined in subsection (r)(1)) or a physician assistant, nurse practitioner, or clinical nurse specialist (as those terms are defined in subsection (aa)(5))''; and

(3) in paragraph (4)(A), in the matter preceding clause (i)—

(A) by striking ''physician-supervised''; and

(B) by inserting ''under the supervision of a physician (as defined in subsection (r)(1)) or a physician assistant, nurse practitioner, or clinical nurse specialist (as those terms are defined in subsection (aa)(5))'' after ''paragraph (3)''.

(b) PULMONARY REHABILITATION PROGRAMS.—Section 1861(fff)(1) of the Social Security Act (42 U.S.C. 1395x(fff)(1)) is amended—

(1) by striking ''physician-supervised''; and

(2) by inserting ''under the supervision of a physician (as defined in subsection (r)(1)) or a physician assistant, nurse practitioner, or clinical nurse specialist (as those terms are defined in subsection (aa)(5))'' before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2024.

SEC. 51009. TRANSITIONAL PAYMENT RULES FOR CERTAIN RADIATION THERAPY SERVICES UNDER THE PHYSICIAN FEE SCHEDULE.

Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (b)(11), by striking ''2017 and 2018'' and inserting ''2017, 2018, and 2019''; and

(2) in subsection (c)(2)(K)(iv), by striking ''2017 and 2018'' and inserting ''2017, 2018, and 2019''.

TITLE XI—PROTECTING SENIORS' ACCESS TO MEDICARE ACT

SEC. 52001. REPEAL OF THE INDEPENDENT PAYMENT ADVISORY BOARD.

(a) REPEAL.—Section 1899A of the Social Security Act (42 U.S.C. 1395kkk) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) LOBBYING COOLING-OFF PERIOD.—Paragraph (3) of section 207(c) of title 18, United States Code, is repealed.

(2) GAO STUDY AND REPORT.—Section 3403(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 1395kkk–1) is repealed.

(3) MEDPAC REVIEW AND COMMENT.—Section 1805(b) of the Social Security Act (42 U.S.C. 1395b–6(b)) is amended—

(A) by striking paragraph (4);

(B) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively; and

(C) by redesignating the paragraph (9) that was redesignated by section 3403(c)(1) of the Patient Protection and Affordable Care Act (Public Law 111–148) as paragraph (8).

(4) NAME CHANGE.—Section 10320(b) of the Patient Protection and Affordable Care Act (Public Law 111–148) is repealed.

(5) RULE OF CONSTRUCTION.—Section 10320(c) of the Patient Protection and Affordable Care Act (Public Law 111–148) is repealed.

TITLE XII—OFFSETS

SEC. 53101. MODIFYING REDUCTIONS IN MEDICAID DSH ALLOTMENTS.

Section 1923(f)(7)(A) of the Social Security Act (42 U.S.C. 1396r–4(f)(7)(A)) is amended—

(1) in clause (i), in the matter preceding subclause (I), by striking ''2018'' and inserting ''2020''; and

(2) in clause (ii), by striking subclauses (I) through (VIII) and inserting the following:

''(I) $4,000,000,000 for fiscal year 2020; and

''(II) $8,000,000,000 for each of fiscal years 2021 through 2025.''.

SEC. 53102. THIRD PARTY LIABILITY IN MEDICAID AND CHIP.

(a) MODIFICATION OF THIRD PARTY LIABILITY RULES RELATED TO SPECIAL TREATMENT OF CERTAIN TYPES OF CARE AND PAYMENTS.—

(1) IN GENERAL.—Section 1902(a)(25)(E) of the Social Security Act (42 U.S.C. 1396a(a)(25)(E)) is amended, in the matter preceding clause (i), by striking ''prenatal or''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act.

(b) DELAY IN EFFECTIVE DATE AND REPEAL OF CERTAIN BIPARTISAN BUDGET ACT OF 2013 AMENDMENTS.—

(1) REPEAL.—Effective as of September 30, 2017, subsection (b) of section 202 of the Bipartisan Budget Act of 2013 (Public Law 113–67; 127 Stat. 1177; 42 U.S.C. 1396a note) (including any amendments made by such subsection) is repealed and the provisions amended by such subsection shall be applied and administered as if such amendments had never been enacted.

(2) DELAY IN EFFECTIVE DATE.—Subsection (c) of section 202 of the Bipartisan Budget Act of 2013 (Public Law 113–67; 127 Stat. 1177; 42 U.S.C. 1396a note) is amended to read as follows:

''(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2019.''.

(3) EFFECTIVE DATE; TREATMENT.—The repeal and amendment made by this subsection shall take effect as if enacted on September 30, 2017, and shall apply with respect to any open claims, including claims pending, generated, or filed, after such date. The amendments made by subsections (a) and (b) of section 202 of the Bipartisan Budget Act of 2013 (Public Law 113–67; 127 Stat. 1177; 42 U.S.C. 1396a note) that took effect on October 1, 2017, are null and void and section 1902(a)(25) of the Social Security Act (42 U.S.C. 1396a(a)(25)) shall be applied and administered as if such amendments had not taken effect on such date.

(c) GAO STUDY AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate on the impacts of the amendments made by subsections (a)(1) and (b)(2), including—

(1) the impact, or potential effect, of such amendments on access to prenatal and preventive pediatric care (including early and periodic screening, diagnostic, and treatment services) covered under State plans under such title (or waivers of such plans);

(2) the impact, or potential effect, of such amendments on access to services covered under such plans or waivers for individuals on whose behalf child support enforcement is being carried out by a State agency under part D of title IV of such Act; and

(3) the impact, or potential effect, on providers of services under such plans or waivers of delays in payment or related issues that result from such amendments.

(d) APPLICATION TO CHIP.—

(1) IN GENERAL.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (R) as subparagraphs (C) through (S), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) Section 1902(a)(25) (relating to third party liability).''.

(2) MANDATORY REPORTING.—Section 1902(a)(25)(I)(i) of the Social Security Act (42 U.S.C. 1396a(a)(25)(I)(i)) is amended—

(A) by striking ''medical assistance under the State plan'' and inserting ''medical assistance under a State plan (or under a waiver of the plan)'';

(B) by striking ''(and, at State option, child'' and inserting ''and child''; and

(C) by striking ''title XXI)'' and inserting ''title XXI''.

SEC. 53103. TREATMENT OF LOTTERY WINNINGS AND OTHER LUMP-SUM INCOME FOR PURPOSES OF INCOME ELIGIBILITY UNDER MEDICAID.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(17), by striking ''(e)(14), (e)(14)'' and inserting ''(e)(14), (e)(15)''; and

(2) in subsection (e)(14), by adding at the end the following new subparagraph:

''(K) TREATMENT OF CERTAIN LOTTERY WINNINGS AND INCOME RECEIVED AS A LUMP SUM.—

''(i) IN GENERAL.—In the case of an individual who is the recipient of qualified lottery winnings (pursuant to lotteries occurring on or after January 1, 2018) or qualified lump sum income (received on or after such date) and whose eligibility for medical assistance is determined based on the application of modified adjusted gross income under subparagraph (A), a State shall, in determining such eligibility, include such winnings or income (as applicable) as income received—

''(I) in the month in which such winnings or income (as applicable) is received if the amount of such winnings or income is less than $80,000;

''(II) over a period of 2 months if the amount of such winnings or income (as applicable) is greater than or equal to $80,000 but less than $90,000;

''(III) over a period of 3 months if the amount of such winnings or income (as applicable) is greater than or equal to $90,000 but less than $100,000; and

''(IV) over a period of 3 months plus 1 additional month for each increment of $10,000 of such winnings or income (as applicable) received, not to exceed a period of 120 months (for winnings or income of $1,260,000 or more), if the amount of such winnings or income is greater than or equal to $100,000.

''(ii) COUNTING IN EQUAL INSTALLMENTS.—For purposes of subclauses (II), (III), and (IV) of clause (i), winnings or income to which such subclause applies shall be counted in equal monthly installments over the period of months specified under such subclause.

''(iii) HARDSHIP EXEMPTION.—An individual whose income, by application of clause (i), exceeds the applicable eligibility threshold established by the State, shall continue to be eligible for medical assistance to the extent that the State determines, under procedures established by the State (in accordance with standards specified by the Secretary), that the denial of eligibility of the individual would cause an undue medical or financial hardship as determined on the basis of criteria established by the Secretary.

''(iv) NOTIFICATIONS AND ASSISTANCE REQUIRED IN CASE OF LOSS OF ELIGIBILITY.—A State shall, with respect to an individual who loses eligibility for medical assistance under the State plan (or a waiver of such plan) by reason of clause (i)—

''(I) before the date on which the individual loses such eligibility, inform the individual—

''(aa) of the individual's opportunity to enroll in a qualified health plan offered through an Exchange established under title I of the Patient Protection and Affordable Care Act during the special enrollment period specified in section 9801(f)(3) of the Internal Revenue Code of 1986 (relating to loss of Medicaid or CHIP coverage); and

''(bb) of the date on which the individual would no longer be considered ineligible by reason of clause (i) to receive medical assistance under the State plan or under any waiver of such plan and be eligible to reapply to receive such medical assistance; and

''(II) provide technical assistance to the individual seeking to enroll in such a qualified health plan.

''(v) QUALIFIED LOTTERY WINNINGS DEFINED.—In this subparagraph, the term 'qualified lottery winnings' means winnings from a sweepstakes, lottery, or pool described in paragraph (3) of section 4402 of the Internal Revenue Code of 1986 or a lottery operated by a multistate or multijurisdictional lottery association, including amounts awarded as a lump sum payment.

''(vi) QUALIFIED LUMP SUM INCOME DEFINED.—In this subparagraph, the term 'qualified lump sum income' means income that is received as a lump sum from monetary winnings from gambling (as defined by the Secretary and including gambling activities described in section 1955(b)(4) of title 18, United States Code).''.

(b) RULES OF CONSTRUCTION.—

(1) INTERCEPTION OF LOTTERY WINNINGS ALLOWED.—Nothing in the amendment made by subsection (a)(2) shall be construed as preventing a State from intercepting the State lottery winnings awarded to an individual in the State to recover amounts paid by the State under the State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for medical assistance furnished to the individual.

(2) APPLICABILITY LIMITED TO ELIGIBILITY OF RECIPIENT OF LOTTERY WINNINGS OR LUMP SUM INCOME.—Nothing in the amendment made by subsection (a)(2) shall be construed, with respect to a determination of household income for purposes of a determination of eligibility for medical assistance under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver of such plan) made by applying modified adjusted gross income under subparagraph (A) of section 1902(e)(14) of such Act (42 U.S.C. 1396a(e)(14)), as limiting the eligibility for such medical assistance of any individual that is a member of the household other than the individual who received qualified lottery winnings or qualified lump-sum income (as defined in subparagraph (K) of such section 1902(e)(14), as added by subsection (a)(2) of this section).

SEC. 53104. REBATE OBLIGATION WITH RESPECT TO LINE EXTENSION DRUGS.

(a) IN GENERAL.—Section 1927(c)(2)(C) of the Social Security Act (42 U.S.C. 1396r–8(c)(2)(C)) is amended by striking ''(C) TREATMENT OF NEW FORMULATIONS.—In the case'' and all that follows through the period at the end of the first sentence and inserting the following:

''(C) TREATMENT OF NEW FORMULATIONS.—

''(i) IN GENERAL.—In the case of a drug that is a line extension of a single source drug or an innovator multiple source drug that is an oral solid dosage form, the rebate obligation for a rebate period with respect to such drug under this subsection shall be the greater of the amount described in clause (ii) for such drug or the amount described in clause (iii) for such drug.

''(ii) AMOUNT 1.—For purposes of clause (i), the amount described in this clause with respect to a drug described in clause (i) and rebate period is the amount computed under paragraph (1) for such drug, increased by the amount computed under subparagraph (A) and, as applicable, subparagraph (B) for such drug and rebate period.

''(iii) AMOUNT 2.—For purposes of clause (i), the amount described in this clause with respect to a drug described in clause (i) and rebate period is the amount computed under paragraph (1) for such drug, increased by the product of—

''(I) the average manufacturer price for the rebate period of the line extension of a single source drug or an innovator multiple source drug that is an oral solid dosage form;

''(II) the highest additional rebate (calculated as a percentage of average manufacturer price) under this paragraph for the rebate period for any strength of the original single source drug or innovator multiple source drug; and

''(III) the total number of units of each dosage form and strength of the line extension product paid for under the State plan in the rebate period (as reported by the State).''.

(b) EFFECTIVE DATE.—The amendments made subsection (a) shall apply with respect to rebate periods beginning on or after October 1, 2018.

SEC. 53105. MEDICAID IMPROVEMENT FUND.

Section 1941(b) of the Social Security Act (42 U.S.C. 1396w–1(b)) is amended—

(1) in paragraph (1), by striking ''$5,000,000'' and inserting ''$0''; and

(2) in paragraph (3)(A), by striking ''$980,000,000'' and inserting ''$0''.

SEC. 53106. PHYSICIAN FEE SCHEDULE UPDATE.

Section 1848(d)(18) of the Social Security Act (42 U.S.C. 1395w–4(d)(18)) is amended by striking ''paragraph (1)(C)'' and all that follows and inserting the following: ''paragraph (1)(C)—

''(A) for 2016 and each subsequent year through 2018 shall be 0.5 percent; and

''(B) for 2019 shall be 0.25 percent.''.

SEC. 53107. PAYMENT FOR OUTPATIENT PHYSICAL THERAPY SERVICES AND OUTPATIENT OCCUPATIONAL THERAPY SERVICES FURNISHED BY A THERAPY ASSISTANT.

Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

''(v) PAYMENT FOR OUTPATIENT PHYSICAL THERAPY SERVICES AND OUTPATIENT OCCUPATIONAL THERAPY SERVICES FURNISHED BY A THERAPY ASSISTANT.—

''(1) IN GENERAL.—In the case of an outpatient physical therapy service or outpatient occupational therapy service furnished on or after January 1, 2022, for which payment is made under section 1848 or subsection (k), that is furnished in whole or in part by a therapy assistant (as defined by the Secretary), the amount of payment for such service shall be an amount equal to 85 percent of the amount of payment otherwise applicable for the service under this part. Nothing in the preceding sentence shall be construed to change applicable requirements with respect to such services.

''(2) USE OF MODIFIER.—

''(A) ESTABLISHMENT.—Not later than January 1, 2019, the Secretary shall establish a modifier to indicate (in a form and manner specified by the Secretary), in the case of an outpatient physical therapy service or outpatient occupational therapy service furnished in whole or in part by a therapy assistant (as so defined), that the service was furnished by a therapy assistant.

''(B) REQUIRED USE.—Each request for payment, or bill submitted, for an outpatient

physical therapy service or outpatient occupational therapy service furnished in whole or in part by a therapy assistant (as so defined) on or after January 1, 2020, shall include the modifier established under subparagraph (A) for each such service.

''(3) IMPLEMENTATION.—The Secretary shall implement this subsection through notice and comment rulemaking.''.

SEC. 53108. REDUCTION FOR NON-EMERGENCY ESRD AMBULANCE TRANSPORTS.

Section 1834(l)(15) of the Social Security Act (42. U.S.C. 1395m(l)(15)) is amended by striking ''on or after October 1, 2013'' and inserting ''during the period beginning on October 1, 2013, and ending on September 30, 2018, and by 23 percent for such services furnished on or after October 1, 2018''.

SEC. 53109. HOSPITAL TRANSFER POLICY FOR EARLY DISCHARGES TO HOSPICE CARE.

(a) IN GENERAL.—Section 1886(d)(5)(J) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(J)) is amended—

(1) in clause (ii)—

(A) in subclause (III), by striking ''or'' at the end;

(B) by redesignating subclause (IV) as subclause (V); and

(C) by inserting after subclause (III) the following new subclause:

''(IV) for discharges occurring on or after October 1, 2018, is provided hospice care by a hospice program; or''; and

(2) in clause (iv)—

(A) by inserting after the first sentence the following new sentence: ''The Secretary shall include in the proposed rule published for fiscal year 2019, a description of the effect of clause (ii)(IV).''; and

(B) in subclause (I), by striking ''and (III)'' and inserting ''(III), and, in the case of proposed and final rules for fiscal year 2019 and subsequent fiscal years, (IV)''.

(b) MEDPAC EVALUATION AND REPORT.—

(1) EVALUATION.—The Medicare Payment Advisory Commission (in this subsection referred to as the ''Commission'') shall conduct an evaluation of the effects of the amendments made by subsection (a), including the effects on—

(A) the numbers of discharges of patients from an inpatient hospital setting to a hospice program;

(B) the lengths of stays of patients in an inpatient hospital setting who are discharged to a hospice program;

(C) spending under the Medicare program under title XVIII of the Social Security Act; and

(D) other areas determined appropriate by the Commission.

(2) CONSIDERATION.—In conducting the evaluation under paragraph (1), the Commission shall consider factors such as whether the timely access to hospice care by patients admitted to a hospital has been affected through changes to hospital policies or behaviors made as a result of such amendments.

(3) PRELIMINARY RESULTS.—Not later than March 15, 2020, the Commission shall provide Congress with preliminary results on the evaluation being conducted under paragraph (1).

(4) REPORT.—Not later than March 15, 2021, the Commission shall submit to Congress a report on the evaluation conducted under paragraph (1).

SEC. 53110. MEDICARE PAYMENT UPDATE FOR HOME HEALTH SERVICES.

Section 1895(b)(3)(B) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(B)) is amended—

(1) in clause (iii), in the last sentence, by inserting before the period at the end the following: ''and for 2020 shall be 1.5 percent''; and

(2) in clause (vi), by inserting ''and 2020'' after ''except 2018''.

SEC. 53111. MEDICARE PAYMENT UPDATE FOR SKILLED NURSING FACILITIES.

Section 1888(e)(5)(B) of the Social Security Act (42 U.S.C. 1395yy(e)(5)(B)) is amended—

(1) in clause (i), by striking ''and (iii)'' and inserting '', (iii), and (iv)'';

(2) in clause (ii), by striking ''clause (iii)'' and inserting ''clauses (iii) and (iv)''; and

(3) by adding at the end the following new clause:

''(iv) SPECIAL RULE FOR FISCAL YEAR 2019.—For fiscal year 2019 (or other similar annual period specified in clause (i)), the skilled nursing facility market basket percentage, after application of clause (ii), is equal to 2.4 percent.''.

SEC. 53112. PREVENTING THE ARTIFICIAL INFLATION OF STAR RATINGS AFTER THE CONSOLIDATION OF MEDICARE ADVANTAGE PLANS OFFERED BY THE SAME ORGANIZATION.

Section 1853(o)(4) of the Social Security Act (42 U.S.C. 1395w–23(o)(4)) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE TO PREVENT THE ARTIFICIAL INFLATION OF STAR RATINGS AFTER THE CONSOLIDATION OF MEDICARE ADVANTAGE PLANS OFFERED BY A SINGLE ORGANIZATION.—

''(i) IN GENERAL.—If—

''(I) a Medicare Advantage organization has entered into more than one contract with the Secretary with respect to the offering of Medicare Advantage plans; and

''(II) on or after January 1, 2019, the Secretary approves a request from the organization to consolidate the plans under one or more contract (in this subparagraph referred to as a 'closed contract') with the plans offered under a separate contract (in this subparagraph referred to as the 'continuing contract');

with respect to the continuing contract, the Secretary shall adjust the quality rating under the 5-star rating system and any quality increase under this subsection and rebate amounts under section 1854 to reflect an enrollment-weighted average of scores or ratings for the continuing and closed contracts, as determined appropriate by the Secretary.

''(ii) APPLICATION.—An adjustment under clause (i) shall apply for any year for which the quality rating of the continuing contract is based primarily on a measurement period that is prior to the first year in which a closed contract is no longer offered.''.

SEC. 53113. SUNSETTING EXCLUSION OF BIOSIMILARS FROM MEDICARE PART D COVERAGE GAP DISCOUNT PROGRAM.

Section 1860D–14A(g)(2)(A) of the Social Security Act (42 U.S.C. 1395w–114a(g)(2)(A)) is amended by inserting '', with respect to a plan year before 2019,'' after ''other than''.

SEC. 53114. ADJUSTMENTS TO MEDICARE PART B AND PART D PREMIUM SUBSIDIES FOR HIGHER INCOME INDIVIDUALS.

(a) IN GENERAL.—Section 1839(i)(3)(C)(i) of the Social Security Act (42 U.S.C. 1395r(i)(3)(C)(i)) is amended—

(1) in subclause (II), in the matter preceding the table, by striking ''years beginning with''; and

(2) by adding at the end the following new subclause:

''(III) Subject to paragraph (5), for years beginning with 2019:

''If the modified adjusted gross income is:	The applicable percentage is:
More than $85,000 but not more than $107,000	35 percent
More than $107,000 but not more than $133,500	50 percent
More than $133,500 but not more than $160,000	65 percent
More than $160,000 but less than $500,000	80 percent
At least $500,000	85 percent.''.

(b) JOINT RETURNS.—Section 1839(i)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1395r(i)(3)(C)(ii)) is amended by inserting before the period the following: ''except, with respect to the dollar amounts applied in the last row of the table under subclause (III) of such clause (and the second dollar amount specified in the second to last row of such table), clause (i) shall be applied by substituting dollar amounts which are 150 percent of such dollar amounts for the calendar year''.

(c) INFLATION ADJUSTMENT.—Section 1839(i)(5) of the Social Security Act (42 U.S.C. 1395r(i)(5)) is amended—

(1) in subparagraph (A), by striking ''In the case'' and inserting ''Subject to subparagraph (C), in the case'';

(2) in subparagraph (B), by striking ''subparagraph (A)'' and inserting ''subparagraph (A) or (C)''; and

(3) by adding at the end the following new subparagraph:

''(C) TREATMENT OF ADJUSTMENTS FOR CERTAIN HIGHER INCOME INDIVIDUALS.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to each dollar amount in paragraph (3) of $500,000.

''(ii) ADJUSTMENT BEGINNING 2028.—In the case of any calendar year beginning after 2027, each dollar amount in paragraph (3) of $500,000 shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the percentage (if any) by which the average of the Consumer Price Index for all urban consumers (United States city average) for the 12-month period ending with August of the preceding calendar year exceeds such average for the 12-month period ending with August 2026.''.

SEC. 53115. MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking ''$220,000,000'' and inserting ''$0''.

SEC. 53116. CLOSING THE DONUT HOLE FOR SENIORS.

(a) CLOSING DONUT HOLE SOONER.—Section 1860D–2(b)(2)(D) of the Social Security Act (42 U.S.C. 1395w–102(b)(2)(D))—

(1) in clause (i), by amending subclause (I) to read as follows:

''(I) equal to the difference between—

''(aa) the applicable gap percentage (specified in clause (ii) for the year); and

''(bb) the discount percentage specified in section 1860D–14A(g)(4)(A) for such applicable drugs (or, in the case of a year after 2018, 50 percent); or''; and

(2) in clause (ii)—

(A) in subclause (IV), by adding ''and'' at the end;

(B) by striking subclause (V); and

(C) in subclause (VI)—

(i) by striking ''2020'' and inserting ''2019''; and

(ii) by redesignating such subclause as subclause (V).

(b) LOWERING DISCOUNTED PRICE.—Section 1860D–14A(g)(4)(A) of the Social Security Act (42 U.S.C. 1395w–114a(g)(4)(A)) is amended by inserting ''(or, with respect to a plan year after plan year 2018, 30 percent)'' after ''50 percent''.

SEC. 53117. MODERNIZING CHILD SUPPORT ENFORCEMENT FEES.

(a) IN GENERAL.—Section 454(6)(B)(ii) of the Social Security Act (42 U.S.C. 654(6)(B)(ii)) is amended—

(1) by striking ''$25'' and inserting ''$35''; and

(2) by striking ''$500'' each place it appears and inserting ''$550''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the 1st day of the 1st fiscal year that begins on or after the date of the enactment of this Act, and shall apply to payments under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) for calendar quarters beginning on or after such 1st day.

(2) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) to meet the requirements imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, if the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 53118. INCREASING EFFICIENCY OF PRISON DATA REPORTING.

(a) IN GENERAL.—Section 1611(e)(1)(I)(i)(II) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)(II)) is amended by striking ''30 days'' each place it appears and inserting ''15 days''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any payment made by the Commissioner of Social Security pursuant to section 1611(e)(1)(I)(i)(II) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)(II)) (as amended by such subsection) on or after the date that is 6 months after the date of enactment of this Act.

SEC. 53119. PREVENTION AND PUBLIC HEALTH FUND.

Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u-11(b)), as amended by section 3103 of Public Law 115-96, is amended by striking paragraphs (4) through (9) and inserting the following:

''(4) for fiscal year 2019, $900,000,000;

''(5) for each of fiscal years 2020 and 2021, $950,000,000;

''(6) for each of fiscal years 2022 and 2023, $1,000,000,000;

''(7) for each of fiscal years 2024 and 2025, $1,300,000,000;

''(8) for each of fiscal years 2026 and 2027, $1,800,000,000; and

''(9) for fiscal year 2028 and each fiscal year thereafter, $2,000,000,000.''.

DIVISION F—IMPROVEMENTS TO AGRICULTURE PROGRAMS

SEC. 60101. (a) TREATMENT OF SEED COTTON.—

(1) DESIGNATION OF SEED COTTON AS A COVERED COMMODITY.—Section 1111(6) of the Agricultural Act of 2014 (7 U.S.C. 9011(6)) is amended—

(A) by striking ''The term'' and inserting the following:

''(A) IN GENERAL.—The term''; and

(B) by adding at the end the following:

''(B) INCLUSION.—Effective beginning with the 2018 crop year, the term 'covered commodity' includes seed cotton.''.

(2) REFERENCE PRICE FOR SEED COTTON.—Section 1111(18) of the Agricultural Act of 2014 (7 U.S.C. 9011(18)) is amended by adding at the end the following:

''(O) For seed cotton, $0.367 per pound.''.

(3) DEFINITION OF SEED COTTON.—Section 1111 of the Agricultural Act of 2014 (7 U.S.C. 9011) is amended—

(A) by redesignating paragraphs (20) through (24) as paragraphs (21) through (25), respectively; and

(B) by inserting after paragraph (19) the following:

''(20) SEED COTTON.—The term 'seed cotton' means unginned upland cotton that includes both lint and seed.''.

(4) PAYMENT YIELD.—Section 1113 of the Agricultural Act of 2014 (7 U.S.C. 9013) is amended by adding at the end the following:

''(e) PAYMENT YIELD FOR SEED COTTON.—

''(1) PAYMENT YIELD.—Subject to paragraph (2), the payment yield for seed cotton for a farm shall be equal to 2.4 times the payment yield for upland cotton for the farm established under section 1104(e)(3) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8714(e)(3)) (as in effect on September 30, 2013).

''(2) UPDATE.—At the sole discretion of the owner of a farm with a yield for upland cotton described in paragraph (1), the owner of the farm shall have a 1-time opportunity to update the payment yield for upland cotton for the farm, as provided in subsection (d), for the purpose of calculating the payment yield for seed cotton under paragraph (1).''.

(5) PAYMENT ACRES.—Section 1114(b) of the Agricultural Act of 2014 (7 U.S.C. 9014(b)) is amended by adding at the end the following:

''(4) SEED COTTON.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of this paragraph, the Secretary shall require the owner of a farm to allocate all generic base acres on the farm under subparagraph (B) or (C), or both.

''(B) NO RECENT HISTORY OF COVERED COMMODITIES.—In the case of a farm on which no covered commodities (including seed cotton) were planted or were prevented from being planted at any time during the 2009 through 2016 crop years, the owner of such farm shall allocate generic base acres on the farm to unassigned crop base for which no payments may be made under section 1116 or 1117.

''(C) RECENT HISTORY OF COVERED COMMODITIES.—In the case of a farm not described in subparagraph (B), the owner of such farm shall allocate generic base acres on the farm—

''(i) subject to subparagraph (D), to seed cotton base acres in a quantity equal to the greater of—

''(I) 80 percent of the generic base acres on the farm; or

''(II) the average number of seed cotton acres planted or prevented from being planted on the farm during the 2009 through 2012 crop years (not to exceed the total generic base acres on the farm); or

''(ii) to base acres for covered commodities (including seed cotton), by applying subparagraphs (B), (D), (E), and (F) of section 1112(a)(3).

''(D) TREATMENT OF RESIDUAL GENERIC BASE ACRES.—In the case of a farm on which generic base acres are allocated under subparagraph (C)(i), the residual generic base acres shall be allocated to unassigned crop base for which no payments may be made under section 1116 or 1117.

''(E) EFFECT OF FAILURE TO ALLOCATE.—In the case of a farm not described in subparagraph (B) for which the owner of the farm fails to make an election under subparagraph (C), the owner of the farm shall be deemed to have elected to allocate all generic base acres in accordance with subparagraph (C)(i).''.

(6) RECORDKEEPING REGARDING UNASSIGNED CROP BASE.—Section 1114 of the Agricultural Act of 2014 (7 U.S.C. 9014) is amended by adding at the end the following:

''(f) UNASSIGNED CROP BASE.—The Secretary shall maintain information on generic base acres on a farm allocated as unassigned crop base under subsection (b)(4).''.

(7) SPECIAL ELECTION PERIOD FOR PRICE LOSS COVERAGE OR AGRICULTURE RISK COVERAGE.—Section 1115 of the Agricultural Act of 2014 (7 U.S.C. 9015) is amended—

(A) in subsection (a), by striking ''For'' and inserting ''Except as provided in subsection (g), for''; and

(B) by adding at the end the following:

''(g) SPECIAL ELECTION.—

''(1) IN GENERAL.—In the case of acres allocated to seed cotton on a farm, all of the producers on the farm shall be given the opportunity to make a new 1-time election under subsection (a) to reflect the designation of seed cotton as a covered commodity for that crop year under section 1111(6)(B).

''(2) EFFECT OF FAILURE TO MAKE UNANIMOUS ELECTION.—If all the producers on a farm fail to make a unanimous election under paragraph (1), the producers on the farm shall be deemed to have elected price loss coverage under section 1116 for acres allocated on the farm to seed cotton.''.

(8) EFFECTIVE PRICE.—Section 1116 of the Agricultural Act of 2014 (7 U.S.C. 9016) is amended by adding at the end the following:

''(h) EFFECTIVE PRICE FOR SEED COTTON.—

''(1) IN GENERAL.—The effective price for seed cotton under subsection (b) shall be equal to the marketing year average price for seed cotton, as calculated under paragraph (2).

''(2) CALCULATION.—The marketing year average price for seed cotton for a crop year shall be equal to the quotient obtained by dividing—

''(A) the sum obtained by adding—

''(i) the product obtained by multiplying—

''(I) the upland cotton lint marketing year average price; and

''(II) the total United States upland cotton lint production, measured in pounds; and

''(ii) the product obtained by multiplying—

''(I) the cottonseed marketing year average price; and

''(II) the total United States cottonseed production, measured in pounds; by

''(B) the sum obtained by adding—

''(i) the total United States upland cotton lint production, measured in pounds; and

''(ii) the total United States cottonseed production, measured in pounds.''.

(9) DEEMED LOAN RATE FOR SEED COTTON.—Section 1202 of the Agricultural Act of 2014 (7 U.S.C. 9032) is amended by adding at the end the following:

''(c) SEED COTTON.—

''(1) IN GENERAL.—For purposes of section 1116(b)(2) and paragraphs (1)(B)(ii) and (2)(A)(ii)(II) of section 1117(b), the loan rate for seed cotton shall be deemed to be equal to $0.25 per pound.

''(2) EFFECT.—Nothing in this subsection authorizes any nonrecourse marketing assistance loan under this subtitle for seed cotton.''.

(10) LIMITATION ON STACKED INCOME PROTECTION PLAN FOR PRODUCERS OF UPLAND COTTON.—Section 508B of the Federal Crop Insurance Act (7 U.S.C. 1508b) is amended by adding at the end the following:

''(f) LIMITATION.—Effective beginning with the 2019 crop year, a farm shall not be eligible for the Stacked Income Protection Plan for upland cotton for a crop year for which the farm is enrolled in coverage for seed cotton under—

''(1) price loss coverage under section 1116 of the Agricultural Act of 2014 (7 U.S.C. 9016); or

''(2) agriculture risk coverage under section 1117 of that Act (7 U.S.C. 9017).''.

(11) TECHNICAL CORRECTION.—Section 1114(b)(2) of the Agricultural Act of 2014 (7 U.S.C. 9014(b)(2)) is amended by striking ''paragraphs (1)(B) and (2)(B)'' and inserting ''paragraphs (1) and (2)''.

(12) ADMINISTRATION.—The Secretary of Agriculture shall carry out the amendments made by this subsection in accordance with

section 1601 of the Agricultural Act of 2014 (7 U.S.C. 9091).

(13) APPLICATION.—Except as provided in paragraph (10), the amendments made by this subsection shall apply beginning with the 2018 crop year.

(b) MARGIN PROTECTION PROGRAM FOR DAIRY PRODUCERS.—

(1) MONTHLY CALCULATION OF ACTUAL DAIRY PRODUCTION MARGIN.—

(A) DEFINITIONS.—Section 1401 of the Agricultural Act of 2014 (7 U.S.C. 9051) is amended—

(i) by striking paragraph (4); and

(ii) by redesignating paragraphs (5) through (11) as paragraphs (4) through (10), respectively.

(B) CALCULATION OF ACTUAL DAIRY PRODUCTION MARGIN.—Section 1402(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9052(b)(1)) is amended by striking ''consecutive 2-month period'' each place it appears and inserting ''month''.

(C) MARGIN PROTECTION PAYMENTS.—Section 1406 of the Agricultural Act of 2014 (7 U.S.C. 9056) is amended—

(i) by striking ''consecutive 2-month period'' each place it appears and inserting ''month''; and

(ii) in subsection (c)(2)(B), by striking ''6'' and inserting ''12''.

(2) PARTICIPATION OF DAIRY OPERATIONS IN MARGIN PROTECTION PROGRAM.—Section 1404 of the Agricultural Act of 2014 (7 U.S.C. 9054) is amended—

(A) in subsection (b)—

(i) in paragraph (1), by inserting '', including the establishment of a date each calendar year by which a dairy operation shall register for the calendar year'' before the period at the end;

(ii) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(iii) by inserting after paragraph (1) the following:

''(2) EXTENSION OF ELECTION PERIOD FOR 2018 CALENDAR YEAR.—The Secretary shall extend the election period for the 2018 calendar year by not less than 90 days after the date of enactment of the Bipartisan Budget Act of 2018 or such additional period as the Secretary determines is necessary for dairy operations to make new elections to participate for that calendar year, including dairy operations that elected to so participate before that date of enactment.''; and

(B) in subsection (c), by adding at the end the following:

''(4) EXEMPTION.—A limited resource, beginning, veteran, or socially disadvantaged farmer, as defined by the Secretary, shall be exempt from the administrative fee under this subsection.''.

(3) PRODUCTION HISTORY OF PARTICIPATING DAIRY OPERATIONS.—Section 1405(a) of the Agricultural Act of 2014 (7 U.S.C. 9055(a)) is amended by adding at the end the following:

''(3) CONTINUED APPLICABILITY OF BASE PRODUCTION HISTORY.—A production history established for a dairy operation under paragraph (1) shall be the base production history for the dairy operation in subsequent years (as adjusted under paragraph (2)).''.

(4) PREMIUMS FOR MARGIN PROTECTION PROGRAM.—Section 1407 of the Agricultural Act of 2014 (7 U.S.C. 9057) is amended—

(A) in subsection (b)—

(i) by striking the subsection heading and inserting the following: ''TIER I: PREMIUM PER HUNDREDWEIGHT FOR FIRST 5,000,000 POUNDS OF PRODUCTION.—'';

(ii) in paragraph (1), by striking ''4,000,000'' and inserting ''5,000,000''; and

(iii) in paragraph (2)—

(I) by striking ''$0.010'' and inserting ''None'';

(II) by striking ''$0.025'' and inserting ''None'';

(III) by striking ''$0.040'' and inserting ''$0.009'';

(IV) by striking ''$0.055'' and inserting ''$0.016'';

(V) by striking ''$0.090'' and inserting ''$0.040'';

(VI) by striking ''$0.217'' and inserting ''$0.063'';

(VII) by striking ''$0.300'' and inserting ''$0.087''; and

(VIII) by striking ''$0.475'' and inserting ''$0.142''; and

(B) in subsection (c)—

(i) by striking the subsection heading and inserting the following: ''TIER II: PREMIUM PER HUNDREDWEIGHT FOR PRODUCTION IN EXCESS OF 5,000,000 POUNDS.—''; and

(ii) in paragraph (1), by striking ''4,000,000'' and inserting ''5,000,000''.

(5) APPLICATION.—The amendments made by this subsection shall apply beginning with the 2018 calendar year.

(c) LIMITATION ON CROP INSURANCE LIVESTOCK-RELATED EXPENDITURES.—

(1) IN GENERAL.—Section 523(b) of the Federal Crop Insurance Act (7 U.S.C. 1523(b)) is amended by striking paragraph (10).

(2) CONFORMING AMENDMENTS.—Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) is amended in subsections (a)(2)(C) and (b)(1)(D) by striking ''subsections (a)(3)(E)(ii) and (b)(10) of section 523'' each place it appears and inserting ''subsection (a)(3)(E)(ii) of that section''.

SEC. 60102. (a) Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended by striking subsection (a) and inserting the following:

''(a) ESTABLISHMENT.—During each of the 2002 through 2019 fiscal years, the Secretary shall provide payments to producers that enter into contracts with the Secretary under the program.''.

(b) Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''2018'' and inserting ''2018 (and fiscal year 2019 in the case of the program specified in paragraph (5))''; and

(B) in paragraph (5)(E), by striking ''fiscal year 2018'' and inserting ''each of fiscal years 2018 through 2019''; and

(2) in subsection (b), by striking ''2018'' and inserting ''2018 (and fiscal year 2019 in the case of the program specified in subsection (a)(5))''.

This division may be cited as the ''Improvements to Agriculture Programs Act of 2018''.

DIVISION G—BUDGETARY EFFECTS

SEC. 70101. BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of division A, subdivision 2 of division B, and division C and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of division A, subdivision 2 of division B, and division C and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of division A, subdivision 2 of division B, and division C and each succeeding division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

SA 1931. Mr. MCCONNELL proposed an amendment to amendment SA 1930 proposed by Mr. MCCONNELL to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty, as follows:

At the end add the following.

''This Act shall take effect 1 day after the date of enactment.''

SA 1932. Mr. MCCONNELL proposed an amendment to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty; as follows:

At the end add the following.

''This Act shall take effect 2 days after the date of enactment.''

SA 1933. Mr. MCCONNELL proposed an amendment to amendment SA 1932 proposed by Mr. MCCONNELL to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty; as follows:

Strike ''2'' and insert ''3''

SA 1934. Mr. MCCONNELL proposed an amendment to amendment SA 1933 proposed by Mr. MCCONNELL to the amendment SA 1932 proposed by Mr. MCCONNELL to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty, as follows:

Strike ''3 days'' and insert ''4 days''

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCOTT. Mr. President, I have 9 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 ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, February 7, 2018, at 9:30 a.m., to conduct a hearing on the nomination of Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, February 7, 2018, at 10 a.m., to conduct a hearing entitled ''The Impact of Federal Environmental Regulations and Policies on American Farming and Ranching Communities.''

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, February 7, 2018, at 4:30 p.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 Wednesday, February 7, 2018, at 5 p.m. to conduct a hearing entitled ''Turkey and the Way Ahead.''

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, February 7, 2018, at 10 a.m., to conduct a hearing entitled ''Reauthorizing DHS: Positioning DHS to Address New and Emerging Threats to the Homeland.''

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Wednesday, February 7, 2018, at 9:30 a.m., to conduct a hearing entitled ''From Joint Pain to Pocket Pain: Cost and Competition Among Rheumatoid Arthritis Therapies.''

SUBCOMMITTEE ON AIRLAND

The Subcommittee on Airland of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, February 7, 2018, at 3:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

The Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, February 7, 2018, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON PUBLIC LANDS, FORESTS AND MINING

The Subcommittee on Public Lands, Forests and Mining of the Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Wednesday, February 7, 2018, at 10 a.m., to conduct a hearing.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Democratic leader, pursuant to the provisions of Public Law 93–112, as amended by Public Law 112–166, and further amended by Public Law 113–128, the appointment of the following to serve as a member of the National Council on Disability: Andres J. Gallegos of Illinois.

ORDERS FOR THURSDAY, FEBRUARY 8, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m., Thursday, February 8; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate resume consideration of the House message to accompany H.R. 695, with the time until the cloture vote equally divided between the two leaders or their designees.

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

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 11:44 p.m., adjourned until Thursday, February 8, 2018, at 10:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 7, 2018:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

BARBARA STEWART, OF ILLINOIS, TO BE CHIEF EXECUTIVE OFFICER OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

BRETT GIROIR, OF TEXAS, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO THE QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.