Congressional Record

House of Representatives

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

Senate

Thursday, August 3, 2017

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

PRAYER

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

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

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

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

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:


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

Orrin G. Hatch, President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

WORK BEFORE THE SENATE

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

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

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

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

Under the last administration, we learned of a shocking scandal that spread through Veterans Affairs facilities across the Nation. We all agreed that our veterans deserved far better than that. Ever since, Congress has continued to work on a number of initiatives designed to bring more justice to veterans and more reform to the VA.

Senator Isakson, the chairman of the Veterans’ Affairs Committee, has been a tireless advocate for our Nation’s veterans and a driving force on seeing these bills through committee and through the Senate. We passed a number of good reforms into law already. We continue to build on that progress today.

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

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

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

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

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

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

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

We are making progress this week for the future of lifesaving medicine for our veterans and for the leadership of our country’s most critical agencies. We know we still have more to do in all of these areas, but we are passing critical legislation that helps them go on to get a job to pay off their student loans.

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

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

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

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

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

Don’t forget that a lot of young people applying for college are in families that have limited college experience. Mom and Dad may have never gone to college. So when you say DeVry or University of Phoenix, Mom and Dad may say: Is it any good, Son? Is it any good,
Daughter? The son or daughter can say: Dad, the Federal Government will loan me the money to go there. It must be a good school. They wouldn’t loan me the money to go to a place that is bad. That is a natural reaction. We are, in fact, conditioning, endorsing this industry by saying: If you go to these schools, you get taxpayer-funded student loans.

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

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

It was the 2016 analysis that graduates of public and for-profit colleges went to for-profit colleges and universities, but if you make a bad decision and go to a for-profit college, you the kicker. All of your hours can get an education, a good one, and it will not cost you much. Let me give you the kicker. All of your hours can be transferred to upper level colleges and universities, but if you make a bad decision and go to a for-profit college, different things happen. You end up with a real debt for that first year out of high school and guess what. Virtually none of the credit hours you take at that for-profit school can be transferred to any other college or university. That is the reality of what students face.

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

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

The digital photography program at the Illinois Institute of Art in Schaumburg, IL. Ami went to this notorious art institute—saddled them with that debt and we ought to be ashamed of ourselves, and we ought to be ashamed of ourselves that we are supporting this kind of fraudulent activity at the expense of students who were just trying to get a good career.

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

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

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

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

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

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

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

$20,493. That is almost $2,000 more a year. Oh, I forget. I forgot $144,000 in debt that I also have. Let’s do the math. How many years of an additional $2,000 to pay off $144,000? It is only 72 years, and you would be able to pay off your student loan debt by the grace of God. These people ought to be ashamed of themselves, and we ought to be ashamed of ourselves that we are supporting this kind of fraudulent activity at the expense of students who were just trying to get a good career.
the Schaumburg digital photography program from 2007 to 2010. She wrote me a letter and told me her story.

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

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

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

The program culminated in a portfolio show at the Illinois Institute of Art. ‘I went into the Schaumburg digital photography campus in Schaumburg. ‘I went into…’ she wrote me, ‘and they fed me all these success stories. They told me they had [an] excellent place’ program.”

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

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

We know he probably agrees, so which of these three principles does the majority leader disagree with? Tell us. Which of the three? We know he probably agrees with the third. Surely he can’t think that a blunt budget tool that excludes 48 Members of the Senate is a good way to write legislation. He has said so many times himself. I quoted him yesterday. He warned the Senate about becoming “an assembly line for one party’s partisan legislative agenda.” Those are Senator McConnell’s words. The Senate should not become “an assembly line for one party’s partisan legislative agenda.” That is what he did on healthcare. Is he doing it again on tax reform? I hope not.

Well, we know he probably agrees with the second principle: no increase to the debt and deficit. We know he agrees because he has said so before. The Republican leader and Members of his party have spent decades assailing the debt and deficit. As recently as May 16, the Republican leader told
Bloomberg TV that tax reform will have to be revenue-neutral, so that one doesn’t seem to be it. Again, I would like to hear what he has to say explicitly so that we can work together.

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

Tax cuts for the wealthy are extremely unpopular with the American people—and for good reason. The top 1 percent of this country takes 20 percent of our income, a great percentage of its wealth. The wealthy are doing well. God bless them. Their incomes are going up at a faster rate than those of anybody else, but when we are talking about our Tax Code and rewriting it, we are talking about the 1 percent another tax break while millions of working families struggle to afford the cost of college, prescription drugs, food, and healthcare.

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

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

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

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

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

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

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

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

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

IMMIGRATION

Finally, Mr. President, a word on immigration: Yesterday, I heard the President railing against immigrant workers and wrapping his arms around the Cotton-Perdue bill. The bill goes after hard-working people who want to play by the rules, contribute to our economy, and earn citizenship, while doing nothing to address the unscrupulous practices of employers who abuse our visa programs. Those are not jobs and displace American workers.

Here is what I would like to focus on. The President has this nice announcement that he is cutting back on immigration, but a month ago he actually increased the number of H-2B visas—a program the President knows well. Why? A lot of those with H-2B visas work in hotels. I don’t know how many, but I bet a good number are in Trump Hotels. So when the President actually-location in his own businesses, he says: Slash it. Those two are complete contradictions. To hold both of those views is to hold hypocritical views.

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

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine, Ms. COLLINS. Thank you, Mr. President.

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

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

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

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

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

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

Let me explain this situation a little more.

What we found was happening is that in cases in which the patent on the
original brand name pharmaceuticals had expired, there were these companies that were not traditional pharmaceutical companies—they were not firms that had invested hundreds of millions in R&D in order to develop a new prescription drug. That is not what we’re talking about. We are talking about these pharma companies—I call them hedge fund pharma—that wait until the patent has expired, then buy the pharmaceutical drug and virtually overnight impose egregious prices on the patients. Out of the executives of these companies, when asked why he did so, answered simply “because I can.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

I yield the floor.

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

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

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

Thank you.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.
Mr. ENZI. Mr. President, I yield back all time.

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

CLOTURE MOTION

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

The senior assistant legislative clerk reads as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 174, H.R. 2430, an act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes.


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

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

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The presiding clerk called the roll.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk reads as follows:

A bill (S. 581) to include information concerning a patient’s opioid addiction in certain medical records.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate, in consultation with appropriate stakeholders, in the nature of a substitute was agreed to, as follows:

(1) The importance of prominently disclosing to patients and other health care providers, to the extent such information is not otherwise protected, that the Secretary, in consultation with appropriate entities and State agencies, shall make available for use or yielding back of that time, the medical records of a patient recovering from opioid use disorder, including a patient’s circumstances under which information about a patient’s opioid use disorder history in a manner similar to other potentially lethal medical concerns, including drug allergies and contraindications.

(2) The importance of prominently displaying information about a patient’s opioid use disorder when a prescriber or dispensing medical professional is prescribing medication, including methods for avoiding alert fatigue in prescribers.

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

ornamentation, consistent with Federal and State laws and regulations.

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

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

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

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 1052 and the Senate proceed to its immediate consideration.

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

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

(a) BEST PRACTICES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

CONGRESSIONAL RECORD — SENATE
The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1052) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1052

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Better Empowerment Now to Enhance Framework and Improve Treatments Act of 2017” or the “BENEFIT Act of 2017”.

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

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

(1) in subsection (a)(1)—

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

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

and”;

and (C) by adding at the end the following:

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

(2) in section 5(b)(1), by inserting “, including a description of how such data and information were considered in the risk benefit assessment described in section 505(d)” before the period.

The PRESIDING OFFICER. The Senator from Wisconsin.

TRICKETT WENDLER RIGHT TO TRY ACT OF 2017

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

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

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

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

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

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

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

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

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

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

Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 204 and the Senate proceed to its immediate consideration.

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

The legislative clerk will report the bill by title.

The legislative clerk reads as follows:

A bill (S. 204) to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and for other purposes.

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

Mr. JOHNSON. Mr. President, I ask unanimous consent that the Johnson-Donnelly amendment at the desk be considered and agreed to, and the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 753) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

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

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting after section 561A (21 U.S.C. 360bb–6) the following:

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

(1) DEFINITIONS.—For purposes of this section—

(i) the term ‘eligible patient’ means a patient—

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

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

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

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

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

(ii) the term ‘eligible investigational drug’ means an investigational drug (as such term is used in section 561) —

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

(B) that has not been approved or licensed for any use under section 505 of this Act or section 351 of the Public Health Service Act;
“(c)(i) for which an application has been filed under section 505(b) of this Act or section 351(a) of the Public Health Service Act; or
“(c)(i) that is under investigation in a clinical trial that—

“(I) is intended to form the primary basis of a claim of effectiveness in support of approval under section 505 of this Act or section 351 of the Public Health Service Act; and
“(II) is the subject of an active investigational new drug application under section 505(i) of this Act or section 351(a)(3) of the Public Health Service Act, as applicable; and
“(D) the active development or production of which has not been discontinued by the manufacturer or placed on clinical hold under section 505(i); and
“(3) the term ‘phase I trial’ means a phase 1 clinical investigation of a drug as described in section 312.21 of title 21, Code of Federal Regulations (or any successor regulations).

“(b) EXEMPTIONS.—Eligible investigational drugs provided to eligible patients in compliance with this section are exempt from sections 502(f), 505(b)(4), 566(a), and 566(i) of this Act, section 351(a) of the Public Health Service Act, sections 500, 505, and 312 of title 21, Code of Federal Regulations (or any successor regulations), provided that the sponsor of such eligible investigational drug or any manufacturer, distributor, prescriber, dispenses, introduces or delivers for introduction into interstate commerce, or provides to an eligible patient an eligible investigational drug pursuant to this section is in compliance with the applicable requirements set forth in sections 312.6, 312.7, and 312.b(d)(1) of title 21, Code of Federal Regulations (or any successor regulations) that apply to investigational drugs.

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

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

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

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

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

“(A) used in accordance with subsection (c)(1)(A);
“(B) used in accordance with subsection (c)(1)(B); and
“(C) not used in the review of an application under section 566 of this Act or section 351 of the Public Health Service Act.

“(b) NO LIABILITY.—
“(1) ALLEGED ACTS OR OMISSIONS.—With respect to any alleged act or omission with respect to an eligible investigational drug provided to eligible patients in compliance with this section, no liability in a cause of action shall lie against—

“(A) a sponsor or manufacturer; or
“(B) a prescriber, dispenser, or other individual involved (by whomsoever employed), unless the relevant conduct constitutes reckless or willful misconduct, gross negligence, or intentional tort under any applicable State law.

“(2) DETERMINATION NOT TO PROVIDE DRUG.—No liability shall lie against a sponsor manufacturer, prescriber, dispenser or other individual entity (other than a sponsor or manufacturer), unless the relevant conduct constitutes reckless or willful misconduct, gross negligence, or intentional tort under any applicable State law.

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

SEC. 3. SENSE OF THE SENATE.

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

“(1) does not establish a new entitlement or modify an existing entitlement, or otherwise affect the right of any person to bring a private action under any State or Federal product liability, tort, consumer protection, or warranty law.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

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

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

The Senator from Washington.

FDA REAUTHORIZATION BILL

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

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

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

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

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

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

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

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

I thank the chair and my partner, Senator ALEXANDER.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

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

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

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

It started 2 years ago with Republicans and Democrats; Senator MURRAY and I and our staffs working together with the House of Representatives at the same time, working with manufacturers, the FDA, many others, working out many differences of opinion. So now we are going to get to a result within a few minutes. We are probably going to adopt this by voice vote almost unanimously. Everyone will say that must have been easy. It wasn’t that easy, but it is how work gets done in the U.S. Congress. I want to comment on our colleagues and the staff and the House of Representatives on what they have done. We will continue to focus our attention on the 21st Century Cures Act. A piece of legislation is not worth the paper it is printed on unless it is implemented properly, but this funding today, done in a timely way, says to the men and women who work at the Food and Drug Administration and to their leader, Dr. Gottlieb: We value what you do.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The reauthorizations are based on recommendations from industry and FDA after a thorough public process.
FDA posted meeting minutes after every negotiation and held public meetings before discussion began and to hear feedback on the draft recommendations last fall.

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

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

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

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

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

The bill includes provisions from Senators Isakson and Bennett to improve the medical device inspection process; Senators Hassan and Young to improve communication about abuse-deterrent opioid products; Senators Enzi and Franken to encourage medical device development for children and make sure FDA has appropriate expertise to review devices for children; Senators Roberts, Donnelly, and Burr to allow more appropriate classification for medical devices used with medical devices; Senators Collins, Franken, McCaskill, and Cotton to improve generic drug development and help lower prescription drug costs; Senators Hatch, Bennett, Burr, and Casey to improve access to clinical trials for all patients; and Senators Bennett, Rubio, Van Hollen, and Gardner to increase the development of new drugs to treat pediatric cancers and other diseases.

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Georgia.

VETERANS LEGISLATION

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

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

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

I was telling the ranking member this is called "no excuses day." Secretary Shulkin will have no excuses for any mistakes to be made. Every tool he needs in his toolbox to see that the Veterans Administration is responsible to the veterans of the United States of America passed in the Senate.

This was one of six major bills the first 7 months of this year, a remarkable achievement, a testimony to teamwork, to staff, and to the leadership of the Republican and the Democratic Parties. The majority and minority leaders of this Senate made it possible for that to happen last night. I am eternally grateful to both Mr. Tester.

I want to thank Chairman Isakson for his work on the VA Committee. We have gotten a lot of work done the first part of this Congress because we communicated. We haven't put up artificial barriers. We sat down and all realized that one thing we have is veterans, and we realize that is the way it can work in this body when we start from a point of agreement rather than disagreement.

The VA Committee is a prime example of people working together. It is about compromise. It is about not digging in but moving together. This is a great country, and it was built by people working together.

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

We have two bills already signed into law: an accountability bill, which holds VA employees accountable to the veterans, fires bad employees, protects whistleblowers; and the Veterans Choice Improvement Act, which makes VA the prime payer and reduces out-of-pocket expenses for veterans. Then, the VA worked closely with the Governor and legislature to fund the VACO, pictured in the disability appeals, some 470,000—we are going to expedite that process and bring it down from 3 years to 1 year.
The VA will do that. We will give them the tools to do that. It will simplify it and cut the redtape.

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

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

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

Chairman ISAKSON and I have done that, and we are going to continue to do that. We have some more tough issues down the road. It is about taking a long-term view and a half, but we are going to work together to make sure we do it and we do it right. With help from the committee and help from the Senate, we could have more successes.

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

The PRESIDING OFFICER. The Senator from Alaska.

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

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

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

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

Mr. President, I yield all time.

The PRESIDING OFFICER. All time is yielded back.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

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

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

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

YEA—79
Alexander                Baldwin                Barasso                Blumenthal                Boozman                Brown                Cantwell                Capito                Cardin                Carper                Casey                Cassidy                Cochran                Collins                Coons                Corker                Cornyn                Cotton                Cropp                Cruso                Daines                Donnelly                Durbin                Ernst

NAYS—17
Booker                Cortez Masto                Duckworth                Franken                Gillibrand                Harris

NOT VOTING—4
Burr                Hoeven                Inhofe                McCain

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.
[Rollcall Vote No. 187 Leg.]

YEARS—94

NAYS—1

Sanders

NOT VOTING—5

Burr Inhofe McCain Hoeven

The bill (H.R. 2430) was passed.
The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I am unable to consider this matter. The Senate, with the consent of the Presiding Officer, the motion to reconsider is considered made and laid upon the table.

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

MORNING BUSINESS

Mrs. FISCHER. Mr. President, I am unable to consider this matter. The Senate, with the consent of the Presiding Officer, the motion to reconsider is considered made and laid upon the table.

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

The Senator from Colorado.

RACE FOR CHILDREN ACT

Mr. BENNET. Mr. President, I feel sorry for the Presiding Officer. This is the second time in a week we have had to listen to me talk on the floor. I thank the Senator from Nebraska for her graciousness in letting me go first.

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

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

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

Drug companies with new, precision medicine for adult cancers did not have to study potential for pediatric cancers. That meant our kids continued to receive older treatments—some from the 1960s—which often had harmful side effects and consequences that can last a lifetime. At the same time, breakthrough treatments have become available for adults, with better results and fewer harmful effects. While these treatments have great promise for kids, we were not doing enough to explore that potential.

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

NORTH KOREA

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

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

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

Adding to the threat, they have made progress beyond ICBM technology. Over the past year, North Korea has conducted several tests of a submarine-launched ballistic missile. In February, the regime demonstrated a new solid-fueled, road-mobile ballistic missile. Together, these developments reveal a dedicated, sophisticated development program that is relentlessly pursuing weapons designed for no other purpose than to threaten the United States and our allies. The rapid pace of development also indicates an increasing capability to couple scientific industrial base within North Korea.

Questions still remain about the regime’s ability to miniaturize a nuclear warhead, deliver it accurately, and shield it from the stresses associated with launch and reentry. We should expect Kim Jong Un to overcome these obstacles if the status quo remains unchanged.
Admiral Harris, the commander of the U.S. Pacific Command, said in his testimony before the Senate Armed Services Committee earlier this year: "It is clearly a matter of when."

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

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

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

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

Russia’s economic ties are more limited, but the Russians have been known to import North Korean labor and provide energy supplies, including jet fuel, to Pyongyang. These ties provide China and Russia with influence over North Korea. How have they used that influence? Instead of helping to restrain the regime, they appear to be rewarding its bad behavior.

Some argue China is unwilling to impose harsh restrictions on trade with Pyongyang because it would risk the regime’s collapse and send a wave of North Korean refugees across their border. This argument might explain providing minimal assistance, but it does not explain why both nations are increasing their bilateral trade, with several claiming trade between Russia and North Korea increased by 85 percent in comparison to last year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

These comments came before North Korea’s July ICBM tests. I strongly believe the rate of technical progress demands a response. There are options before us. For example, additional ground-based radars and space-based sensors would improve our ability to track incoming threats, discriminate warheads from debris and decoys, and conduct kill assessments to confirm that the threats have been destroyed.

The Redesigned Kill Vehicle Program, which will modernize the portion of the interceptor that impacts and destroys hostile warheads in space, promises to increase the capabilities of our current system. Deploying more interceptors, whether at the existing facility in Fort Greely, AK, or at a new installation, would add capacity and enable our defenses to better handle ICBM threats.

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

Mr. SULLIVAN. Mr. President, every week, I have been coming to the floor to talk about the wonderful people in my State. A lot of people have a real impact, someone who doesn’t get a lot of attention, someone who has made an impact on his community or country, and let people know we are thinking about them, let people know we are proud of them. Before recess, I want to do that for a couple of Alaskans today, and I would like to start by talking about a gentleman who has gotten a little press lately in Alaska, but I want you to have the opportunity to hear about it. It is really a remarkable story—Mr. Mark Braudis.

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

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

Mark said:

When I was in high school, everyone had long hair and were anti-government. That’s how I was. I was not the way I was growing up.

If my brothers were over there in Vietnam, I wanted to stand with them.

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

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

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

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

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

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

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

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

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

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

What did Mark learn from these challenges? He said:

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

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

TRIBUTE TO KATHY HEINDL

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

Right now in Alaska, we have tourists, people coming from all over, and one of the things happening in Alaska is salmon season. The biggest runs in the world—the bounty of our great State—are happening right now, and the fish are running. If you or anyone listening has ever had the opportunity to catch or eat wild Alaskan salmon, of course, it is the memory of a lifetime. There is nothing better; there is no better fish in the world. There is nothing better; there is no better fish in the world. There is nothing better; there is no better fish in the world.
world is on Alaska’s Kenai Peninsula, about 45 minutes from Anchorage. Millions of salmon run up the rivers of the Kenai, drawing tens of thousands of Alaskan sports, personal use, and commercial fishermen, as well as visitors from all over the country, all for the world’s finest salmon fishing in Kenai River.

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

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

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

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

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

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

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

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 185, 186, 187, 188, 189, 190.

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

The clerk will report the nominations en bloc.

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

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

Mr. McCONNELL. 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 related to the nominations be printed in the RECORD.

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

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

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

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

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

The bill clerk read the nominations of David Malpass, of New York, to be Under Secretary of Commerce for Export Administration; Richard Ashooh, of New Hampshire, to be an Assistant Secretary of Commerce for Export Administration; Richard Ashooh, of New Hampshire, to be an Assistant Secretary of Commerce; Neal J. Rucklfe, of Texas, to be an Assistant Secretary of the Department of Housing and Urban Development; and Anna Maria Fairus, of Texas, to be an Assistant Secretary of Housing and Urban Development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The question is, Will the Senate advise and consent to the nominations en bloc?
Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Democratic Republic of Algeria.

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

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

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

The question is, Will the Senate advise and consent to the nominations en bloc. The question is taken as read.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 202, 203, 204, 205, 206, 207, and 208.

The PRESIDING OFFICER. The clerk will report the nominations.

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 nominations were confirmed en bloc.

EXECUTIVE CALENDAR

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

The PRESIDING OFFICER. The clerk will report the nominations.

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

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

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

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

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

The question is, Will the Senate advise and consent to the nominations en bloc. The question is taken as read.

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 nominations were confirmed en bloc.

EXECUTIVE CALENDAR

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

The question is, Will the Senate advise and consent to the nominations en bloc. The question is taken as read.

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 nominations were confirmed en bloc.

EXECUTIVE CALENDAR

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

The question is, Will the Senate advise and consent to the nominations en bloc. The question is taken as read.

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 nominations were confirmed en bloc.

EXECUTIVE CALENDAR

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

The question is, Will the Senate advise and consent to the nominations en bloc. The question is taken as read.

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 nominations were confirmed en bloc.

EXECUTIVE CALENDAR

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

The question is, Will the Senate advise and consent to the nominations en bloc. The question is taken as read.

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 nominations were confirmed en bloc.

EXECUTIVE CALENDAR

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

The question is, Will the Senate advise and consent to the nominations en bloc. The question is taken as read.

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 nominations were confirmed en bloc.
with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate’s action; that no further motions be in order; and that any statements related to the table with no intervening action or debate be printed in the Record.

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

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

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

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

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

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

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

To be major general

Brig. Gen. Darrell J. Guthrie

To be brigadier general

Col. Brian E. Miller

NOMINATIONS PLACED ON THE SECRETARY’S DESK IN THE ARMY

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

PN642 ARMY nominations (14) beginning DENNIS A. WEBER, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN644 ARMY nominations (24) beginning ALON S. AHARON, and ending EDWIN A. WYMER, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN645 ARMY nominations (5) beginning JULIA R. PLEVNYA, and ending HAL E. VINEYARD, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN646 ARMY nominations (14) beginning TRESSA D. COCHRAN, and ending KAREN F. WIGGINS, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN647 ARMY nominations (6) beginning LOREN D. ADAMS, and ending PHILIP A. WENTZ, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN648 ARMY nominations (9) beginning JOANNE E. ARSENAULT, and ending FELISHA L. RHODES, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN649 ARMY nominations (24) beginning MICHAEL E. ALBIS, and ending JEFFREY P. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN650 ARMY nominations (59) beginning JOHN W. ALDRIDGE, and ending PHILIP E. ZAPANTA, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN651 ARMY nominations (17) beginning SCOTT R. CHEEVER, and ending DIANA E. ZSCHASCHEL, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN652 ARMY nominations (40) beginning EDWARD J. MURPHY, and ending BRIDGET C. WOLFE, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN653 ARMY nominations (8) beginning ROBIN CREAR, and ending NEIL P. WOODS, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN654 ARMY nominations (2) beginning ERIC W. BULLOCK, and ending CRYSTAL R. ROMAY, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN655 ARMY nominations (71) beginning BETTY S. ALEXANDER, and ending JAMES B. ZOMJEL, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN656 NAVY nominations (34) beginning DOMINIC J. ANTENUCCI, and ending MATTHEW J. WOOTEN, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN653 NAVY nominations (58) beginning CLEMIA ANDERSON, and ending MICHAEL A. ZUNDEL, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN654 NAVY nominations (28) beginning ERIC F. BAUMAN, and ending EVAN R. WHITTECK, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN655 NAVY nominations (26) beginning THOMAS A. ABLEMAN, and ending BRUCE A. YEE, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN656 NAVY nominations (2) beginning ERIC W. HASS, and ending GAIL M. MULLEAVY, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN657 NAVY nominations (36) beginning CHRISTOPHER L. ALMOND, and ending EDWARD F. WALL, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN658 NAVY nominations (19) beginning ROBERTE M. BRACIAH, and ending LEROY C. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN659 NAVY nominations (58) beginning THOMAS E. ARNOLD, and ending MICHAEL P. YUNKER, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN660 NAVY nomination of Morgan E. McLellan, which was received by the Senate and appeared in the Congressional Record of July 25, 2017.

PN661 NAVY nomination of Claire E. Smith, which was received by the Senate and appeared in the Congressional Record of July 25, 2017.

EXECUTIVE CALENDAR

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

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

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

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

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

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

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

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

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

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

The nomination considered and confirmed is as follows:

IN THE SMALL BUSINESS ADMINISTRATION

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

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

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

LEGISLATIVE SESSION

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

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

The majority leader.

NOMINATIONS

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

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

The PRESIDING OFFICER. The majority whip.

SENATE ACCOMPLISHMENTS AND THE BUILDING AMERICA’S TRUST ACT

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

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

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

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

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

On this side of the aisle, we are absolutely committed to helping businesses and job creators do what they do best—innovate, create more jobs, and employ more people—and not waste time dealing with onerous rules and regulations.

With a friend in the White House—somebody sympathetic to the needs to grow the economy, create more opportunities, and pursue the American dream—we have been able to finally deliver some relief to the American people.

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

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

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

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

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

Over the last several years, we have heard about VA facilities across the State of Texas and across the country which have been plagued by inefficiency, unaccountability, and quality of care issues. The VA has been hindered by unnecessary bureaucratic burdens which have been incredibly frustrating and costly for our veterans.

The Veterans Choice Program was created to fix that by ensuring veterans can receive timely appointments close to home. The VA Quality Employment Act, which we passed earlier this year, continues that program and guarantees veterans that they will continue to have access to care without interruption.

Of course, we still have additional work to do before leaving for the August work period. There are still vacancies in the executive branch that need to be filled. In order for President Trump to do the job he was elected to do on November 8, he needs his team in place. I am glad that today, just a few moments ago, roughly 65 of his Cabinet nominees and sub-Cabinet nominees were confirmed, I hope our
Task Force of the West and South Texas Corridor. Chief Padilla presides over the busiest Border Patrol sector in the United States. He said something then which stuck with me. He pointed out that any border security plan must include a combination of three things, and the way those three things come together may well vary, and will vary, depending on the particular location:

1. **The first is physical infrastructure.**

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

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

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

I believe it is possible to ensure the border and enforce the law, we will never be able to regain the public’s confidence, which allows us to do other things we need to do to fix our broken immigration system.

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

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

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

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

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

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

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

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

Our bill authorizes additional resources for Border Patrol agents, Customs and Border Protection officers, for agricultural inspectors, and Immigration and Customs Enforcement, or ICE officers. We also provide for additional immigration judges and Federal prosecutors for State and local law enforcement to aggressively fight drug
trafficking, smuggling, and other crimes that, unfortunately, occur along our borders because the organizations—these transnational criminal organizations—really don’t care about human life.

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

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

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

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

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

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

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

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

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

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

With this legislation as a guide, we aren’t going to do that job done for tomorrow. We are looking ahead and locking in a framework that will exist long after President Trump leaves office.

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

I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

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

MODERN ANTITRUST LAW

Mr. HATCH. Mr. President, I rise today to speak on a policy matter that has been generating substantial attention recently, and that is modern antitrust law. This issue is critical. In the perennial debate over the proper role of government in economic affairs, it will grow all the more critical in the years to come. New technologies, creating markets not even imaginable only a decade ago, are spurring fundamental shifts in the economic landscape. In the national news, mergers between corporate giants or new fines imposed by foreign regulators are becoming an acceptable thing almost every day. In the Senate, we increasingly see antitrust law dragged into larger economic arguments that are heavier in inflammatory rhetoric than in careful deliberation. Allow me, then, to offer a few thoughts that I can and to directly address the rising controversy.

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

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

America, however, chose a different path. We refused to yield to the false comforts of collectivism. We opted, instead, for an economy that was vibrant, tumultuous, competitive, and free. That is where antitrust comes in.

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

Let me be clear: Antitrust doctrine in this country has not always gotten it right. As we all know, early antitrust policy tended to confuse protection of market participants for protection of the market itself. We should not embrace antitrust law in order to grind every spontaneous order arises that serves all of us far better than any central authority ever could. Of course, our markets work toward those ends only when they are genuinely free, fair, and competitive.

That is where antitrust comes in.

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

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In a very real sense, antitrust is the capitalist’s answer to the siren song of the central planner. When antitrust doctrine is referred to as the Magna Carta of the free enterprise system, I suspect this is what we mean.
goods to the most people at the highest quality and lowest cost—consumer welfare still works best.

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

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

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

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

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

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

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

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

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

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

Some in academia insist that recent market concentration and technological progress compel a return to bold, persistent experimentation. Many in the media call for antitrust to pursue a “progressive” or “network effects” standard. Whatever the label, the consumer welfare standard finds itself chiefly besieged from the left. Their rhetoric may not yet have made its way into traditional precedent, but it certainly has made itself known.

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

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

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

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

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

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

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

Again, as I mentioned earlier, we should aim to regulate markets such that in their basic core functioning they regulate themselves. Market discipline imposed by competition and driven by innovation should be our aim. To that end, nobody doubts that new developments in the market will require a fresh look at doctrine. Nobody questions that the consumer welfare standard will have to adapt. For example, categories of anti-competitive conduct may need to be tweaked, refastened or even expanded in light of the new technological age and its market evolution. Merger review, never an exact science, will seize upon new econometric tools for measuring ancient
economic concepts like quality, preference, and efficiency. The rule of reason, I am sure, will continue to bedevil judges, practitioners, and law students alike, but that is just fine. And when I say I keep saying, is ultimately a common law exercise. I am here to argue merely that the consumer welfare standard, when handled prudently, is a far better steward of our free market than the progressive standard, which is deeply misguided and potentially quite destructive.

Take, for instance, the proposed Amazon-Whole Foods merger, which has generated so much interest lately. It would, of course, be inappropriate for me on the floor of the Senate to pass judgment. I would caution my colleagues the same. There is an established process for review, but the question should be asked: Upon what basis should antitrust authorities evaluate a proposed merger like this? What we need is the consumer welfare standard. It carefully examines the basic and critical question of whether such a deal helps consumers or whether it hurts consumers. It relies on a coherent doctrine of consumer welfare, and on whether there is a net, on balance, enhancement of consumer welfare.

Mr. President, I ask unanimous consent that the bill be read a second time.

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

Mr. President, I think they are, but it is not for me to say.

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

In conclusion, for all the past rhetoric, for all the claims that a new age requires a new doctrine, the ideas behind the progressive standard are not new. They are terribly old. They may be adorned with original terminology or aimed at novel markets, but it is the same old collectivist impulse it has always been. In that sense, these ideas are not unique to Americans. Every day, theATIO releases reports from around the world that foreign governments are increasingly turning to antitrust for industrial policy. Whether domestically or abroad, the stakes are simply too high, the consequences too grievous for the trade-off to remain. The progressive standard to be swept away in an instant, merely because a new breed of central planners—falsely conceiving themselves different from their predecessors—would sit around the table and prejudge what separates good from evil.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

DOBE BOULE CONGRESSIONAL GOLD MEDAL ACT

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

The senior assistant legislative clerk read as follows:

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

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

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

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

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

There being no objection, the bill was reported to the President.

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

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

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

Mr. ROBERTS. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

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

The bill (S. 1616) was passed, as follows:

S. 1616

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Bob Dole Congressional Gold Medal Act”.

SEC. 2. FINDINGS.

Congress finds the following:

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

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

(3) In 1941, Bob Dole enrolled at the University of Kansas as a pre-medical student. During his time at KU he played for the basketball, football, and track teams, and joined the Kappa Sigma Fraternity, from which he would receive the “Man of the Year” award in 1960.

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

(5) After college, Bob Dole worked for the disabled and was a key figure in the passing of the Americans with Disabilities Act in 1990.

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

(7) In 1989, Bob Dole was elected into the U.S. Senate and served for the course of this period, he served as Chairman of the Republican National Committee, Chairman of the Finance Committee, Senate Minority Leader, and Senate Majority Leader.

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

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

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

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

(A) President Reagan awarded Bob Dole the Presidential Citizens Medal in 1989. In awarding the Medal, the President stated, “Bob Dole has been a great public servant, a great senator, a great American... In our times as a nation, we have not seen a person of Bob Dole’s achievement and service to this country. And I am delighted to present this Medal to Bob Dole...”

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

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

(13) From 1997-2001, Bob Dole served as chairman of the International Commission
on Missing Persons in the Former Yugoslavia.

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

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

(16) In 2006, President George W. Bush appointed Bob Dole to chair the President’s Commission on Care for America’s Returning Wounded Warriors, which inspected the system of care received by U.S. soldiers returning from Iraq and Afghanistan.

(17) Bob Dole was the co-creator of the McGovern-Dole International Food for Education and Child Nutrition Program, benefiting combat child hunger and poverty. In 2006, he was co-awarded the World Food Prize for his work with this organization.

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

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

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

(21) Bob Dole was acknowledged by many organizations for his achievements both inside and outside of politics, including being awarded the “U.S. Senator John Heinz Award for Outstanding Public Service By An Elected Official”, the Gold Good Citizenship Award, the American Patriot Award, the Survivors Award, the Heart of Kansas award, the Albert Schweitzer Medal “for outstanding achievement in international justice and, in 2004, received the French Legion of Honor and the French Cross of the Legion of Honor. In 2011, Bob Dole enrolled at the University of Kansas as a premed student. Despite his grave injuries, Bob recovered and was awarded two Purple Hearts and a Bronze Star with an Oak Leaf Cluster for his service. He is indeed a warrior and a hero.

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

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

SEC. 3. CONGRESSIONAL GOLD MEDAL.
(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate appointments and awards for the award, on behalf of Congress, of a gold medal of appropriate design to Bob Dole, in recognition for his service to the nation as a soldier, legislator, and statesman.
(b) DESIGN AND STRIKING.—For the purpose of this section, the Secretary of the Treasury, or the Secretary’s designee, may strike a gold medal of suitable design and inscriptions to be determined by the Secretary.
a friend and adviser to Bob, said: I want to take you up to the Hill to meet Congressman Bob Dole. I consider him to have the highest potential to be whatever he wants with regard to public service.

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

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

Bob, thank you for that.

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

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. PERDUE. Mr. President, I ask unanimous consent that the order for the sale of any Purple Heart be rescinded.

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

PRIVATE CORRADO PICCOLI PURPLE HEART PRESERVATION ACT

Mr. PERDUE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 765 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 765) to amend title 18, United States Code, to provide for penalties for the sale of any Purple Heart awarded to a member of the Armed Forces.

The Senate proceeded to consider the bill.

Mr. PERDUE. Mr. President, I ask unanimous consent that the amendment be considered and agreed to, the bill, as amended, be considered read a second time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds the following:

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

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

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

(a) In paragraph (1) of section 3791 of title 18, United States Code, as amended—

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

(b) The Purple Heart medal holds a place of honor as the national symbol of this sacrifice of life and death.

(c) In section 103 of title 31, United States Code, as amended—

(2) In paragraph (1), by striking “Whoever”—inserting “Except as provided in subsection (e), whoever”;

(3) In paragraph (2), by striking “Whoever”—inserting “Whoever willfully purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, purchases blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value any Purple Heart awarded to a member of the armed forces or former member of the armed forces by the Secretary of the military department concerned, except when authorized under regulations made pursuant to law, shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.”

(b) In paragraph (1), by striking “Whoever”—inserting “Whoever willfully purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, purchases blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value any Purple Heart awarded to a member of the armed forces or former member of the armed forces by the Secretary of the military department concerned, except when authorized under regulations made pursuant to law, shall be fined under this title, imprisoned not more than 5 years, or both.”

(c) In paragraph (2), by striking “Whoever”—inserting “Whoever willfully purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, purchases blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value any Purple Heart awarded to a member of the armed forces or former member of the armed forces by the Secretary of the military department concerned, except when authorized under regulations made pursuant to law, shall be fined under this title, imprisoned not more than 5 years, or both.”

(d) In paragraph (3), by striking “Whoever”—inserting “Whoever willfully purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, purchases blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value any Purple Heart awarded to a member of the armed forces or former member of the armed forces by the Secretary of the military department concerned, except when authorized under regulations made pursuant to law, shall be fined under this title, imprisoned not more than 5 years, or both.”

(e) The term “willfully” means the voluntary, intentional violation of a known legal duty.

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

Mr. PERDUE. Mr. President, this legislation is important because it will authorize the sale of any Purple Heart awarded to a member of the armed forces or former member of the armed forces by the Secretary of the military department concerned, unless the Secretary determined, unless by the member or former member to whom the Purple Heart was awarded.

(3) PENALTY.—Whoever willfully purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, purchases blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value any Purple Heart awarded to a member of the armed forces or former member of the armed forces by the Secretary of the military department concerned, except when authorized under regulations made pursuant to law, shall be fined under this title, imprisoned not more than 5 years, or both.

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

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

(6) This Act may be cited as the ‘Private Corrado Piccoli Purple Heart Preservation Act’.

The PRESIDING OFFICER. The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Delaware.

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

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

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

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

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

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

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

If you go back to the beginning of this Congress, January 3, and the inauguration of the President on January 20 of this year, there were high hopes...
on both sides to immediately get to work on comprehensive tax reform: on transportation and infrastructure policy for roads, highways, bridges, rails, ports, broadband, and maybe our electric grid. There was the idea of doing something for our Republican friends to repave and repair our roads.

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

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

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

LAMAR ALEXANDER, my Senate colleague from Tennessee, likes to say: A guy who spent a lot of time thinking and working on healthcare, I think. He didn’t work for an employer that provides healthcare for them. These are large purchasing pools in every State where people can get healthcare coverage and be part of a large group plan and realize the benefits of being a part of that large group plan.

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

That was a Heritage Foundation idea.

The third idea was something called an individual mandate, which said that, if you don’t have coverage, you have to get it. Particularly, you have to sign up for it in the exchange. If you don’t want to sign up, you are going to be fined. You can’t actually make people sign up and get coverage, but the idea behind Heritage was that we would incentivize people to get coverage, because, eventually, people who don’t have coverage will have to get covered. Unfortunately, it is really expensive if you are in an emergency room.

A lot of times they are so sick that they end up getting admitted. That costs a bundle, and the rest of us end up paying for it. So the third pillar was the individual mandate.

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

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

Those were the five ideas. Our friends here on the Republican side of the aisle said: We want to take those ideas. They did. The legacy of the healthcare plan called HillaryCare.

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

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

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

The first great idea of the five ideas was to create exchanges in every State for people who don’t have coverage and for employers to provide an option for their employees to go in an exchange.

As it turns out, we have in some cases disappointed, and in other cases we probably have not pleased the folks who elected us to serve them. Shouldn’t get away with that if you are an insurance company.

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

I think that we all share the goal of trying to provide better healthcare for less money, although it is a goal we all share as Democrats and Republicans, in the executive branch and in the legislative branch. I think that is a shared goal.

But about 13 years later, in 2006, a fellow Governor of Massachusetts was thinking about what were some things he could do to really differentiate himself in the field for running for President of the United States in 2008. This man thought that the idea would be to come up with this idea: Why don’t we try to cover everybody in Massachusetts and be the first State with everyone having healthcare coverage? They dusted off the Heritage Foundation’s five ideas and created some of the policy for our healthcare.

As it turns out, we have in some cases disappointed, and in other cases we probably have pleased the folks who elected us to serve them, in creating some of the policy for our country.
young invincibles and others who didn’t have coverage that you have to get serious about getting coverage. They wanted a mix of people in their exchanges so that insurance companies would be able to insure them and not lose their shirts—to make money off of it.

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

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

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

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

For many years, it has been a 50–50 yield. Largely, States pay 50 percent, and the Federal Government pays 50 percent. We changed that in the Affordable Care Act because we wanted the States to cover more than just the people up to 100 percent of poverty. The Federal Government stepped in and said to the States: If you would go along with this, we would like to cover people from 100 percent to 135 percent of poverty. The Federal Government, at least for a while, would pay for that marginal increase in coverage up to 135 percent of poverty. It is a pretty good deal for the States, and about 21 States have signed up to do that. So a lot of people have coverage today who did not have it before through Medicaid.

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

We passed legislation that created exchanges in all 50 States, and we had an individual mandate to encourage people to get coverage and incentivize them but fine them if they did not. A lot of people say that we started too slowly, as Massachusetts did not implement it fast enough to get people signed up in the exchanges, but we have made it to the 20th century and fought the Cold War. One hundred fifty years ago, we didn’t have coverage, which has turned out to be a huge mistake. Most of the people would suffer. As a matter of fact, a lot of the folks who voted for them are in rural States, and a lot of them are in red States around the country. I think it is cruel, and I do not think it is very smart.

Last Friday morning at 2 a.m., three Republicans—Lisa Murkowski, of Alas-

A long time ago, we fought the Civil War. One hundred fifty years ago, we fought the Civil War. My friend here from Mississippi remembers that. I grew up in the last capital of the Confederacy—Dixie. And I have been here. Somehow, this has turned out to be that part of the Affordable Care Act with the exchanges and so forth. It ended up being called ObamaCare, which is really ironic because he did not have anything to do with creating it. It was not his idea, but, somehow, it has been deemed to be ObamaCare. It is the part of the Affordable Care Act that has been most attacked by our Republican friends. It was their creation, their suggestion, and now they want to get rid of it.

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

I think all of the would be a huge mistake. Most of the people would suffer. As a matter of fact, a lot of the folks who voted for them are in rural States, and a lot of them are in red States around the country. I think it is cruel, and I do not think it is very smart.
I like to remind people that if we can get through the 150 years after the Civil War and end up where we were on January 1, 2001, we will get through this as well.

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

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

We will also have the opportunity to tackle our Tax Code. We have a tax code that, in some cases, discourages companies, especially larger companies, from doing business in the United States and continuing to do business here and employing people here. In some cases, we encourage them to look for other places around the world in which to locate their businesses. We need to make sure we have a tax code that encourages innovation and that encourages companies to expand and grow here.

My hope is that we can, especially on the Finance Committee, really focus on that and work with our colleagues, work with Congress, and work with the administration.

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

We need to get serious about it, and we need to get going. My hope is that we will end up being revenue-neutral. We could use some revenues, but I hope we will end up being revenue-neutral. One of the things we have to do is make sure we have a tax code that, in some cases, discourages companies, especially larger companies, from staying in the United States and employing people here. In some cases, we encourage them to look for other places around the world in which to locate their businesses.

My wife and I went to Africa and actually met up there with one of our sons and a friend of his two summers ago in August. I learned more about Africa in, actually, a week to 10 days than I had learned in all of my life. One of the things I learned was an African proverb that some of you already know. It goes something like this: If you want to go far, travel alone. If you want to go far together. That is what people want us to do. They want us to work together because, if we do, we will get a lot more things done.

My hope is that when we come back, we will come back determined to work together. That is what people want us to do. I yield the floor.

Mr. WICKER. Mr. President, my esteemed colleague from Delaware says that we have plenty to do when we get back, and he is, certainly, correct. I would join many of my colleagues today, though, in pointing out that in the last 3 days, we have actually gotten substantial work done. Perhaps we have not come together into 3 days when using the regular order and the filibuster and the motions to proceed might have taken 3 weeks otherwise. So the leadership on both sides of the aisle are to be commended for this burst of progress we have made, and I hope we can continue that when we get back.

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

Most recently, the Senate passed a companion bill authored by Senator Klobuchar and me known as the Better Empowerment Now to Enhance Framework and Improve Treatments Act or the BENEFIT Act. This is another example of how, when the Senate works together, it will come together. We will get things done.

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

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

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

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

Now, what progress have we made? Let me tell you, my colleagues, this. For years, I have sought to find a cure for the devastating, fatal disease known as Duchenne muscular dystrophy. I have worked on this issue since my early years in the House of Representatives.

Young boys face this fatal disease, and they know better than anyone what a drug can do to improve the quality of their lives.

Since the Congress passed the MD-CARE Act dealing with Duchenne muscular dystrophy more than 15 years ago, research has led to innovative therapies.
that have added a decade to the lives of these young boys. What an achievement by scientists in America. What an achievement for the government to have unleashed cures and research in this area. We hear their voices heard, we need their stories heard, and we need the voices of patients with other diseases heard.

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

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

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

Thank you.

I yield the floor.

I suggest the absence of a quorum.

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate continue to call the roll.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

The senior assistant legislative clerk read as follows:

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

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Making 500 megahertz available.
Sec. 4. Millimeter wave spectrum.
Sec. 5. 3 gigahertz spectrum.
Sec. 6. Communications facilities deployment on Federal property.
Sec. 7. Broadband infrastructure deployment.
Sec. 8. National broadband facilities asset database.
Sec. 9. Reallocation incentives.
Sec. 10. Bidirectional sharing study.
Sec. 11. Unlicensed services in guard bands.
Sec. 12. Pre-auction funding.
Sec. 13. Immediate transfer of funds.
Sec. 15. GAO assessment of unlicensed spectrum and Wi-Fi use in low-income neighborhoods.
Sec. 16. Rulemaking related to partitioning or disaggregating licenses.
Sec. 17. Unlicensed spectrum policy.
Sec. 18. National plan for unlicensed spectrum.
Sec. 19. Spectrum challenge prize.
Sec. 20. Wireless telecommunications tax and fee collection fairness.
Sec. 21. Rules of construction.
Sec. 22. Relationship to Middle Class Tax Relief and Job Creation Act of 2012.

**SEC. 2. DEFINITIONS.**

In this Act—

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

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

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

(2) COMMUNICATIONS.—The term “communications” means—

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

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

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

(3) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(4) FEDERAL ENTITY.—The term “Federal entity” has the meaning given in the term in section 113(h) of the National Telecommunications and Information Administration Act (47 U.S.C. 923(h)).

(5) NTIA.—The term “NTIA” means the National Telecommunications and Information Administration of the Department of Commerce.

(6) OMB.—The term “OMB” means the Office of Management and Budget.

(7) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

**SEC. 3. MAKING 500 MEGAHERTZ AVAILABLE.**

(a) REQUIREMENTS.—

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

(b) UNLICENSED AND LICENSED USE.—Of the spectrum made available under paragraph (1), not less than—

(A) 100 megahertz shall be made available on an unlicensed basis; and

(B) 100 megahertz shall be made available on an exclusive, licensed basis for commercial mobile use, pursuant to the Commission’s authority to implement such use in a flexible manner, and subject to potential continued use of such spectrum by incumbent Federal entities in designated geographic areas indefinitely or for such length of time stipulated in transition plans approved by the Technical Panel under section 113(h) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(h)) for those incumbent entities to be relocated to alternate spectrum.

(c) NON-ELIGIBLE SPECTRUM.—For purposes of satisfying the requirement under paragraph (1), the following spectrum shall not be counted:

(A) The frequencies between 1695 and 1710 megahertz.

(B) The frequencies between 1755 and 1780 megahertz.

(C) The frequencies between 2155 and 2180 megahertz.

(D) The frequencies between 3530 and 3700 megahertz.

(E) Spectrum that the Commission determines had more than de minimis mobile or fixed wireless broadband operations within the band on the day before the date of enactment of this Act which had been in use at least three years prior to enactment.

This section shall be carried out in accordance with section 113(h) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(h)).

(5) CONSIDERATIONS.—In making spectrum available under this section, the Secretary and Commission shall consider—

(A) the need to preserve critical existing and planned Federal Government capabilities;

(B) the impact on existing State, local, and tribal government capabilities;

(C) the international implications;

(D) the need for appropriate enforcement mechanisms and authorities; and

(E) the importance of the deployment of wireless broadband services in rural areas of the United States.

(6) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(A) impair or otherwise affect the functions of the Director of OMB relating to budgetary, administrative, or legislative proposals;

(B) require the disclosure of classified information, law enforcement sensitive information, or other information that must be protected in the interest of national security;

(C) affect any requirement under section 156 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921), as added by section 106(a) of the National Defense Authorization Act for Fiscal Year 2000, or any other relevant statutory requirement applicable to the reallocation of Federal spectrum.

**SEC. 4. MILLIMETER WAVE SPECTRUM.**

(a) FEASIBILITY ASSESSMENT.—Not later than 18 months after the date of enactment of this Act, the NTIA, in consultation with the Commission, shall conduct a feasibility assessment regarding the impact, on Federal entities and operations in any of the following bands, of authorizing mobile or fixed terrestrial wireless operations, including for advanced mobile service operations, in the following bands:

(1) The band between 31800 and 33000 megahertz.

(2) The band between 71000 and 76000 megahertz.

(3) The band between 82000 and 86000 megahertz.

(b) REQUIREMENTS.—In conducting the feasibility assessment under subsection (a), the NTIA shall—

(1) consult directly with Federal entities with respect to frequencies allocated to Federal use by such entities in the bands identified in that subsection;

(2) consider what, if any, impact authorizing mobile or fixed terrestrial wireless operations, including advanced mobile service operations, in any of such frequencies would have on an affected Federal entity; and

(3) identify any such frequencies in the bands described in that subsection that the NTIA assessment determines are feasible for authorizing mobile or fixed terrestrial wireless operations, including any advanced mobile service operations.
SEC. 5. 3 GIGAHERTZ SPECTRUM.

(a) BETWEEN 3100 MEGAHERTZ AND 3550 MEGAHERTZ.—Not later than 18 months after the date of enactment of this Act and in consultation with the Commission and the head of each affected Federal agency (or a designee thereof), the Secretary shall submit to the Commission and the appropriate committees of Congress a report on the frequencies described in subsection (b)(1) that are used for mobile or fixed terrestrial wireless operations, including any approaches to making those frequencies available for sharing with commercial wireless services through the assignment of new licenses by competitive bidding, for sharing with unlicensed operations, or through a combination of licensing and unlicensed operations.

(b) BETWEEN 3700 MEGAHERTZ AND 4200 MEGAHERTZ.—Not later than 18 months after the date of enactment of this Act, after notice and an opportunity for public comment, and in consultation with the Secretary and the head of each affected Federal agency (or a designee thereof), the Commission shall submit to the Secretary and the appropriate committees of Congress a report on the frequencies described in subsection (a) that are used for mobile or fixed terrestrial wireless operations, including any approaches to making those frequencies available for sharing with commercial wireless services, including any appropriate coexistence requirements.

(c) REPORT TO CONGRESS AND THE COMMISSION.—Not later than 30 days after the date the feasibility assessment under subsection (a) is complete, the NTIA shall submit to the appropriate committees of Congress a report on the feasibility assessment and provide a copy to the Commission.

(d) FCC PROCEEDING.—Not later than 2 years after the date of enactment of this Act or 90 days after the date it receives the feasibility assessment under subsection (c), whichever is earlier, the Commission, in consultation with the NTIA, shall undertake a proceeding to propose rule-making to consider service rules to authorize mobile or fixed terrestrial wireless operations, including for advanced mobile service operations, in the following radio frequency bands: (1) The band between 24250 and 24450 megahertz; (2) The band between 25050 and 25250 megahertz; (3) The band between 31800 and 33400 megahertz, except for any frequencies with Federal allocations; (4) The band between 42000 and 42500 megahertz; (5) The band between 71000 and 76000 megahertz, except for any frequencies with Federal allocations; (6) The band between 81000 and 86000 megahertz, except for any frequencies with Federal allocations.

(Sec. 6. COMMUNICATIONS INSTALLATIONS ON FEDERAL PROPERTY.)

(a) IN GENERAL.—Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (42 U.S.C. 3408(d)) shall apply to such sharing on Federal and non-Federal users of Federal Government property, the application; and

(b) FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND LEASES.—

(1) GRANT.—If an executive agency, a State, a political subdivision or agency of a State, or a person holding under another person for the grant of an easement, right-of-way, or lease to, in, over, or on a building or other property owned by the Federal Government for the right to install, construct, modify, or maintain a communications facility installation, the executive agency having control of the building or other property may grant to the applicant, on behalf of the Federal Government, subject to paragraph (c), an easement, right-of-way, or lease to perform such installation, construction, modification, or maintenance.

(2) APPLICATION.—

(A) IN GENERAL.—The Administrator of General Services shall develop a common form for communications facility installations on Federal property that are authorized devices that do not require individual licenses and is designed to relieve an executive agency of the responsibility to act as a point of contact with the applicant.

(B) EXPLANATION OF DENIAL.—If an executive agency denies an application under subsection (a), the executive agency shall notify the applicant in writing, including a clear statement of the reasons for the denial.

(C) MASTER CONTRACTS FOR COMMUNICATIONS FACILITY INSTALLATION SITINGS.—

(i) In general.—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104-104; 110 Stat. 351) or any other provision of law, the Administrator of General Services shall—

(A) develop one or more master contracts that shall govern the placement of communications facility installations on buildings and other property owned by the Federal Government; and

(B) in developing the master contract or contracts, standardize the treatment of the placement of communications facilities on building rooftops or facades, the placement of communications facility installations on rooftops or inside buildings, the technology used in connection with communications facility installations placed on Federal buildings and other property, and any other key issues the Administrator of General Services considers appropriate.

(3) REQUIREMENTS.—A master contract or contracts developed by the Administrator of General Services under paragraph (1) shall apply to all publicly accessible buildings and other property owned by the Federal Government, unless the Administrator of General Services determines that such sharing on Federal and non-Federal users of Federal Government property, the application; and
"(ii) is designed to be operated, or is operating, from a fixed location pursuant to authorization by the Commission or is using duly authorized devices that do not require individual licenses; and

(iii) is added to a tower, building, or other structure.

(2) COVERED PROPERTY.—The term "covered property"—

(A) means any real property capable of supporting communications facility installations; or

(B) any antenna or apparatus that—

(i) is designed for the purpose of emitting radio frequency;

(ii) is designed to be operated, or is operating, from a fixed location pursuant to authorization by the Commission or is using duly authorized devices that do not require individual licenses; and

(iii) is added to a tower, building, or other structure.

(3) NATIONAL BROADBAND FACILITIES ASSET DATABASE.—The term "database" means the database established under subsection (b).

(4) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given in section 105 of title 5, United States Code.

(b) DATABASE ESTABLISHED.—Not later than June 30, 2018, the Director of the Office of Science and Technology Policy, in consultation with the Commissioner, Assistant Secretary for Communications and Information, Under Secretary of Commerce for Standards and Technology, Administrator of General Services, and Director of OMB, shall—

(1) establish and operate a single database of any covered property that is owned, leased, or otherwise managed by an Executive agency;

(2) make the database available to—

(A) any entity that—

(i) constructs or operates communications facility installations; or

(ii) provides communications service; and

(B) any other entity that the Director of the Office of Science and Technology Policy determines appropriate;

(3) establish a process for withholding data from the database for national security, public safety, or other national strategic concerns in accordance with existing statutory authority and Executive order mandates with respect to handling and protection of such information.

(5) PUBLIC COMMENT.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall seek public comment to inform the establishment and operation of the database.

(2) CONTENTS.—In seeking public comment under paragraph (1), the Director shall include a request for recommendations on criteria that make a property capable of supporting communications facility installations;

(B) types of information related to covered property that should be included in the database;

(C) an interface by which accessibility to the database for all users will be appropriately efficient and secure; and

(D) other information the Director determines necessary to establish and operate the database.

(6) INITIAL PROVISION OF INFORMATION.—Not later than 90 days after the date on which the database is established under subsection (b), the head of an Executive agency shall provide to the Director of the Office of Science and Technology Policy, in a manner and format to be determined by the Director, such information as the Director determines necessary with respect to covered property owned, leased, or otherwise managed by the Executive agency.

(7) CHANGE TO INFORMATION PREVIOUSLY PROVIDED.—In the case of previously provided information provided to the Director of the Office of Science and Technology Policy by the head of an Executive agency under paragraph (1), the Director may, with the written consent of the Executive, provide updated information to the Director not later than 30 days after the date of the change.
(3) Subsequently Acquired Property.—If an Executive agency acquires covered property after the date on which the database is established under subsection (b), the head of the Executive agency shall submit to the Director of the Office of Science and Technology Policy the information required under paragraph (1) with respect to the covered property not later than 30 days after the date of acquisition.

(e) State and Local Governments.—

(1) In General.—The Director of the Office of Science and Technology Policy referred to in this subsection as the “Director” shall provide the database available to State and local governments so that such governments may provide to the database similar information to the information required under subsection (d)(1) regarding covered property owned, leased, or otherwise managed by such governments.

(2) Report on Incentivizing Participation by State and Local Governments.—

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with the Chairman of the Commission, the Assistant Secretary of Commerce for Communications and Information, the Under Secretary for Standards and Technology, the Administrator of General Services, and the Director of OMB, shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Transportation of the Senate and the Committee on Commerce, Science, and Transportation of the Commerce, Science, and Transportation subcommittee on Energy and Commerce of the House of Representatives a report on potential ways to incentivize participation by State and local governments to collect and provide to the database, recommendations of how the database may provide additional utility to the entities described in subparagraphs (A) and (B) of this subsection or through other means.

(b) Considerations.—The Director, in preparing the report under subparagraph (A), shall—

(i) consult with State and local governments, or their representatives, to identify for inclusion in the report the most cost-effective options for State and local governments to collect and provide to the database information described in subparagraph (A), including utilizing and leveraging State broadband initiatives and programs; and

(ii) make recommendations on ways the Federal Government can assist State and local governments in collecting and providing the information described in subparagraph (A).

(c) Report Update.—Not later than 2 years after the date on which the database is established under this section, the Director shall submit to the Committee on Energy and Commerce of the House of Representatives an update to the report required under subparagraph (A) that identifies State and local governments that have contributed to the database and recommends ways to further incentivize participation by State and local governments in collecting and providing the information described in subparagraph (A).

(d) Database Updates.—

(1) Timely Inclusion.—After the establishment of the database, the Director of the Office of Science and Technology Policy shall ensure that information provided under subsection (d) or (e) is included in the database not later than 7 days after the date on which the Director receives the information.

(2) Date of Addition or Update.—Information in the database relating to covered property acquired by an Executive agency shall include the date on which the information was added or most recently updated.

(e) Report.—Not later than 180 days after the date the Director submits the report under subsection (c)(1), the Director shall submit to the Committee on Energy and Commerce, the Committee on Transportation and the Independent Livingston Organization Act (47 U.S.C. 923(h)) to accept payments could result in access to the eligible frequencies for exclusive non-Federal use or shared use sooner than would otherwise occur without such payments; and

(B) include the findings under subparagraph (A) and any recommendations for legislation, in the report required under paragraph (2).

(2) Analysis.—In considering payments under paragraph (1)(A), the Secretary shall conduct an analysis of whether and how such payments would affect—

(A) bidding in auctions conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) of such eligible frequencies; and

(B) receipts collected from the auctions described in subparagraph (A).

(3) Definitions.—In this subsection:

(A) Payment.—The term ‘‘payment’’ means a payment in a competitive auction winner, or any person affiliated with an auction winner, of eligible frequencies during the period after eligible frequencies have been reallocated by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) but prior to the completion of relocations or sharing of such eligible frequencies per transition plans approved by the Technical Panel.

(B) Eligible Frequencies.—The term ‘‘eligible frequencies’’ means, in the case of section 113(h), the term ‘‘non-Federal’’ in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)).

SEC. 13. IMMEDIATE TRANSFER OF FUNDS.

(a) In General.—Not later than 1 year after the frequency is reallocated by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), the Federal agency (or a designee thereof) shall—

(i) after the frequencies are reallocated by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j));

(ii) in the case of an incumbent Federal entity that is incurring relocation or sharing costs to accommodate sharing spectrum frequencies with another Federal entity, the Federal frequencies from which the other eligible Federal entity is relocating are reallocated by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) without regard to the availability of such sums in the Fund.

(b) Authorization.—The Comptroller General shall immediately be reimbursed, without interest, from the US Treasury in the amount of the payment received under subparagraph (A).

(c) Requirement.—The Federal agency, or the Federal agency’s designee, shall—

(i) conduct a bidirectional sharing study to determine the best means of providing Federal entities flexible access to non-Federal spectrum on a shared basis across a range of short-, mid-, and long-term timeframes and for inter- mittent purposes like emergency use; and

(ii) submit to Congress a report on the study under subparagraph (B) including any recommendations for legislation or proposed regulations.

(d) Considerations.—In conducting the study under subparagraph (B), the Comptroller General shall—

(1) consider the regulatory certainty that commercial spectrum users and Federal entities need to make longer-term investment decisions for shared access to be viable; and

(2) evaluate any barriers to voluntary commercial arrangements in which non-Federal users provide access to Federal entities.

SEC. 14. AMENDMENTS TO THE SPECTRUM PIPELINE ACT.

(a) In General.—The Comptroller General, as authorized by section 1203, shall—

(i) assess the availability of broadband Internet access using licensed spectrum and wireless networks in low-income neighborhoods.

(b) Requirement.—The Comptroller General, as authorized by section 1203, shall—

(i) make rules and regulations necessary to effectuate the requirements of this section; and

(ii) make rules and regulations necessary to effectuate the requirements of section 1203.
(A) the availability of wireless Internet hot spots and access to unlicensed spectrum in low-income neighborhoods, particularly for elementary and secondary school-aged children in such neighborhoods;  

(B) any barriers preventing or limiting the deployment and use of wireless networks in low-income neighborhoods;  

(C) how to overcome any barriers described in subparagraph (B), including through incentives, policies, or requirements that could increase the availability of unlicensed spectrum and related technologies in low-income neighborhoods; and  

(D) how to encourage home broadband adoption by households with elementary and secondary school-age children that are in low-income neighborhoods.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—  

(a) summarizes the findings of the study conducted under subsection (a); and  

(b) makes recommendations with respect to potential incentives, policies, and requirements that could help achieve the goals described in subparagraphs (C) and (D) of subsection (a); and  

(c) makes recommendations about how to reform the Spectrum Relocation Fund under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928).

SEC. 16. RULEMAKING RELATED TO PARTITIONING OR DISAGgregating LICENSES.

(a) DEFINITIONS.—In this section—  

(1) COVERED SMALL CARRIER.—The term "covered small carrier" means a carrier (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)) that—  

(A) has not more than 1,500 employees (as determined under section 121,106 of title 12, Code of Federal Regulations, or any successor thereof); and  

(B) offers services using the facilities of the carrier.

(2) RURAL AREA.—The term "rural area" means any area other than—  

(A) a city, town, or incorporated area that has a population of more than 50,000 inhabitants; or  

(B) an urbanized area contiguous and adjacent to a city or town that has a population of more than 50,000 inhabitants.

(b) RULEMAKING.—  

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall conduct a proceeding in consultation with the Assistant Secretary of Commerce for Communications and Information and the Under Secretary of Commerce for Standards and Technology, to develop a national plan for making additional radio frequency ranges that are available on a non-exclusive basis on a non-exclusively basis available for unlicensed wireless broadband operations if doing so is, after taking into account the future needs of other spectrum users—  

(A) reasonable; and  

(B) in the public interest.

(2) COMMISSION ACTION.—Not later than 18 months after the date of enactment of this Act, the Commission shall take action to implement subsection (b).
design or administration of the prize competitions; and
(C) award not more than $5,000,000, in the aggregate, to the winner or winners of the prize competition.
(d) Criteria.—Not later than 180 days after the date on which funds for prize competitions are made available pursuant to this section, the Commission shall establish a technical plan a spectrum efficiency providing criteria that may be used for the design of the prize competitions.
(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 20. WIRELESS TELECOMMUNICATIONS TAX AND FEE COLLECTION FAIRNESS.

(a) Short Title.—This section may be cited as the “Wireless Telecommunications Tax and Fee Collection Fairness Act”.

(b) Definitions.—In this section:

(1) FINANCIAL TRANSACTION.—The term “financial transaction” means a transaction in which the purchaser or user of a wireless telecommunications service upon whom a tax, fee, or surcharge is imposed gives cash, credit, or any other exchange of monetary value or consideration to the person who is required to collect or remit the tax, fee, or surcharge.

(2) LOCAL JURISDICTION.—The term “local jurisdiction” means a political subdivision of a State.

(3) STATE.—The term “State” means any of the several States, the District of Columbia, and any territory or possession of the United States.

(4) STATE OR LOCAL JURISDICTION.—The term “State or local jurisdiction” includes any governmental entity or person acting on behalf of a State or local jurisdiction that has the authority to assess, impose, levy, or collect taxes or fees.

(5) WIRELESS TELECOMMUNICATIONS SERVICE.—The term “wireless telecommunications service” means a commercial mobile radio service, as defined in section 25.102 of title 47, Code of Federal Regulations, or any successor regulation.

(c) FINANCIAL TRANSACTION REQUIREMENT.—

(1) IN GENERAL.—A State, or a local jurisdiction of a State, may not require a person to collect from, or remit on behalf of, any other person a State or local tax, fee, or surcharge imposed on a purchaser or user with respect to the purchase or use of any wireless telecommunications service within the State unless the collection or remittance is in connection with a financial transaction.

(2) EXEMPTION.—Nothing in this subsection shall be construed to affect the right of a State or local jurisdiction to require the collection of any tax, fee, or surcharge in connection with a financial transaction.

(d) ENFORCEMENT.

(1) PRIVATE RIGHT OF ACTION.—Any person aggrieved by a violation of subsection (c) may bring a civil action in an appropriate district court of the United States for equitable relief in accordance with paragraph (2) of this subsection.

(2) JURISDICTION OF DISTRICT COURTS.—Notwithstanding section 1341 of title 28, United States Code, or the constitution or laws of any State, the district courts of the United States shall have jurisdiction, without regard to the amount in controversy or citizenship of the parties, to grant such mandatory or prohibitive injunctive relief, interim equitable relief, and declaratory relief as may be necessary to prevent, restrain, or terminate any acts in violation of subsection (c).

SEC. 21. RULES OF CONSTRUCTION.

(a) RANGES OF FREQUENCIES.—Each range of frequencies described in this Act shall be construed to be inclusive of the upper and lower frequencies in the range.

(b) ASSESSMENT OF ELECTROMAGNETIC SPECTRUM ACTIVITY.—Nothing in this Act shall be construed to affect any requirement under section 156 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 note), as added by section 1062(a) of the National Defense Authorization Act for Fiscal Year 2000.

SEC. 22. REGULATIONS TO MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012.

Nothing in this Act shall be construed to limit, restrict, or circumvent in any way the implementation of the nationwide public safety broadband network defined in section 6001 of title VI of the Middle Class Tax Relief and Job Creation Act of 2010 (47 U.S.C. 1401 et seq.).

Mr. WICKER. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to; the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 19), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

IMPROVING RURAL CALL QUALITY AND RELIABILITY ACT OF 2017

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 19, S. 96.

Mr. WICKER. Mr. President, I ask unanimous consent that the bill be engrossed as read.

The senior assistant legislative clerk read as follows:

A bill (S. 96) to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of covered communications.

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

Mr. WICKER. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 96) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Improving Rural Call Quality and Reliability Act of 2017”.

SEC. 2. ENSURING THE INTEGRITY OF VOICE COMMUNICATIONS.

Part II of title II of the Communications Act of 1934 (47 U.S.C. 251 et seq.) is amended by adding at the end the following:

“SEC. 262. ENSURING THE INTEGRITY OF VOICE COMMUNICATIONS.

“(a) Registration and Compliance by Intermediate Providers.—An intermediate provider that offers or holds itself out as offering the capability to transmit covered voice communications from one destination to another and that charges any rate to any other entity (including an affiliated entity) for the transmission shall—

“(1) register with the Commission; and

“(2) comply with the service quality standards for such transmission to be established by the Commission under subsection (b).

“(b) REQUIRED USE OF REGISTERED INTERMEDIATE PROVIDERS.—A covered provider may not use an intermediate provider to transmit covered voice communications unless such intermediate provider is registered under subsection (a)(1).

“(c) COMMISSION RULES.—

“(1) IN GENERAL.—

“(A) Registry.—Not later than 180 days after the date of enactment of this section, the Commission shall promulgate rules to establish a registry to record registrations under subsection (a)(1).

“(B) SERVICE QUALITY STANDARDS.—Not later than 1 year after the date of enactment of this section, the Commission shall promulgate rules to establish service quality standards for the transmission of covered voice communications by intermediate providers.

“(2) REQUIREMENTS.—In promulgating the rules required by paragraph (1), the Commission shall—

“(A) ensure the integrity of the transmission of covered voice communications to all customers in the United States; and

“(B) prevent unjust or unreasonable discrimination among areas of the United States in the delivery of covered voice communications.

“(d) PUBLIC AVAILABILITY OF REGISTRY.—The Commission shall make the registry established under subsection (c)(1)(A) publicly available on the website of the Commission.

“(e) SCOPE OF APPLICATION.—The requirements of this section shall apply regardless of the format by which an examination, test, or service is provided, the protocol or format by which the transmission of such communication or service is achieved, or the regulatory classification of such communication or service.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the regulatory classification of any communication or service.

“(g) EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to limit the Commission’s authority to preempt or expand the authority of a State public utility commission or other relevant State agency to collect data, or investigate and enforce State law and regulations relating to the completion of intrastate voice communications, regardless of the format by which any communication or service is provided, the protocol or format by which the transmission of such communication or service is achieved, or the regulatory classification of such communication or service.

“(h) EXCEPTION.—The requirement under subsection (a)(2) to comply with the service quality standards established under subsection (c)(1)(B) shall not apply to a covered provider that—

“(1) on or before the date that is 1 year after the date of enactment of this section, has certified as a Safe Harbor provider under section 64.2107(a) of title 47, Code of Federal Regulations, or any successor regulation; and

“(2) continues to meet the requirements under such section 64.2107(a).”

“(1) DEFINITIONS.—In this section:

“(A) COVERED PROVIDER.—The term ‘covered provider’ has the meaning given the term in section 64.2101 of title 47, Code of Federal Regulations, or any successor thereto.

“(B) COVERED Voice COMMUNICATION.—The term ‘covered voice communication’ means a...
voice communication (including any related signaling information) that is generated—

“(A) from the placement of a call from a connection using a North American Numbering Plan resource or a call placed to a connection using such a numbering resource; and

“(B) through any service provided by a covered provider or other intermediate provider for the specific purpose of carrying, routing, or transmitting voice traffic that is originated from the placement of a call placed—

“(i) from an end user connection using a North American Numbering Plan resource; or

“(ii) to an end user connection using such a numbering resource; and

“(B) does not itself, either directly or in conjunction with an affiliate, serve as a covered provider in the context of originating or
carrying, routing, or transmitting voice traffic

that is generated from the placement of a call using such a numbering resource or a call placed to a
North American Numbering Plan resource or a call placed to an end user connection using such a numbering resource.

SEC. 3. INTERMEDIATE PROVIDER.—The term ‘intermediate provider’ means any entity that—

“(A) enters into a business arrangement with a covered provider or other intermediate provider for the specific purpose of

connection using such a numbering resource; and

“(B) does not itself, either directly or in

conjunction with an affiliate, serve as a covered provider in the context of originating or
terminating a given call.’’.

FEDERAL COMMUNICATIONS COMMISSION CONSOLIDATED REPORTING ACT OF 2017

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 77, S. 174.

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

The senior assistant legislative clerk read as follows:

A bill (S. 174) to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

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

Mr. WICKER. Mr. President, I ask unanimous consent that the bill be considered as read a third time and passed without objection, and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 174) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

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

SECTION 1. SHORT TITLE. This Act may be cited as the “Federal Communications Commission Consolidated Reporting Act of 2017.”

SEC. 2. COMMUNICATIONS MARKETPLACE REPORTING ACT OF 2017.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

“SEC. 13. COMMUNICATIONS MARKETPLACE REPORT.

“(a) IN GENERAL.—In the last quarter of every even-numbered year, the Commission shall publish on its website a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the state of the communications marketplace.

“(b) CONTENTS.—Each report required under subsection (a) shall—

“(1) assess the state of competition in the communications marketplace, including competition to deliver voice, video, audio, and data services among providers of commercial mobile service (as defined in section 332), multicast channel video programming distributors (as defined in section 602), broadcast stations, providers of satellite communications, Internet service providers, and other providers of communications services;

“(2) assess the state of deployment of communications capabilities, including advanced telecommunications capability (as defined in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 154 et seq.) of the technology used for such deployment;

“(3) assess whether laws, regulations, regulatory practices, or demonstrated marketplace practices pose a barrier to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications services; and

“(4) prepare an analysis of its progress in achieving the objectives of the Commission for the next 2-year period for addressing the challenges and opportunities in the communications marketplace that were identified through the assessments under paragraphs (1) through (3).

“(c) EXTENSION.—If the Senate confirms the Chairman of the Commission during the third or fourth quarter of an even-numbered year, the report required under subsection (a) may be published on the website of the Senate by March 1 of the following odd-numbered year.

“(d) SPECIAL REQUIREMENTS.—

“(1) ASSESSING COMPETITION.—In assessing the state of competition under subsection (b)(1), the Commission shall consider all forms of competition, including the effect of intermodal competition, including the effect of market entry barriers for entrepreneurs and other small businesses.

“(2) ASSESSING DEPLOYMENT.—In assessing the state of deployment under subsection (b)(2), the Commission shall include a list of geographical areas that are not served by any provider of advanced telecommunication capability.

“(3) CONSIDERING SMALL BUSINESSES.—In assessing the state of competition under subsection (b)(1) and barriers under subsection (b)(3), the Commission shall consider market entry barriers for entrepreneurs and other small businesses in the communications marketplace in accordance with the national policy under section 257(b).

“(e) NOTIFICATION OF DELAY IN REPORT.—If the Commission fails to publish a report by the applicable deadline under subsection (a) or (c), the Commission shall, not later than 7 days after the deadline and every 60 days thereafter until the publication of the report—

“(1) provide notification of the delay by letter to the chairperson and ranking member of—

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

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

“(2) indicate in the letter the date on which the Commission anticipates the report will be published; and

“(3) publish the letter on the website of the Commission.

SEC. 3. CONSOLIDATION OF REDUNDANT REPORTS; CONFORMING AMENDMENTS.

(a) OBBI REPORT.—Section 616 of the Communications Satellite Act of 1962 (47 U.S.C. 765e) is repealed.

(b) SATELLITE COMPETITION REPORT.—Section 4 of Public Law 109–34 (47 U.S.C. 703) is repealed.

(c) INTERNATIONAL BROADBAND DATA REPORT.—Sections 1009, 1024, and 1025 of the Broadband Data Improvement Act (47 U.S.C. 193b) are amended by striking “the assessment and report” and all that follows through “the assessment and report” and inserting “its report under section 13 of the Communications Act of 1934, the Federal Communications Commission.”

(d) STATUS OF COMPETITION IN THE MARKET FOR THE DELIVERY OF VIDEO PROGRAMMING REPORT.—Section 628 of the Communications Act of 1934 (47 U.S.C. 548) is amended—

(1) by striking subsection (j) as subsection (g); and

(2) by redesignating subsection (j) as subsection (g); and

(3) by transferring subsection (g) (as redesignated) so that it appears after subsection (f).

(e) REPORT ON CABLE INDUSTRY PRICES.—Section 628(k) of the Communications Act of 1934 (47 U.S.C. 548(k)) is amended—

(1) in paragraph (1), by striking “annually publish” and inserting “publish with its report under section 13 of the Communications Act of 1934”;

and

(2) in paragraph (2), by striking “ANNUAL”.

(f) TRIENNIAL REPORT IDENTIFYING AND ELIMINATING MARKET ENTRY BARRIERS FOR ENTREPRENEURS AND OTHER SMALL BUSINESSES.—Section 257 of the Communications Act of 1934 (47 U.S.C. 257) is amended by striking subsection (c).

(g) STATE OF COMPETITIVE MARKET CONDITIONS WITH RESPECT TO COMMERCIAL MOBILE RADIO SERVICES.—Section 332(c)(1)(C) of the Communications Act of 1934 (47 U.S.C. 332(c)(1)(C)) is amended by inserting the first and second sentences.

(h) PREVIOUSLY ELIMINATED ANNUAL REPORT.

(1) IN GENERAL.—Section 4 of the Communications Act of 1934 (47 U.S.C. 154) is amended—

(A) by striking subsection (k); and

(B) by redesignating subsections (l) through (o) as subsections (k) through (n), respectively.

The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—

(A) in section 9(i), by striking “In the Commission annual report the Commission shall prepare an analysis of its progress in developing such systems and” and inserting “The Commission” and

(B) in section 206(b)(8)(B), by striking the last sentence.

(i) ADDITIONAL OUTDATED REPORTS.—

(1) IN GENERAL.—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—

(A) in section 4—

(i) in subsection (b)(2)(B)(ii), by striking “and shall furnish notice of such action” and all that follows through “subject of the waiver”; and

(ii) in subsection (g)—

(I) by striking paragraph (2); and

(II) by redesignating paragraphs (3) as paragraph (2);

(B) in section 215–

(F) in subsection (b); and

(G) in section 215–

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b);

(C) in section 227—

(i) by striking paragraph (4); and

(ii) by redesigning paragraphs (5) through (9) as paragraphs (4) through (8), respectively.

(D) in section 303(a)(1)(B), by striking “section 719” and inserting “section 719(a);”;

(E) in section 306—

(i) by striking paragraph (12),

(ii) by redesignating paragraph (13) as paragraph (12),

(iii) by redesigning paragraphs (14) through (18) as paragraphs (13) through (17), respectively; and

(iv) by inserting the first and second sentences.
CONGRESSIONAL RECORD — SENATE

S4817

August 3, 2017

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 117. S. 134. The PRESIDING OFFICER. The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the “Spoofing Prevention Act of 2017”.

SEC. 2. DEFINITION.
In this Act, the term “Commission” means the Federal Communications Commission.

SEC. 3. SPOOFING PREVENTION.
A. EXPANDING AND CLARIFYING PROHIBITION ON MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—
(I) COMMUNICATIONS FROM OUTSIDE THE UNITED STATES.—Section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1)) is amended by striking “in connection with any telecommunications service or IP-enabled voice service” and inserting “or any person outside the United States if the recipient of the call is within the United States, in connection with any voice service or text messaging service”.

(B) THE SPOOFING PREVENTION ACT OF 2017.—Section 227(e)(6) of the Communications Act of 1934 (47 U.S.C. 227(e)(6)) is amended—
(A) in subparagraph (A), by striking “telecommunications service or IP-enabled voice service” and inserting “voice service or a text message sent using a text messaging service”;
(B) in the first sentence of subparagraph (B), by striking “telecommunications service or IP-enabled voice service” and inserting “voice service or a text message sent using a text messaging service”; and
(C) by striking subparagraph (C) and inserting the following:

(4) REGULATIONS.—

(4) REGULATIONS.—

SEC. 4. EFFECTIVE DATE.
Nothing in this Act or the amendments made by this Act shall be construed to expand or contract the authority of the Federal Communications Commission.

SEC. 5. OTHER REPORTS.
Nothing in this Act or the amendments made by this Act shall be construed to prohibit or otherwise prevent the Federal Communications Commission from producing any additional reports otherwise within the authority of the Federal Communications Commission.

SPOOFING PREVENTION ACT OF 2017

A bill (S. 134) to expand the prohibition on misleading or inaccurate caller identification information, and for other purposes.

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

SECTION 1. SHORT TITLE.
This Act may be cited as the “Spoofing Prevention Act of 2017”.

SEC. 2. DEFINITION.
In this Act, the term “Commission” means the Federal Communications Commission.

SEC. 3. SPOOFING PREVENTION.
(1) COMMUNICATIONS FROM OUTSIDE THE UNITED STATES.—Section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1)) is amended by striking “in connection with any telecommunications service or IP-enabled voice service” and inserting “or any person outside the United States if the recipient of the call is within the United States, in connection with any voice service or text messaging service”.

(B) THE SPOOFING PREVENTION ACT OF 2017.—Section 227(e)(6) of the Communications Act of 1934 (47 U.S.C. 227(e)(6)) is amended—
(A) in subparagraph (A), by striking “telecommunications service or IP-enabled voice service” and inserting “voice service or a text message sent using a text messaging service”;
(B) in the first sentence of subparagraph (B), by striking “telecommunications service or IP-enabled voice service” and inserting “voice service or a text message sent using a text messaging service”; and
(C) by striking subparagraph (C) and inserting the following:

(4) REGULATIONS.—

SEC. 4. EFFECTIVE DATE.
Nothing in this Act or the amendments made by this Act shall be construed to expand or contract the authority of the Federal Communications Commission.

SEC. 5. OTHER REPORTS.
Nothing in this Act or the amendments made by this Act shall be construed to prohibit or otherwise prevent the Federal Communications Commission from producing any additional reports otherwise within the authority of the Federal Communications Commission.

(1) COMMUNICATIONS FROM OUTSIDE THE UNITED STATES.—Section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1)) is amended by striking “in connection with any telecommunications service or IP-enabled voice service” and inserting “or any person outside the United States if the recipient of the call is within the United States, in connection with any voice service or text messaging service”.

(B) THE SPOOFING PREVENTION ACT OF 2017.—Section 227(e)(6) of the Communications Act of 1934 (47 U.S.C. 227(e)(6)) is amended—
(A) in subparagraph (A), by striking “telecommunications service or IP-enabled voice service” and inserting “voice service or a text message sent using a text messaging service”;
(B) in the first sentence of subparagraph (B), by striking “telecommunications service or IP-enabled voice service” and inserting “voice service or a text message sent using a text messaging service”; and
(C) by striking subparagraph (C) and inserting the following:

(4) REGULATIONS.—

SEC. 4. EFFECTIVE DATE.
Nothing in this Act or the amendments made by this Act shall be construed to expand or contract the authority of the Federal Communications Commission.

SEC. 5. OTHER REPORTS.
Nothing in this Act or the amendments made by this Act shall be construed to prohibit or otherwise prevent the Federal Communications Commission from producing any additional reports otherwise within the authority of the Federal Communications Commission.

(1) COMMUNICATIONS FROM OUTSIDE THE UNITED STATES.—Section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1)) is amended by striking “in connection with any telecommunications service or IP-enabled voice service” and inserting “or any person outside the United States if the recipient of the call is within the United States, in connection with any voice service or text messaging service”.

(B) THE SPOOFING PREVENTION ACT OF 2017.—Section 227(e)(6) of the Communications Act of 1934 (47 U.S.C. 227(e)(6)) is amended—
(A) in subparagraph (A), by striking “telecommunications service or IP-enabled voice service” and inserting “voice service or a text message sent using a text messaging service”;
(B) in the first sentence of subparagraph (B), by striking “telecommunications service or IP-enabled voice service” and inserting “voice service or a text message sent using a text messaging service”; and
(C) by striking subparagraph (C) and inserting the following:

(4) REGULATIONS.—

SEC. 4. EFFECTIVE DATE.
Nothing in this Act or the amendments made by this Act shall be construed to expand or contract the authority of the Federal Communications Commission.

SEC. 5. OTHER REPORTS.
Nothing in this Act or the amendments made by this Act shall be construed to prohibit or otherwise prevent the Federal Communications Commission from producing any additional reports otherwise within the authority of the Federal Communications Commission.
than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission shall publish and insert into the Federal Register the term ‘multi-line telephone system’ has the meaning given the term in section 6502 of the Middle Class Tax Relief and Job Creation Act of 2010 (47 U.S.C. 1471); and

(2) the term ‘public safety answering point’ has the meaning given the term in section 222(h).

(b) MULTI-LINE TELEPHONE SYSTEM FUNCTIONALITY.—A person engaged in the business of manufacturing, importing, selling, or leasing multi-line telephone systems shall manufacture or lease in the United States or sell or lease to offer to sell or lease in the United States a multi-line telephone system unless the technology of the system has the capabilities described in subsections (c) and (e).

(c) MULTI-LINE TELEPHONE SYSTEM INSTALLATION.—A person engaged in the business of installing multi-line telephone systems serving locations in the United States may not install such a system in the United States unless, upon installation, the system has the capabilities described in paragraph (1) for other calls.

(d) OTHER 9–1–1 EMERGENCY DIALING PATTERNS.—Nothing in this section shall prohibit the configuration of a multi-line telephone system so that other 9–1–1 emergency dialing patterns will allow a call to be transmitted to a public safety answering point, provided that the dialing pattern 9–1–1 remains available to users.

SEC. 2. DEFAULT CONFIGURATION OF MULTI-LINE TELEPHONE SYSTEMS FOR DIRECT DIALING OF 9–1–1.

(a) DEFINITIONS.—In this section—

(1) the term ‘multi-line telephone system’ has the meaning given the term in section 6502 of the Middle Class Tax Relief and Job Creation Act of 2010 (47 U.S.C. 1471); and

(2) the term ‘public safety answering point’ has the meaning given the term in section 222(h).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a multi-line telephone system that is manufactured, imported, offered for first
The clerk will report the nominations en bloc. The legislative clerk read the nominations of Neil Chatterjee, of Kentucky, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2021; and Robert F. Powelson, of Pennsylvania, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2020.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Chatterjee and Powelson nominations en bloc?

The nominations were confirmed en bloc. Ms. MURKOWSKI. Mr. President, I want to take just a moment and thank everyone who has worked so hard to make sure that the Federal Energy Regulatory Commission will have a functioning quorum—and more than just having a functioning quorum, the quality of individuals we are sending to the FERC as commissioners is truly impressive to see.

Neil Chatterjee, whom, without doubt, almost all of us on this floor know, has been working here in the Senate, working in the leader’s office for years, and has been an invaluable asset to me and my staff on the Energy and Natural Resources Committee. He is extremely knowledgeable, extremely committed and dedicated, and it has been a real pleasure to work with him.

I don’t know Mr. Powelson as well, but having had an opportunity to advance his name before the Energy and Natural Resources Committee for confirmation, too, I know that the expertise and the credentials he will bring to the Commission are greatly appreciated.

I think we recognize that there is much we are anxious to see happen throughout the country in a new administration where we are talking a lot about infrastructure—when we are talking about our energy assets and what we can do to help facilitate the build-out of an aging infrastructure and the add-on of new infrastructure. But in order to proceed with much of this, you have to have the FERC actually operating, working to review the pertinent rate making cases. It is substantive work, it is challenging work, and it is work that has now been stacked up for months and months. So knowing that the FERC will be able to commence its operations again with a quorum is really good news today.

I think it is also important to note that the White House sent just this week two additional nominations, those of Mr. Glick and Mr. McIntyre. The Energy and Natural Resources Committee will be considering those early September when we return so that, hopefully, we can get a full complement to this very important Commission.

Mr. MCCONNELL. Mr. President, Richard Glick and Kevin McIntyre have been nominated by the President for positions on the Federal Energy Regulatory Commission. I understand they will be heard and marked up in tandem in September and I have told the Democratic leader that they will move as a pair across the floor.
simply increasing penalties for criminals that choose to divert drugs into the United States or sell counterfeit drugs.

Current penalties for illegally diverting drugs in the United States change arbitrarily based on the location where the drugs are manufactured. Our bill addresses this disparity by enforcing the same penalties for diverting drugs made outside the United States as for those made inside the United States. To ensure public health and to enhance consumer confidence, it is critical that Congress eliminate these differing penalties for certain types of diversion and counterfeiting.

The second provision I wish to call attention to is a bipartisan provision from Senators BENNET, BURR, and CASEY. These fine Senators have joined together to address how clinical trials are designed early on in their development. By offering guidance on how to include the intended patient population—especially those with rare diseases, drug sponsors can craft trials that generate useful data for health professionals and patients to review.

This bill builds upon the success of other expanded access provisions that put the health of the patient and the healthcare system. FDA does consume work when reviewing products for market, but including a wider patient mix, when appropriate, will enable phase I, II, and III trials to be more comprehensive. I strongly believe that accurately portraying the intended patient population in a clinical trial is key to ensuring that drugs are both safe and effective.

I support this bill, but I also feel compelled to speak for a moment on the OPEN ACT. While not included in the package being debated today, the provisions of the Orphan Product Extension Now Accelerating Cures and Treatments Act—a bill I introduced this Congress with Senator MURPHY, and last Congress with Senator KLOBUCHAR—would promote new therapies for rare diseases.

New therapies are essential to help the nearly 30 million Americans suffering from a rare disease or condition. Because complex rare diseases with small patient populations have limited market potential, there are few economic incentives to develop new drugs targeting those diseases. While there are 7,000 rare diseases that impact millions of Americans, 95 percent of these diseases have no treatment. All too often, misconceptions about the dangers of exclusivities keep bipartisan measures from being introduced. We must remain focused, however, and remember that, each day we delay in getting treatments to the rare disease community, patients and their families suffer.

Drug companies possess considerable scientific knowledge on drugs that have already been approved for common diseases. Some of these drugs could be repurposed for the treatment of rare diseases. Repurposing drugs is faster, less expensive, and generally less risky than traditional drug development.

The OPEN ACT would encourage such repurposing by providing an additional 6 months of market exclusivity to drugs that are repurposed and approved by FDA for a rare disease or condition.

Finding legislative ways to help medical innovators treat rare diseases has been among my top priorities for over 30 years. Since I first championed the bipartisan, bicameral Orphan Drug Act in 1983. The OPEN ACT is a natural next step in expanding that effort to close the gap for rare diseases for which we have yet to develop treatments. In addition to increasing the number of rare disease therapies, this legislation will boost innovation and provide safer options for rare disease patients using drugs off-label. My bill enjoys enormous support with the backing of over 225 rare disease organizations and patient advocacy groups, not to mention overwhelming support from academic medical and research centers.

Although this provision is not in the bill before us, I have had assurances from the chairman Alexander that he will continue working with me and the cosponsors of this bill to see it become law. I have spoken to Ranking Member MURRAY in the past about it, and I remain optimistic that my colleagues share my concern for the rare disease community and are willing to advance this legislation in the future. I would like to thank the chairman and ranking member for their dedication to children and families in need.

I wish to conclude by reminding my colleagues that many of the debates that have led to the bill before us today are the culmination of years of experience. When I led the effort to pass what became Hatch-Waxman, the true impact of that law dwarfed even our loftiest hopes. Hatch-Waxman was a resounding success because Senators and Congressmen worked together to improve our country’s situation and reduce barriers to market entry. This bill is vital to continuing that goal, and I am pleased to see where the negotiations have landed.

TAX REFORM

Mr. HATCH. Mr. President, last week, I joined the Senate majority leader, the Speaker of the House, the chairman of the House Ways and Means Committee, the Treasury Secretary, and the Director of the National Economic Council in issuing a joint statement on tax reform.

I ask unanimous consent that the text of the joint statement be printed in the RECORD at the conclusion of my remarks.

Since the statement’s release, critics and naysayers have said quite a bit, some even going so far as to declare their opposition to the statement. That is a little odd, given that the statement is not a bill or a tax plan; it is simply a statement of agreed-upon principles for tax reform.

That is not to say it was insignificant. Quite the opposite, in fact. The joint statement is an important development in the overall tax reform effort for several reasons.

For example, over the past several months, the favored tax reform narrative among some in the pundit class has been that Republicans are deeply divided. According to this narrative, Republicans in the Senate, the House, and the administration all have such fundamentally different views on tax reform that it will be impossible for us all to get on the same page.

Some of that was, to use an outdated description, pure poppycock.

When the administration puts out a framework that calls for a 15 percent corporate tax rate while the House blueprint has a 20 percent rate target, that is not really a disagreement. Both aim to lower the corporate rate significantly, and the general idea in both cases is to reduce the rate as much as is reasonably possible.

Admittedly, there were some key differences of opinion. At the outset of this Congress, with a newly elected Republican President, it was fair to say that the House, Senate, and White House were on different pages when it came to some aspects of tax reform.

However, with last week’s release of the joint statement in this effort—in both congressional chambers and in the executive branch—have declared that, as of now, we are singing off the same song sheet. There are, of course, details that will need to be worked out, but all parties are in agreement on the key principles and have enough confidence that the process can move forward in Congress without the fear that the House, Senate, or administration will take drastically different approaches in crafting a tax reform package.

That is very significant. I have been working on tax reform for more than 6 years now, and this is the first time that we have had anything approaching this level of unity across the various Chambers and branches of government.

Another significant marker in the joint statement is the agreement that the tax-writing committees will do the lion’s share of the work in producing the final tax reform legislation and that the leaders are committed to moving through regular order, by which I mean committee markup processes prior to floor consideration.

This is key because one of the criticisms I have heard about Republicans’ tax reform efforts is that the bill is being drafted behind closed doors I have even been scolded, sometimes pointedly, over why I have not held a Finance Committee hearing on “the bill even though there is no complete bill in place at all.”

Outside groups, some overtly aligned with the Democrats, have already put forward budget scores for the House
blueprint and the President’s tax framework, even though there are not enough specifics in place to score anything yet. Those scores, generated by whatever is in the imagination of the outside groups, and not based on any facts, would be political scores. There will be tax cuts for the rich, big businesses and a parade of horrors. Democrats here in the Senate, as well, have spoken of the horrors of the Republican “tax plan,” even though there is not a detail produced in the face. Again, the horrors represent pure fiction.

It is simply not the case that a bill is being drafted behind closed doors. It was never going to be the case. I have stated several times in recent months that I intended to have a robust and transparent process for tax reform in the Senate. The joint statement confirms that both chambers of Congress will take that kind of approach.

The Finance Committee is already hard at work. We have been talking about specific reform proposals for months now, and every member on the majority side of the committee is ready to do the work. More broadly, the committee has been at work in a bipartisan way on tax reform for many years now.

We have a number of great members on the Finance Committee, all of whom—at least on the Republican side—willing to work toward this effort. I will continue to gather their input with an eye toward crafting a tax reform bill and moving it through the committee this fall. Once again, the committee process is going to be robust, transparent, and will involve multiple hearings and full markup.

The joint statement also noted that Republican leaders hoped that our Democratic colleagues would be willing to participate in this effort. That was no surprise. I have been calling on my Democrat friends to work with us on tax reform for months, even years.

For months now, I have been calling on my Democrat friends to work with us on tax reform for months, even years.

Earlier this week, the committee had another bipartisan hearing, this one on affordable housing. Of course, most of the Federal affordable housing incentives are found in the Tax Code, meaning that issue will undoubtly be part of the larger discussion.

These hearings are just the latest in very long line of bipartisan, tax-related hearings in the Finance Committee.

So shouldn’t there be any doubt that, when I sign onto a statement that includes a call for bipartisanship, the call is both serious and sincere.

In addition, there is quite a bit of bipartisan agreement over the policy principles noted in joint statement.

As I said here on the floor just a few weeks ago, a number of Democrats—including a number of our Senate colleagues and the two most recent Democratic Presidents—have expressed support for lowering the U.S. corporate tax rate, which is the highest in the industrialized world. Prominent Democrats, including the distinguished minority leader, have publicly supported reforms to our international tax system in order to make American businesses more competitive and prevent erosion of our tax base.

Both of these concepts are prominently mentioned in our joint statement.

The statement also talks about tax relief for middle-class families and reduced burdens on small businesses. Democrats, last time I checked, were largely in favor of this as well.

So long story short, there is nothing in the statement, either in terms of process or policy, that should discourage a number of Democrats from getting on board with this effort.

Yet, earlier this week, every member of the Senate Democratic Caucus—except those—I refer you to the letter they purported to be a call for compromise and bipartisanship. However, if you read the details of the letter, it was really a set of up-front demands peppered in between political attacks.

First and foremost, my colleagues demanded in their letter that Republicans not use budget reconciliation to move a tax reform bill.

That has been a precondition for Democratic involvement in this effort for months now, among other demands unrelated to tax reform, and, as I have said many times, it is preposterous.

The demand that Republicans agree upfront to a particular process is really unprecedented and, not to put too fine a point on it, a little nonsensical.

If Democrats are willing to engage in good faith on tax reform, why would they first demand that we ensure their ability to block it from ever even coming to a vote? If they were willing to engage on the substance?

The logic is a little dizzying, to say the least.

On top of that, if reconciliation remains on the table, why would that stop Democrats from agreeing on the substance?

Obviously, budget reconciliation gives the majority the tools it needs to move legislation—under specified rules and conditions—without the threat of a point of order or a cloture vote. If Republicans are willing to engage on the substance?

In a perfect world, reconciliation would not be necessary.

For that to happen, the Democrats would have to be willing to engage in a productive manner. In my view, opening the discussion that Republicans unilaterally disarm and commit to not using the tools we have under the rules of the Senate—the very tools that have been used by both sides in the past—smacks of disingenuousness. If they are truly willing to engage constructively on these efforts—and I hope they are—we should begin by talking about the substance, not dealing with process demands.

That what I believe is posturing. I hope that my Democratic colleagues will recognize the significance of the unity expressed in last week’s joint statement and get on board for what will hopefully be a historic effort.

For that to happen, it is not necessary to reconcile in order to move tax reform without Democratic support. That would include reconciliation.

The majority leader has indicated that he is willing to go that way. I am willing to go that way as well.

However, to get us to the point, a number of things have to happen, not...
the least of which is the passage of budget resolution. For now, I am focusing on the substantive policies and proposals, and I will keep working with my colleagues on the Finance Committee to deliver on the tasks we were charged in the joint statement.

The above joint statement, the material was ordered to be printed in the RECORD, as follows:

[July 27, 2017]

JOINT STATEMENT ON TAX REFORM

WASHINGTON.—Today, House Speaker Paul Ryan (R–WI), Majority Leader Kevin McCarthy (R–KY), Treasury Secretary Steven Mnuchin, National Economic Council Director Gary Cohn, Senate Finance Committee Chairman Orrin Hatch (R–UT), and House Ways and Means Committee Chairman Kevin Brady (R–TX) issued the following joint statement on tax reform:

"For the first time in many years, the American people have elected a President and Congress that are fully committed to ensuring that ordinary Americans keep more of their hard-earned money and that our tax policies encourage employers to invest, hire, and grow. And under the leadership of President Donald Trump, who has met with over 200 members of the House and Senate and hundreds of grassroots and business groups to talk and listen to ideas on how to take tax reform to the next level.

"We are all united in the belief that the single most important action we can take to grow our economy and help the middle class get ahead is to fix our broken tax code for families, small business, and American job creators competing at home and around the globe. Our shared commitment to fixing America's tax code represents a once-in-a-generation opportunity, and so for three months we have been meeting regularly to develop a shared template for tax reform.

"Over many years, the members of the House Ways and Means Committee and the Senate Finance Committee have examined various options for tax reform. During our meetings, the Chairmen of those committees have brought to the table the views and priorities of their committee members. Building on this work, as well as the efforts of the Administration and input from other stakeholders, we are confident that a shared vision for tax reform exists, and are prepared for the committees to take that template and begin producing legislation for the President to sign.

"Above all, the mission of the committees is to protect American jobs and make taxes simpler, fairer, and lower for hard-working American families. We have always been in agreement that tax relief for American families should be at the heart of our plan. We also believe there should be a lower tax rate for small businesses so they can compete with larger ones, and lower rates for all Americans so they can compete with foreign ones. The goal is a plan that reduces tax rates as much as possible, allows unprecedented capital spending, places a priority on permanence, and creates a system that encourages American companies to bring back jobs and profits trapped overseas.

"And we are now confident that, without transferring away new domestic consumption-based tax system, there is a viable approach for ensuring a level playing field between American and foreign companies and workers. Among American jobs and the U.S. tax base. While we have debated the pro-growth benefits of border adjustability, we appreciate that there are many unknowns associated with this policy and have decided that this policy aside in order to advance tax reform.

"Given our shared sense of purpose, the time has arrived for the two tax-writing committees to develop and draft legislation that will result in the first comprehensive tax reform in a generation. It will be the responsibility of the members of those committees to produce legislation that achieves the goals shared broadly within Congress, the White House and the business community who have been burdened for too long by an outdated tax system. Our expectation is for this legislation to move through the committees this fall, under regular order, followed by consideration on the House and Senate floors. As the committees work toward this end, our hope is that our friends on the other side of the aisle will join this effort. The President fully supports these principles and is committed to this approach.

"American families are counting on us to deliver historic tax reform. And we will."
CONFIRMATION OF MARVIN KAPLAN

Mr. VAN HOLLEN. Mr. President, I voted in opposition to the nomination of Marvin Kaplan to the National Labor Relations Board, NLRB. The NLRB has an important responsibility to resolve labor disputes, protect worker rights, and afford access to collective bargaining. Mr. Kaplan does not have experience arguing the law before the NLRB; rather, he has a history of working to erode its authority to protect the workforce.

As a proud member of the House Committee on Education and the Workforce, Mr. Kaplan has worked on legislation to overturn key NLRB decisions and delay and distort the union election process. He has provided no assurance that he would recuse himself from issues pertaining to his prior work that might lead to bias. Throughout his career, he has pursued policies that would undermine worker protections. He should not be appointed to a board that is charged with safeguarding them.

President Trump has repeatedly promised to put the American worker first. The NLRB has a key role to ensure a fair deal for workers. It is unfortunate that the President’s nominee for the Board have not demonstrated a commitment to that mission.

227TH ANNIVERSARY OF THE UNITED STATES COAST GUARD

Mr. NELSON. Mr. President, on August 4, the U.S. Coast Guard will celebrate its 227th anniversary. On this special occasion, I want to commend the men and women of the Coast Guard for their valiant service on, under, and over our Nation’s high seas and waters.

They have a proud history. Most Americans know the Coast Guard for its orange and white helicopters, fast small boats, cutters, and rescue swimmers. But they probably don’t know that the Coast Guard is one of our country’s oldest institutions of the U.S. Government.

On August 4, 1790, President George Washington signed the Tariff Act, authorizing construction of the first 10 cutters of what would eventually become the Coast Guard. They were known as the revenue cutters, and their original mission was to enforce tariffs and trade laws and to prevent smuggling. More than a hundred years, the cutters and their crew operated under the names Revenue Marine Service and the Revenue Cutter Service. Not until 1915, when Congress merged the Revenue Cutter Service and the U.S. Life-Saving Service, did the Coast Guard get its name.

Over time, the Coast Guard has become synonymous with saving those in peril on the sea. Their wide red bar and narrow blue bar, canted at 64 degrees, will always be a sign of assistance to mariners in danger.

Today, in times of peace, the Coast Guard operates as a part of the Department of Homeland Security, performing its 11 critical, statutory missions.

Right now, there are courageous young men and women aboard buoy tenders and icebreakers, ensuring our waterways remain open for commerce. Fast response cutters patrol the seas, enforcing the law and conducting search-and-rescue missions. Small boat stations enforce our laws while educating the public on safe-boating practices. A capable partner to a multitude of Federal, State, and local agencies, the Coast Guard does so much more, from responding to oil spills to combating drug trafficking.

In times of war or at the direction of the President, the Coast Guard valiantly serves as part of the Navy Department.

As you can see, the Coast Guard is a small but mighty organization. As ranking member of the Commerce Committee, I have had the privilege to meet many of the men and women of our Coast Guard and see their valuable work firsthand.

Through all the passing decades, some things about the Coast Guard have always been the same: the service’s proud tradition and the skill and professionalism of its men and women whose sacrifices contribute to protecting our national security. The Coast Guard’s core values of honor, respect, and devotion to duty are evident in everything it does. As the Coast Guard motto says, Semper Paratus, it is always ready for the call.

I want to take this opportunity to express our sincere gratitude to the men and women of the Coast Guard on 227 outstanding years of exemplary service to our Nation.

100TH ANNIVERSARY OF THE 88TH REGIONAL SUPPORT COMMAND

Ms. BALDWIN. Mr. President, today I wish to honor the 100th anniversary of the 88th Regional Support Command. I am humbled to recognize the men and women who are bravely fighting for our country’s freedom.

The 88th Regional Support Command, RSC, began as the 88th Infantry Division, ID, organized in August 1917 at Camp Dodge, IA, the members of the “Cloverleaf Division” fought among the Allied Forces in the Alsace Campaign. They returned home following the war, and the Army demobilized the unit in June 1919.

Three years later, the 88th reformed within the Organized Reserve, with headquarters in Minneapolis and subordinate units elsewhere in Minnesota, Iowa, and North Dakota. The 88th ID trained soldiers, which the Germans referred to as the “Blue Devils.”

The 88th ID fought on the front lines during the 1944 Italian campaign. Its arrival provided much-needed relief to the allied soldiers fighting on the Italian front. Led by Major General John E. Sloan, the 88th was the first division to enter the newly liberated Rome. After 100 straight days of activation, the Blue Devils were finally mobilized to return home after a long respite from the war. However, MG Sloan quickly instituted a training regimen that kept his soldiers in fighting condition, and they were ordered to head north to combat the Germans and provide support for American soldiers in Northern Italy.

For 344 days, the 88th Infantry fought to protect our American values during World War II. At the beginning of the war, MG Sloan promised, “the glory of the colors will never be sullied, as long as one man of the 88th still lives.” Although many lives were lost, the 88th Infantry Division was deactivated in October 1947, having fulfilled MG Sloan’s promise.

In April 1996, the 88th ID was redesignated as the 88th RSC. Headquartered in Fort McCoy, WI, the 88th RSC provides logistical and administrative support for Army Reserve soldiers. Whether they are providing training logistics, equipment maintenance, or medical support, the members of the 88th RSC are making a difference for servicemen and servicewomen from Wisconsin all the way to the Pacific Coast.

Today the 88th ID lives on through the 88th Regional Support Command. Having fought in the Vietnam war, Operation Desert Shield/Storm, Bosnia, Kosovo, Operation Enduring Freedom, and Operation Iraqi Freedom, the soldiers of the 88th RSC continue to support the more than 55,000 U.S. Army Reserve soldiers, families, and civilians across the United States. I am proud to recognize 100 years of their remarkable service and accomplishments.

REMEMBERING RICHARD DUDMAN

Ms. COLLINS. Mr. President, Richard Dudman, one of our Nation’s most esteemed journalists, passed away at his Maine home last night. I rise today in tribute to a great American reporter and engaged citizen.

After serving in the Merchant Marine and U.S. Navy Reserve during World War II, Mr. Dudman began his journalism career at the Denver Post in 1946. He joined the Post-Dispatch 4 years later. In his more than three decades at the Post-Dispatch, he covered Fidel Castro’s Cuban revolution, the assassination of President John F. Kennedy, the Bay of Pigs invasion, the Watergate and Iran-Contra scandals, as well as armed conflicts from the Middle East and Asia to Central and South America.

In 1970, while covering the Vietnam war, Mr. Dudman was captured by the Viet Cong and held prisoner in Cambodia. As you can see in his acclaimed book, “Forty Days With the Enemy,” in 1981, on his last day as Washington bureau chief for
the Post-Dispatch, he ran up Connecticut Avenue to cover the attempted assassination of President Ronald Reagan. For some of the most momentous events of the second half of the 20th Century, Richard Dudman wrote of history.

After retiring and moving to Ellsworth and Little Cranberry Island in Maine, Mr. Dudman continued to contribute to the Post-Dispatch and wrote more than 1,000 editorials for the Bangor Daily News. Among his many accolades are the prestigious George Polk Career Award in Journalism and induction into the Maine Press Association Hall of Fame.

Mr. Dudman combined his journalistic professionalism with a spirit of serving others. In 2014, he and his wife, Helen, were presented with the Golden Eagle Award from the Boy Scouts of America for their commitment to community. "Trey" Walker, on his recent promotion to the highest enlisted rank within the U.S. Air Force, effective August 1, 2017. Selection for chief master sergeant is extremely competitive, as only 1 percent of the Air Force’s entire enlisted population may hold the pay grade of E-9 at any time. Chief Walker clearly epitomizes the finest qualities of a military leader, as evidenced by his distinguished career and elevation to the highest enlisted level of leadership within the Air Force.

Chief Master Sergeant Walker entered the U.S. Air Force on September 11, 1986, as a voice network systems specialist and was later selected for retraining into the field of imagery intelligence. Chief Walker’s honorable service has spanned numerous overseas and stateside assignments including four European countries, two States, and the Nation’s Capital. He has also completed multiple deployments in Operations Desert Fox, Northern Watch, and Enduring Freedom. Chief Walker currently serves as the deputy chief of strategic basing and force structure in the Office of the Secretary of the Air Force’s legislative liaison directorate.

Chief Master Sergeant Walker has chosen to repeatedly lead his airmen by example. Despite years of challenging work schedules and countless military obligations, Chief Walker elected to make his education a priority. Since 2005, he has earned two associate degrees, a bachelor’s degree, two master’s degrees, and a graduate-level certificate. Furthermore, Chief Walker’s outstanding performance has garnered numerous accolades, including the 548th ISR Group’s Lance P. Sijan Leadership Award, the Noncommissioned Officer Academy’s Distinguished Graduate Award, the Noncommissioned Officer Academy’s Distinguished Graduate Award and Academic Achievement Award.

As a true testament to Chief Master Sergeant Walker’s exceptional career, he was selected to represent the U.S. Air Force on Capitol Hill as its sole enlisted legislative fellow in 2016. I was fortunate to have Chief Walker spend the year in my office as an integral part of Team BOOZMAN and was pleased with his professionalism, character, and devotion to duty. His tireless efforts were critical to the passage and implementation of Public Law 144-292, the Combat-Injured Veterans Tax Fairness Act of 2016. Moreover, Chief Walker led a bipartisan effort to protect the Defense Department’s basic allowance for housing by educating 18 Senators on the impact for military members. Finally, he played a key role in the successful execution of the Senate Air Force Caucus agenda by increasing service engagement opportunities with Members of Congress.

Chief Walker, congratulations on your well-deserved promotion and successful career thus far. I am so proud of your many accomplishments and wish you the very best for you and your family in the future.

ADDITIONAL STATEMENTS

REMEMBERING RICHARD “DICK” GORDON, JR.

Mr. BOOZMAN. Mr. President, today I wish to recognize and congratulate a tremendous airman, CMSgt Robert “Trey” Walker, on his recent promotion to the highest enlisted rank within the U.S. Air Force.

As a true testament to Chief Master Sergeant Walker’s exceptional career, he was selected to represent the U.S. Air Force on Capitol Hill as its sole enlisted legislative fellow in 2016. I was fortunate to have Chief Walker spend the year in my office as an integral part of Team BOOZMAN and was pleased with his professionalism, character, and devotion to duty. His tireless efforts were critical to the passage and implementation of Public Law 144-292, the Combat-Injured Veterans Tax Fairness Act of 2016. Moreover, Chief Walker led a bipartisan effort to protect the Defense Department’s basic allowance for housing by educating 18 Senators on the impact for military members. Finally, he played a key role in the successful execution of the Senate Air Force Caucus agenda by increasing service engagement opportunities with Members of Congress.

Chief Walker, congratulations on your well-deserved promotion and successful career thus far. I am so proud of your many accomplishments and wish you the very best for you and your family in the future.

TRIBUTE TO SPENCER M. HOULDIN

Mr. BOOZMAN. Mr. President, today I wish to recognize Spencer M. Houldin of Roxbury, CT, as he nears the end of his wonderful 120-year history as the Editor of the Connecticut Insurance Agents & Brokers of America, also known as the Big I. Spencer was installed as chairman of the Big I in September 2016, becoming the youngest person to serve as chairman in the association’s 120-year history. Throughout his term, even when he and I disagreed, Spencer was always a thoughtful and dedicated advocate for independent insurance agents.

Prior to becoming the chairman, Spencer often served as a leader in the independent agency system. He chaired the Big I national Government Affairs Committee in 2009 and served as the president of the Connecticut Big I association in 2004. In these leadership positions, Spencer consistently promoted an environment where independent agents, in both Connecticut and across the country, could both thrive in their business and represent their customers with the highest quality of care.

Spencer has consistently served his community in Connecticut. He resides in Roxbury, CT, with his wife, Carol, and two sons, Chandler and Carter. Spencer is president of Ericson Insurance Services in Washington Depot, CT, where he has 23 years of experience as a personal insurance advisor, working alongside his brother Peter. He currently sits on the board of the Western Connecticut Health Network, which is comprised of Danbury Hospital, Norwalk Hospital, and New Milford Hospital. He also has been involved with the health network in various capacities over the past 20 years. He recently chaired a $72 million capital campaign for Danbury and New Milford Hospitals. In July 2017, Litchfield Magazine named Spencer one of Litchfield County, Connecticut’s 25 most influential people.

Today, I am pleased to join Spencer’s colleagues from across Connecticut and
For many in Dorchester, he will be remembered for his relentless spirit, tenacity for life, and heart for people. He never met a stranger and was always eager to lend a helping hand. Yockie loved and adored his family, and next to God and his family, they were always his priority in life. He was a true provider, mediator, demonstrator, and imitator of Godly character. He will surely be missed among family, friends, and the community of Dorchester as a great American and South Carolinian.

150TH ANNIVERSARY OF NEW LIGHT BEULAH BAPTIST CHURCH

Mr. SCOTT. Mr. President, I would like to congratulate and honor New Light Beulah Baptist Church in Hopkins, SC, for their 150th anniversary, which will be celebrated on August 11 to 13, 2017. New Light Beulah Baptist Church was established in 1867 when 665 African-American members of Beulah Baptist Church chose to separate from the White members and began independent rule. Despite the sanctuary burning to the ground in 1916, the church thrived and expanded. Since then, several other churches have been formed out of New Light Beulah Baptist. In 2015, the members accepted Dr. Malcolm Taylor as their pastor, and over 360 members call New Light Beulah their place of worship today.

In August 2017, New Light Beulah Baptist Church will be the first African-American church in the lower Richland community to be registered in the National Register of Historic Places. The church has remained committed to its mission, and I encourage all South Carolinians to recognize the rich history of the church and its contribution to the Palmetto State. I acknowledge and celebrate the church’s 150 years of independence as a congregation faithfully serving their community.

REMEMBERING ELIJAH “YOCKIE” DELEEL

Mr. SCOTT. Mr. President, today I would like to take a moment to recognize and honor the life of a great South Carolinian and American veteran, Mr. Elijah “Yockie” DeLee, who departed this life on July 20, 2017.

Elijah was a lifelong resident of Dorchester County, SC, where he worked tirelessly as a beloved deacon at Surprise Baptist Church. He was drafted into the Vietnam war shortly after graduating high school and showed perseverance until he was honorably discharged. He possessed an entrepreneurial spirit and followed his passion for drag racing to help open South Carolina’s first minority-owned dragway: Dorchester Dragway. He continued his business endeavors with the opening of DeLee One Trucking Company and a staple in Dorchester today. In success, Elijah always exemplified respect, humility, and generosity.

REMEMBERING HORACE MERRILL

Mr. SHELBY. Mr. President, today I wish to honor the life of Horace Sellers Merrill of Micaville, AL, who passed away on February 17, 2017. He will be remembered as a dedicated public servant who worked faithfully for the citizens of Alabama. He was committed to bettering his community and State through his public service and involvement in the community.

Mr. Merrill began a career with the Dixie Mines Mica Mining Company in the late 1950s before entering Alabama politics. In 1964, he was elected circuit clerk of Cleburne County, a position he held for 12 years. Following his term as circuit clerk, Mr. Merrill was elected probate judge and chairman of the Cleburne County Commission, where he served for 6 years.

Mr. Merrill will be remembered for his leadership in completing the Alabama welcome center and rest area on Interstate 20, as well as his efforts to utilize the Dyke Creek watershed to service the citizens of Cleburne County with a countywide water system.

Outside of his professional career, Mr. Merrill was a very active member of his community. He was president of the Lions Club, the Jaycees, and the local Athletics Boosters Club. In his earlier years, Mr. Merrill was an accomplished athlete. He lettered in both baseball and football and then attended Southern Union College on an athletic scholarship. He later served as the announcer for Little League and junior high football games in Cleburne County and helped organize the first youth baseball program in Heflin.

Additionally, Mr. Merrill was a long-time member in the Cleburne Baptist Association, serving as an officer and pastor of several churches. A member of Heffin Baptist Church for more than 50 years, Mr. Merrill was deacon, a Sunday school teacher, Sunday school superintendent, church training director, and sanctuary choir member.

Horace’s many accomplishments and contributions to the State of Alabama will long be remembered. He touched the lives of many over the years, and he will be greatly missed.

I offer my deepest condolences to Horace’s wife, Mary, and to all of their loved ones as they celebrate his life and mourn this great loss.

RECOGNIZING THE NORTHWEST MONTANA CHAPTER OF VIETNAM VETERANS OF AMERICA

Mr. TESTER. Mr. President, today I wish to honor the Vietnam Veterans of America and the work Mr. John Burgess and the local Flathead Valley chapter have done on behalf of his fellow veterans of the Vietnam war.

During that war, more than 2.5 million Americans fought bravely in service to their country. While more than 58,000 of those gave the ultimate sacrifice, many more endured and are still here with us today. However, it has not been an easy road for these veterans. For far too long, veterans of the Vietnam war have received neither the recognition nor the benefits that they truly deserved.

As ranking member of the Senate Veterans’ Affairs Committee, it has been my honor to fight for legislation that rightifies this oversight like the Blue Water Navy Vietnam Veterans Act that would allow veterans who served in the waters offshore during the Vietnam war to also be eligible for service-connected disability benefits as a result of agent orange exposure. I also supported the Toxic Exposure Research Act which increases research into the health conditions of descendants of veterans who were exposed to toxins during their military service, particularly those exposed to the deadly agent orange during the Vietnam war.

Honoring these veterans takes more than just legislation; it takes dedicated
people who are committed to telling their stories and honoring those who have served. The local northwest Montana chapter of the Vietnam Veterans of America in the Flathead Valley, which now has more than 100 members, has been an important partner working to ensure that the veterans of the Vietnam war are receiving the care, honor, and distinction they have earned.

The Vietnam Veterans of America has become an invaluable part of the community, hosting bingo events at the Montana veterans home, providing residents and staff with an annual picnic, helping with many ceremonies, and working with the Flathead Valley Community College Veterans with a scholarship for veteran students.

John Burgess and the northwest Montana chapter of the Vietnam Veterans of America are carrying on this legacy of service September 7 to 10 with the arrival of the traveling Vietnam veterans memorial wall in Kalispell. Through “Bringing the Wall That Heals,” countless Vietnam veterans and their families with be presented with an opportunity to find peace and closure while honoring those we have lost in service. This special event helps mark the 35th anniversary of the Vietnam Veterans Memorial.

On Veterans Day of 1996, the Vietnam Veterans Memorial Fund unveiled a half-scale replica of the Vietnam Veterans Memorial in Washington, DC, designed to travel to communities throughout the United States. Since its dedication, the “Wall That Heals” has visited more than 400 cities and towns throughout the Nation, spreading the memorial’s healing legacy to millions.

To John, the northwest Montana chapter of the Vietnam Veterans of America and all those who dedicated their lives to this country in service, on behalf of myself, Montana, and our Nation, I extend my greatest thanks for your enduring bravery, service, and self-sacrifice.

TRIBUTE TO GEORGE S. HAERLE

• Mr. YOUNG. Mr. President, today I wish to recognize, with the highest respect, the service and life of George Shepard Haerle for his dedication to serving Indiana and the Nora Community. Over the course of NCC’s 50-year history, George has volunteered 47 years of his own to leave an indelible mark on the Nora community. The great State of Indiana is proud of and ever thankful for George’s distinguished commitment and exemplary service.

Since its founding, the Nora Community Council has covered 12 square miles with 25,000 to 28,000 Hoosier residents, including 60 local neighborhoods under the civic umbrella. As a chairman of the NCC, George commits hundreds of hours each year to promote growth, development, and the general welfare of the Nora community.

George Haerle’s renowned service was rightfully recognized on July 29, 2017, when Governor Eric Holcomb bestowed upon him Indiana’s most prestigious designation, a Sagamore of the Wabash. George follows in the footsteps of his father, Rudolf K. Haerle, who was also recognized as a Sagamore of the Wabash for his contributions to the State as the first president of the Civil War Round Table and a former long-time member of the Library Board of the Indiana Historical Society.

George has not only been a role model for the NCC, but he has also been an outstanding advocate for the community of Nora-Northside. His remarkable service is exceeded only by his 90 years and applaud their dedication to bettering their community.

Boy Scout Troop No. 533 was formed in 1927 by Munster native Mr. Muary Kray when he was in eighth grade. Since its founding, troop No. 533 has been active in their community. During World War II, the Boy Scouts organized parades and rallies for war bond programs, planted community gardens, practiced blackout drills, and participated in wartime recycling programs. On June 14, 1947, when President Coolidge dedicated Wicker Park in Highland, IN, troop No. 533 was there to welcome him.

The Boy Scouts also had a crucial role during the September 2008 flooding of the Little Calumet River. In anticipation of the flood, troop No. 533 assisted in filling sandbags, and after the flood, they assisted in yard cleanup and regraveling driveways. Over the past 90 years, Boy Scout Troop No. 533 has produced over 100 Eagle Scouts, one of the highest levels of honor a Boy Scout can achieve.

I would like to thank Boy Scout Troop No. 533 for their 90 years of outstanding public service. On behalf of all Hoosiers, congratulations on your 90th anniversary.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officers laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

The messages received today are printed at the end of the Senate proceedings.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1537. A bill to strengthen border security, increase resources for enforcement of immigration laws, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BARRASSO, from the Committee on Environment and Public Works, without amendment:

S. 1359. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes (Rept. No. 115–144).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1057. A bill to amend the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 to address harmful algal blooms, and for other purposes (Rept. No. 115–140).

By Mr. HATCH, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 870. A bill to amend title XVIII of the Social Security Act to implement Medicare payment policies designed to improve management of chronic disease, streamline care coordination, and improve quality outcomes without adding to the deficit (Rept. No. 115–146).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1393. A bill to streamline the process by which active duty members and veterans receive commercial driver’s licenses.

S. 1352. A bill to disqualify from operating a commercial motor vehicle an individual who uses a commercial motor vehicle in committing a felony involving human trafficking.

S. 1388. A bill to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration’s outreach and education program to include human trafficking prevention activities, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. CORKER for the Committee on Foreign Relations.

Jay Patrick Murray, of Virginia, to be Alternate Representative of the United States of America for Special Political Affairs in
the United Nations, with the rank of Ambassador.

*Jay Patrick Murray, of Virginia, to be an Alternate Representative of the United States to the Sessions of the General Assembly of the United Nations, during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

*Michael Arthur Raynor, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia. Nominee: Raynor, Michael Arthur. Post: Ethiopia. (The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

**Contributions, amount, date, and donee:**
1. Self: None.
2. Spouse: Raynor, Kathleen M.: None.
3. Children and Spouses: Raynor, Bradley J.—None; Raynor, Emma C.—None.
4. Parents: Raynor, Albert B.—Deceased; Raynor, Margaret C.—Deceased.
6. Brothers and Spouses: Raynor, Gregory P.—None; Raynor, Geoffrey B.—Deceased.
7. Sisters and Spouses: Raynor, Catherine L.—None.

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*Maria E. Brewer, of Indiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone. Nominee: Maria E. Brewer. Post: Freetown, Sierra Leone. (The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

**Contributions, amount, date, and donee:**
1. Self: None.
2. Spouse: Mark A. Brewer: None.
4. Parents: William C. and Maria E. Pallick: None.
5. Grandparents: Gregorio and Dominita Lerma: Deceased; John and Mary Pallick: Deceased.
7. Sisters and Spouses: N/A.

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*John P. Desrocher, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People’s Democratic Republic of Algeria. Nominee: John Desrocher. Post: Embassy Algiers. (The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

**Contributions, amount, date, and donee:**

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INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

- **By Mr. WHITEHOUSE** (for himself and Mr. PORTMAN):
  - S. 1732. A bill to amend title XI of the Social Security Act to promote testing of incentive payments for behavioral health providers and use certified electronic health record technology; to the Committee on Finance.
  - By Mr. VAN HOLLEN (for himself, Mr. CARPER, and Mr. BLUMENTHAL):
    - S. 1733. A bill to request the Secretary of Transportation to revise regulations relating to oversized flights to prohibit the forcible removal of passengers from such flights, and for other purposes; to the Committee on Commerce, Science, and Transportation.
  - By Mr. MCCAULiffe:
    - S. 1734. A bill to direct the regulatory process, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.
  - By Mr. GRAHAM (for himself, Mr. BOOKER, Mr. WHITEHOUSE, and Mr. BLUMENTHAL):
    - S. 1735. A bill to limit the removal of a special counsel, and for other purposes; to the Committee on the Judiciary.
  - By Mr. HOOEVEN (for himself, Mr. ROYbal, and Mr. STRANGER):
    - S. 1736. A bill to amend the Consolidated Farm and Rural Development Act to adjust limitations on certain Farm Service Agency programs; to the Committee on Agriculture, Nutrition, and Forestry.
  - By Mr. BLUMENTHAL (for himself, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. MURPHY):
    - S. 1737. A bill to amend certain appropriations Acts to repeal the requirement directing the Administrator of General Services to sell Federal property and assets that support the operations of the Plum Island Animal Disease Center in Plum Island, New York; to the Committee on Environment and Public Works.
  - By Mr. WARNER (for himself, Mr. ISAACSON, Mr. GILLIBRAND, Mr. BENNET, Mr. PORTMAN, Ms. KLOBUCHAR, Mr. ROBERTS, Mr. BLUMENTHAL, Mr. PERDUE, Mrs. GILLIBRAND, Mr. COCHRAN, Mr. BROWN, Mr. WICKER, Ms. BALDWIN, Mr. KING, and Mr. COONS):
    - S. 1738. A bill to amend title XVIII of the Social Security Act to provide for a home infusion therapy services temporary transitional payment under the Medicare program; to the Committee on Finance.
  - By Mr. MURPHY:
    - S. 1739. A bill to amend title II of the Social Security Act to provide that an individual’s entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting the recipient’s entitlement to benefits for that month) and that such individual’s benefit shall be payable for such month only to the extent permitted to the recipient during such month preceding the date of such individual’s death; to the Committee on Finance.
  - By Mr. PAUL:
    - S. 1740. A bill to provide guidance and priorities for Federal Government obligations in the event that the debt limit is reached and to provide a limited and temporary authority to exceed the debt limit for priority obligations; to the Committee on Finance.
  - By Mr. TILLIS (for himself and Mr. COONS):
    - S. 1741. A bill to ensure independent investigations by allowing judicial review of the removal of a special counsel, and for other purposes; to the Committee on the Judiciary.
  - By Ms. STABENOW (for herself, Mr. BROWN, Ms. BALDWIN, Mr. WHITEHOUSE, Mr. LRAHY, Mr. MKRLEY, Mr. REED, Mr. FRANKEN, and Mr. BOOKER):
    - S. 1742. A bill to amend title XVIII of the Social Security Act to provide for an option for any citizen or permanent resident of the United States age 55 to 64 to buy into Medicare; to the Committee on Finance.
  - By Mr. BENNET:
    - S. 1743. A bill to amend the Internal Revenue Code of 1986 to create tax incentives for coal community zones, to provide education and training opportunities for individuals living and working in coal communities, and for other purposes; to the Committee on Finance.
  - By Ms. BALDWIN (for herself and Mr. PERDUE):
    - S. 1744. A bill to require the Securities and Exchange Commission to amend existing regulations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.
  - By Mr. TILLIS (for himself and Mr. BURR):
    - S. 1745. A bill to revise the boundaries of a John H. Chafee Coastal Barrier Resources System Unit in Topsail, North Carolina; to the Committee on Environment and Public Works.
  - By Mr. LEE (for himself, Mr. BLUNT, Mr. CORRIN, Mr. CRUZ, Mr. DAINES, Mr. INHOPE, Mr. JOHNSON, Mr. LANKFORD, Mr. PAUL, Mr. PERDUE,
Mr. Risch, Mr. Roberts, Mr. Rounds, Mr. Rubio, and Mr. Wicker:

S. 1746. A bill to require the Congressional Budget Office to make publicly available the fiscal and mathematical models, data, and other details of computations used in cost analysis and scoring; to the Committee on the Budget.

By Mr. Nelson:

S. 1747. A bill to authorize research and recovery activities to provide for the protection, conservation, and recovery of the Florida manatee, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. Rubio (for himself and Mr. Nelson):

S. 1748. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to facilitate conservation and management for the Gulf of Mexico and South Atlantic fisheries and the communities that rely on them, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. Hatch:

S. 1749. A bill to restore Americans’ individual liberty by striking the Federal mandate to purchase insurance; to the Committee on Finance.

S. 1750. A bill to improve the processes by which loan originators transitioning between employers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. Donnelly (for himself, Mr. Toomey, Mr. Manchin, Mr. Cotton, and Mr. Peters):

S. 1751. A bill to modify the definitions of a mortgage originator, a high-cost mortgage, and a loan originator; to the Committee on Banking, Housing, and Urban Affairs.

S. 1752. A bill to amend the Healthy Forests Restoration Act of 2003 to expedite wildfire prevention projects to reduce the risk of wildfire on certain high-risk Federal land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. Heller (for himself and Mr. Menendez):

S. 1753. A bill to amend the S.A.F.E. Mortgage Licensing Act of 2008 to provide a temporary loan originators’ license for loan originators transitioning between employers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. Flake, Mr. Risch, and Mr. Hatch:

S. 1754. A bill to reauthorize section 346H of the Public Health Service Act to continue to encourage the expansion, maintenance, and establishment of approved graduate medical residency programs at qualified teaching health centers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. Whitehouse:

S. 1755. A bill to amend title 18, United States Code, to prohibit unsafe operation of unmanned aircraft, and for other purposes; to the Committee on the Judiciary.

By Mr. Sullivan (for himself, Mrs. Fischer, Mrs. Capito, and Mrs. Ernst):

S. 1756. A bill to improve the processes by which environmental documents are prepared and permits and applications are processed and regulated by Federal departments and agencies, and for other purposes; to the Committee on Environment and Public Works.

By Mr. Cornyn (for himself, Mr. Barrasso, Mr. Johnson, Mr. Tillis, Mr. Heller, Mr. Scott, and Mr. Inhofe):

S. 1757. A bill to strengthen border security, increase resources for enforcement of immigration laws, and for other purposes; read the first time.

By Mr. Booker:

S. 1758. A bill to amend the Fair Credit Reporting Act to provide requirements for landlords and consumer reporting agencies relating to housing credit records, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. Hiroto (for herself and Mr. Menendez):

S. 1759. A bill to amend title 38, United States Code, to extend authorities relating to homeless veterans, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. Blumenthal:

S. 1760. A bill for the relief of Marco Antonio Reyes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or ordered upon), as indicated:

By Mr. Cruz (for himself and Mr. Leahy):

S. Res. 245. A resolution calling on the Government of Iran to release unjustly detained United States citizens and legal permanent resident aliens, and for other purposes; to the Committee on Foreign Relations.

By Mr. Merkley (for himself and Mr. Markey):

S. Res. 246. A resolution designating the first week in August 2017 as “World Breastfeeding Week” and designating August 2017 as “National Breastfeeding Month”; to the Committee on the Judiciary.

By Mr. Hatch (for himself, Mr. Barrasso, Mr. Isakson, and Ms. Klobuchar):

S. Res. 247. A resolution designating July 29, 2017, as “Paralympic and Adaptive Sport Day”; considered and agreed to.

By Mrs. Feinstein (for herself and Mr. Murkowski):

S. Res. 248. A resolution expressing the sense of the Senate that flowers grown in the United States support the farmers, small businesses, jobs, and economy of the United States, that flower farmers are an essential vocation, and designating July as “American Grown Flower Month”; considered and agreed to.

By Mrs. Feinstein (for herself and Mr. Lankford):

S. Res. 249. A resolution designating September 2017 as “National Child Awareness Month” to promote awareness of charities that benefit children and youth-serving organizations throughout the United States and recognizing the efforts made by those charities to support children and youth as critical contributions to the future of the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 66

At the request of Mr. Heller, the name of the Senator from Maryland (Mr. Van Hollen) was added as a cosponsor of S. 66, a bill to amend title 10, United States Code, to permit veterans who have a service-connected, permanent disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces entitled to such travel.

By Mr. Baldwin (for himself, Mr. Peters):

S. 130

At the request of Ms. Baldwin, the name of the Senator from Michigan (Mr. Peters) was added as a cosponsor of S. 130, a bill to require enforcement against misbranded milk alternatives.

S. 194

At the request of Mr. Whitehouse, the name of the Senator from Massachusetts (Mr. Markey) was added as a cosponsor of S. 194, a bill to amend the Public Health Service Act to establish a public health insurance option, and for other purposes.

S. 266

At the request of Mr. Hatch, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. 266, a bill to award the Congressional Gold Medal to Anwar Sadat in recognition of his heroic achievements and courageous contributions to peace in the Middle East.

S. 382

At the request of Mr. Blunt, the name of the Senator from Montana (Mr. Daines) was added as a cosponsor of S. 382, a bill to amend the Internal Revenue Code of 1986 to permanently extend the new-markets tax credit, and for other purposes.

S. 392

At the request of Mr. Scott, the name of the Senator from Iowa (Ms. Ernst) was added as a cosponsor of S. 392, a bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for employees who participate in qualified apprenticeship programs.

S. 405

At the request of Mr. Coons, the name of the Senator from Massachusetts (Ms. Warren) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 and the Higher Education Act of 1965 to provide an exclusion from income for student loan forgiveness for students who have died or become disabled.

S. 448

At the request of Mr. Brown, the name of the Senator from Hawaii (Mr. Schatz) was added as a cosponsor of S. 448, a bill to amend title XVIII of the Social Security Act to provide for treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program.
At the request of Mr. Menendez, his name was added as a cosponsor of S. 474, a bill to condition assistance to the West Bank and Gaza on steps by the Palestinian Authority to end violence and terrorism against Israeli citizens.

At the request of Mr. Casey, the name of the Senator from Indiana (Mr. Donnelly) was added as a cosponsor of S. 515, a bill to require the Secretary of Labor to maintain a publicly available list of all employers that relocate a call center to make those companies ineligible for Federal grants or guaranteed loans, and to require disclosure of the physical location of business agents engaging in customer service communications, and for other purposes.

At the request of Mr. Blunt, the name of the Senator from West Virginia (Mrs. Capito) was added as a cosponsor of S. 527, a bill to improve access to emergency medical services, and for other purposes.

At the request of Mrs. Feinstein, the name of the Senator from Louisiana (Mr. Kennedy) was added as a cosponsor of S. 534, a bill to prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes.

At the request of Mr. Thune, the name of the Senator from Utah (Mr. Lee) was added as a cosponsor of S. 540, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

At the request of Mr. Manchin, the name of the Senator from Alaska (Ms. Murkowski) was added as a cosponsor of S. 581, a bill to include information concerning a patient’s opioid addiction in certain medical records.

At the request of Mrs. Murray, the name of the Senator from Florida (Mr. Nelson) was added as a cosponsor of S. 591, a bill to expand eligibility for the program of comprehensive assistance for family caregivers of the Department of Veterans Affairs, to expand benefits available to participants under such program, to enhance special compensation for members of the uniformed services who require assistance in everyday life, and for other purposes.

At the request of Mrs. Shaheen, the name of the Senator from Illinois (Ms. Duckworth) was added as a cosponsor of S. 625, a bill to preserve the integrity of American elections by providing the Attorney General with the investigatory tools to identify and prosecute foreign agents who seek to circumvent Federal registration requirements and unlawfully influence the political process.

At the request of Mr. Toomey, the name of the Senator from Illinois (Ms. Duckworth) was added as a cosponsor of S. 654, a bill to revise section 48 of title 18, United States Code, and for other purposes.

At the request of Mr. Kaine, the name of the Senator from South Dakota (Mr. Thune) was added as a cosponsor of S. 754, a bill to support state and local cybersecurity workforce needs by expanding the cybersecurity education pipeline.

At the request of Mr. Sullivan, the names of the Senator from New Hampshire (Mrs. Shaheen), the Senator from Florida (Mr. Rubio) and the Senator from Connecticut (Mr. Murphy) were added as cosponsors of S. 756, a bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

At the request of Mr. Isakson, the name of the Senator from Illinois (Ms. Duckworth) was added as a cosponsor of S. 794, a bill to amend title XVIII of the Social Security Act in order to improve the process whereby Medicare administrative contractors issue local coverage determinations under the Medicare program, and for other purposes.

At the request of Mr. Murphy, the name of the Senator from Illinois (Ms. Duckworth) was added as a cosponsor of S. 835, a bill to require the Supreme Court of the United States to promulgate a code of ethics.

At the request of Mrs. Ernst, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 926, a bill to authorize the Global War on Terror Memorial Foundation to establish the National Global War on Terrorism Memorial as a commemorativa work in the District of Columbia, and for other purposes.

At the request of Ms. Stabenow, the name of the Senator from Arkansas (Mr. Boozman) was added as a cosponsor of S. 967, a bill to amend title XVIII of the Social Security Act to increase access to ambulance services under the Medicare program and to reform payments for such services under such program, and for other purposes.

At the request of Mr. Moran, the names of the Senator from Iowa (Mrs. Ernst) and the Senator from South Dakota (Mr. Rounds) were added as cosponsors of S. 1002, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

At the request of Mr. Grassley, the names of the Senator from Mississippi (Mr. Wicker), the Senator from Arizona (Mr. McCaskill), the Senator from Mississippi (Mr. Cochran), the Senator from Maine (Ms. Collins) and the Senator from Louisiana (Mr. Cassidy) were added as cosponsors of S. 1312, a bill to prioritize the fight against human trafficking in the United States.

At the request of Ms. Baldwin, the names of the Senator from Pennsylvania (Mr. Casey) was added as a cosponsor of S. 1357, a bill to amend title XIX of the Social Security Act to provide a standard definition of therapeutic family care services in Medicaid.
At the request of Mr. Brown, the name of the Senator from Connecticut (Mr. Blumenthal) was added as a cosponsor of S. 1369, a bill to amend the Internal Revenue Code of 1986 to establish a new fee to fund prescription drugs which have been subject to a price spike, and for other purposes.

At the request of Mr. Coons, the names of the Senator from Rhode Island (Mr. Whitehouse) and the Senator from Nebraska (Mr. Fischer) were added as cosponsors of S. 1413, a bill to authorize the Secretary of Education to award grants to establish teacher leader development programs.

At the request of Mr. Cardin, the name of the Senator from Louisiana (Mr. Cassidy) was added as a cosponsor of S. 1513, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

At the request of Mr. Markey, the name of the Senator from New Hampshire (Ms. Hassan) was added as a cosponsor of S. 1568, a bill to require the Secretary of the Treasury to mint tokens in commemoration of President John F. Kennedy.

At the request of Mr. Rubio, the name of the Senator from Nevada (Mr. Heller) was added as a cosponsor of S. 1595, a bill to amend the Global Financing and Prevention Act of 2015 to impose additional sanctions with respect to Iran, and for other purposes.

At the request of Ms. Collins, her name was added as a cosponsor of S. 1616, a bill to award the Congressional Gold Medal to Bob Dole, in recognition for his service to the nation as a soldier, legislator, and statesman.

At the request of Mr. Roberts, the names of the Senator from Tennessee (Mr. Alexander), the Senator from Wisconsin (Ms. Baldwin), the Senator from New Jersey (Mr. Booker), the Senator from Kentucky (Mr. Paul), the Senator from Connecticut (Mr. Murphy), the Senator from Florida (Mr. Nelson), the Senator from Kentucky (Mr. Paul), the Senator from Colorado (Mr. Bennet), the Senator from Connecticut (Mr. Blumenthal), the Senator from Missouri (Mr. Blunt), the Senator from New Jersey (Mr. Booker), the Senator from South Dakota (Mr. Rounds), the Senator from Florida (Mr. Rubio), the Senator from North Carolina (Mr. Burr), the Senator from Washington (Ms. Cantwell), the Senator from West Virginia (Ms. Capito), the Senator from Maryland (Mr. Cardin), the Senator from Delaware (Mr. Carper), the Senator from Pennsylvania (Mr. Casey), the Senator from Louisiana (Mr. Cassidy), the Senator from Delaware (Mr. Coons), the Senator from Tennessee (Mr. Corker), the Senator from Texas (Mr. Cornyn), the Senator from Vermont (Mr. Cotton), the Senator from Arkansas (Mr. Cotton), the Senator from Idaho (Mr. Crapo), the Senator from Texas (Mr. Cruz), the Senator from Montana (Mr. Daines), the Senator from Indiana (Mr. Donnelly), the Senator from Illinois (Ms. Duckworth), the Senator from Illinois (Mr. Durbin), the Senator from Wyoming (Mr. Enzi), the Senator from Nebraska (Mrs. Fischer), the Senator from Arizona (Mr. Flake), the Senator from Minnesota (Mr. Franken), the Senator from Colorado (Mr. Gardner), the Senator from New York (Mrs. Gillibrand), the Senator from South Carolina (Mr. Graham), the Senator from California (Ms. Harris), the Senator from New Hampshire (Ms. Hassan), the Senator from New Mexico (Mr. Heinrich), the Senator from North Dakota (Ms. Heitkamp), the Senator from Nevada (Mr. Heller), the Senator from Hawaii (Ms. Hirono), the Senator from North Dakota (Mr. Hoeven), the Senator from Georgia (Mr. Isakson), the Senator from Wisconsin (Mr. Johnson), the Senator from Virginia (Mr. Kaine), the Senator from Louisiana (Mr. Kennedy), the Senator from Maine (Mr. King), the Senator from Minnesota (Ms. Klobuchar), the Senator from Oklahoma (Mr. Lankford), the Senator from Utah (Mr. Lee), the Senator from West Virginia (Ms. Manchin), the Senator from Massachusetts (Mr. Markey), the Senator from Missouri (Mrs. McCaskill), the Senator from New Jersey (Mr. Menendez), the Senator from Oregon (Mr. Merkley), the Senator from Alaska (Mr. Portman), the Senator from Connecticut (Mr. Murphy), the Senator from Florida (Mr. Nelson), the Senator from Kentucky (Mr. Paul), the Senator from Georgia (Mr. Perdue), the Senator from Michigan (Mr. Peters), the Senator from Ohio (Mr. Portman), the Senator from Rhode Island (Mr. Reed), the Senator from Idaho (Mr. Risch), the Senator from South Dakota (Mr. Rounds), the Senator from Florida (Mr. Rubio), the Senator from Vermont (Mr. Sanders), the Senator from Nebraska (Mr. Sasse), the Senator from Hawaii (Mr. Schatz), the Senator from New York (Mr. Schumer), the Senator from South Carolina (Mr. Scott), the Senator from New Hampshire (Ms. Shaheen), the Senator from Michigan (Ms. Stabenow), the Senator from Alabama (Mr. Strange), the Senator from Alaska (Mr. Sullivan), the Senator from Montana (Mr. Tester), the Senator from South Dakota (Mr. Thune), the Senator from Vermont (Mr. Tillis), the Senator from Pennsylvania (Mr. Toomey), the Senator from New Mexico (Mr. Udall), the Senator from Maryland (Mr. Van Hollen), the Senator from Virginia (Mr. Warner), the Senator from Massachusetts (Ms. Warren), the Senator from Rhode Island (Mr. Whitehouse), the Senator from Mississippi (Mr. Wicker) and the Senator from Indiana (Mr. Young) were added as cosponsors of S. 1616, supra.

At the request of Mr. Udall, the name of the Senator from Rhode Island (Mr. Whitehouse) was added as a cosponsor of S. 1624, a bill to prohibit the use of chlorpyrifos on food, and for other purposes.

At the request of Mr. Blumenthal, the name of the Senator from Mississippi (Mr. Wicker) was added as a cosponsor of S. 1666, a bill to direct the Secretary of Transportation to issue a rule requiring all new passenger motor vehicles to be equipped with a child safety alert system, and for other purposes.

At the request of Mr. Portman, the name of the Senator from Nebraska (Ms. Sasse) was added as a cosponsor of S. 1669, a bill to amend the Communications Act of 1934 to clarify that section 230 of that Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sex trafficking.

At the request of Mr. Graham, the names of the Senator from South Carolina (Mr. Scott), the Senator from Maryland (Mr. Cardin), the Senator from North Carolina (Mr. Cooper) and the Senator from Delaware (Mr. Coons), the Senator from Florida (Mr. Nelson) and the Senator from Georgia (Mr. Perdue) were added as cosponsors of S. 1697, a bill to condition assistance to the West Bank and Gaza on steps by the Palestinian Authority to end violence and terrorism against Israeli citizens and United States citizens.

At the request of Mr. Schumer, his name was added as a cosponsor of S. 1697, supra.

At the request of Mr. Menendez, the names of the Senator from Connecticut (Mr. Murphy), the Senator from Delaware (Mr. Carper), the Senator from Maryland (Mr. Van Hollen) and the Senator from Massachusetts (Mr. Markey) were added as a cosponsors of S. 1706, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

At the request of Mr. Roberts, the name of the Senator from Texas (Mr. Cornyn) were added as a cosponsor of S. 1729, a bill to amend title XVIII of the Social Security Act to provide for independent accreditation for dialysis facilities and assurances of high quality surveys.

At the request of Mr. Cardin, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. Res. 195, a resolution recognizing June 20, 2017, as “World Refugee Day”.

At the request of Ms. Baldwin, the names of the Senator from Connecticut (Mr. Murphy) and the Senator from Oregon (Ms. Wyden) were added as co-sponsors of amendment No. 329 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year
At the request of Mr. Leahy, the name of the Senator from Massachusetts (Ms. Warren) was added as a cosponsor of amendment No. 529 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 529

At the request of Mr. Leahy, the name of the Senator from Maine (Mr. King) was added as a cosponsor of amendment No. 592 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 592

At the request of Mr. Durbin, the name of the Senator from Maine (Mr. King) was added as a cosponsor of amendment No. 592 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 592

At the request of Mr. Whitehouse, the names of the Senator from New Jersey (Mr. Menendez) and the Senator from New Jersey (Mr. Menendez) were added as cosponsors of amendment No. 750 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 750

At the request of Mr. Tester, the name of the Senator from Montana (Mr. Tester) was added as a cosponsor of amendment No. 592 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 592

At the request of Mr. Enzi, the name of the Senator from New York (Mr. Schumer) and the Senator from New York (Mr. Schumer) were added as cosponsors of amendment No. 592 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 592
adequately this vital program for at least another three years and provide for expansion to additional medically underserved areas of our country. THCGME currently train more than 742 residents nationally and are providing more than a million patient visits in underserved rural and urban settings. The continuation of this program is vital in all of the communities they are located, and preserving this program is critical to the health of hundreds of thousands around the country. This investment of federal funding in the THCGME program, coupled with private, nonfederal resources, guarantees that every dollar is used helpfully for primary care training, all in community-based settings. Residents trained in community-based settings are three times more likely than traditional, privately-trained residents to practice primary care in a community-based setting ensuring that doctors trained in these settings remain in communities where they are needed.

Penobscot Community Health Care appreciates your leadership on this important issue and is pleased to support your legislation, which will help address the doctor shortage that plagues so many communities, both urban and rural.

Sincerely,
JEREMY CRIDER, MD
Residency Director.

THE AMERICAN CONGRESS OF OBSTETRICIANS AND GYNECOLOGISTS,

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND TESTER: On behalf of the American Congress of Obstetricians and Gynecologists (ACOG), with more than 58,000 physicians and partners dedicated to advancing women’s health, is pleased to endorse the Training the Next Generation of Primary Care Doctors Act of 2017. Your bill would help improve access for women in rural and underserved areas to timely, high quality health care by training primary care physicians, obstetrician-gynecologists, and other primary care providers.

Today, women living in half of all US counties are in areas without an ob-gyn, including one in three rural counties and one in five in urban counties. Furthermore, the ob-gyn workforce is aging and a large number of ob-gyns are retiring at a time when the female population is increasing 36% by 2050. ACOG projects an ob-gyn shortage of 18% by 2030.

Your bill will help alleviate these workforce challenges by ensuring the Teaching Health Center Graduate Medical Education (THCGME) program can continue to train ob-gyns and other primary care physicians in an efficient and effective manner. Community-based THCGME medical training programs are critical to filling workforce shortfalls, as physicians trained through this program are more likely to practice in underserved communities. According to the Health Resources and Services Administration (HRSA), primary care residents trained in community-based settings are three times more likely to practice in an underserved community-based setting. An investment in THCGME to improve access to care in rural and underserved communities has a long-term impact positive impact.

Thank you for introducing this legislation to improve access to high quality care for women. Should you have any questions or if we can be of assistance, please contact Mallory Schwarz, ACOG Federal Affairs Manager. 

Sincerely,
RAYMOND L. BROWN, MD, FACOG
President.

The THCGME program is a vital source of training for primary care residents to help expand access to care in rural and underserved communities throughout the country. These programs, located in 27 teaching health centers in 27 states, currently train 742 residents in much-needed primary care fields including family medicine, internal medicine, pediatrics, obstetrics, gynecology, psychiatry, geriatrics, and dentistry. The majority of these programs are accredited by the AOA or are dually accredited (DO/MD) programs, supporting nearly 800 osteopathic resident physicians through their training since the program began. And true to the name of the THCGME program, residents who train in these programs are far more likely to practice primary care and remain in the communities in which they have trained.

As osteopathic physicians, we are trained in a patient-centered, hands-on approach to care that focuses on the whole person, including the physical, mental, and psychosocial aspects of health. Our training and philosophy includes a strong emphasis on primary care—indeed, approximately half of all osteopathic physicians practice in primary care specialties. Given this strong presence in primary care, osteopathic medicine aligns naturally with the mission and goals of THCGME that has proven successful in helping address the existing gaps in our nation’s primary care workforce.

Your legislation provides much-needed stability through continued funding for the THCGME program, and also creates a pathway for the expansion of existing centers as well as the creation of entirely new teaching health centers. We deeply appreciate your commitment to training the future of the primary care workforce and look forward to introducing this important legislation.

The AOA and our members stand ready to assist you in securing its enactment into law.

Sincerely,
MARK A. BAKER, DO
President.

COUNCIL OF ACADEMIC FAMILY MEDICINE,

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

TO DEAR SENATORS COLLINS AND TESTER: On behalf of the ACOG, including the Society of Teachers of Family Medicine, Association of Departments of Family Medicine, Association of Family Medicine Residency Directors, and the North American Primary Care Research Group, we thank you for introducing the THCGME program, coupled with private, nonfederal resources, guarantees that every dollar is used helpfully for primary care training, all in community-based settings. Residents trained in community-based settings are three times more likely than traditional, privately-trained residents to practice primary care in a community-based setting ensuring that doctors trained in these settings remain in communities where they are needed.

Resurrection Family Medicine Residency appreciates your leadership on this important issue and is pleased to support your legislation, which is helping to address the doctor shortage that plagues so many communities, both urban and rural.

Sincerely,
KENNETH SCHMIDT, MPA
President and CEO.

THE AMERICAN CONGRESS OF OBSTETRICIANS AND GYNECOLOGISTS,

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS: On behalf of Resurrection Health Family Medicine Residency, a Teaching Health Center training 25 residents and providing 15,000 patient visits per year in Memphis, TN, I write to express our appreciation for your relentless efforts to develop and continue to expand the Teaching Health Center Graduate Medical Education (THCGME) program. We know that you and your staff have worked hard to support this program with multiple layers of funding and leadership in the United States Senate as you strive to preserve and improve health care for all Americans. 

Sincerely,
JON TESTER, Senator
Washington, DC.

DEAR SENATORS COLLINS AND TESTER: The majority of these programs are accredited by the AOA or are dually accredited (DO/MD) programs, supporting nearly 800 osteopathic resident physicians through their training since the program began. And true to the name of the THCGME program, residents who train in these programs are far more likely to practice primary care and remain in the communities in which they have trained.

As osteopathic physicians, we are trained in a patient-centered, hands-on approach to care that focuses on the whole person, including the physical, mental, and psychosocial aspects of health. Our training and philosophy includes a strong emphasis on primary care—indeed, approximately half of all osteopathic physicians practice in primary care specialties. Given this strong presence in primary care, osteopathic medicine aligns naturally with the mission and goals of THCGME that has proven successful in helping address the existing gaps in our nation’s primary care workforce.

Your legislation provides much-needed stability through continued funding for the THCGME program, and also creates a pathway for the expansion of existing centers as well as the creation of entirely new teaching health centers. We deeply appreciate your commitment to training the future of the primary care workforce and look forward to introducing this important legislation.

The AOA and our members stand ready to assist you in securing its enactment into law.

Sincerely,
MARK A. BAKER, DO
President.
that the THC program graduates are more likely to practice in rural and medically underserved communities. We are pleased that the proposed legislation supports ten new THC programs, which is a priority for those serving rural and medically underserved populations and areas, recognizing the importance of growing this successful program.

The Council of Graduate Medical Education (COGME), an advisory body mandated by Congress, has urged Congress to continue of the THCME program, stating that "THCME programs deliver excellent value in physician training," and that the program encourages training in "delivery systems that emphasize team-based care in Patient Centered Medical Homes that maximize quality at a moderate cost". Additionally, the Institute of Medicine (IOM), now National Academy of Medicine in a 2014 report identified the THCME program as helping meet the need for primary care physicians, especially those who provide care to underserved populations and worthy of a permanent funding source.

The current authorization for this vital program expires at the end of this fiscal year. Without legislative action, the expiration of this program would mean an exacerbation of the primary care physician shortage, and a lessening of support for training in underserved and rural areas. We are grateful to you both for your exceptional leadership in supporting and sustaining this vital program by introducing this bill and helping to shepherd it toward enactment.

The CAFM organizations and our members are pleased to work with you to secure this legislation's enactment.

Sincerely,

STEPHEN A WILSON, MD, President, Society of Teachers of Family Medicine.

VALERIE GILCHRIST, MD, President, Association of Departments of Family Medicine.

KAREN B MITCHELL, MD, President, Association of Family Medicine Residency Directors.

WILLIAM MOOG, MD, President, North American Primary Care Research Group.

RIVERSTONE HEALTH, Billings, MT, August 2, 2017.

Hon. SUSAN COLLINS, U.S. Senate, Washington, DC.

Dear Senator Collins: On behalf of the Montana Family Medicine Residency and RiverStone Health Clinic, one of the nation's original eleven teaching health centers training 24 family medicine residents and serving over 15,000 residents or Yellowstone and Carbon Counties, I want to express our appreciation for your relentless efforts to develop legislation to continue funding and expand the Teaching Health Center Graduate Medical Education (THCGME) program. We know that you and your staff have worked long and hard with multiple stakeholder organizations, including the American Association of Integrative Health Centers and the National Association of Community Health Centers, to create the best possible legislation that will fund adequately this vital program for at least another three years and provide for expansion to additional medically underserved areas of our country. TCs currently train more than 742 residents nationwide and are providing more than a million patient visits in underserved rural and urban communities. The continuation of this program is vital in all of the communities they are located and preserving this program is critical to the health of hundreds of thousands around the country, particularly those who lack access to healthcare, unless their local community health center and its providers. This investment of federal funding in the THCGME program, coupled with private and nonfederal resources, guarantees that every dollar is used exclusively for primary care training, all in community-based settings.

Residents trained in community-based settings are three times more likely than traditionally trained residents to practice primary care in a community based setting ensuring that doctors that train in these settings remain in communities where they are needed most. Some 70% of our residency's over 100 graduates practice in MT, a state with widespread provider shortage areas and multiple counties with no medical care provider at all. RiverStone Health and Montana Family Medicine Residency appreciate your leadership on this important issue and are pleased to support your legislation, which is helping to address the doctor shortage that plagues so many communities, both urban and rural.

Sincerely,

JOHN FELTON, MPH, MBA, FACHE, President & CEO / Health Officer.

By Mr. CORNYN (for himself, Mr. BARRASSO, Mr. JOHNSON, Mr. TILLIS, Mr. HELLER, Mr. SCOTT, and Mr. ISHIBOHE): S. 1757. A bill to strengthen border security, increase resources for enforcement of immigration laws, and for other purposes; read the first time.

Mr. CORNYN. Mr. President, I ask unanimous consent to print the text of the bill be printed in the RECORD.

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

S. 1757

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

ACT TITLE I—BORDER SECURITY

Sec. 101. Definitions.

Subtitle A—Infrastructure and Equipment

Sec. 102. Strengthening the requirements for barriers along the southern border.

Sec. 103. Air and marine operations flight support.

Sec. 104. Capability deployment to specific sectors and regions.

Sec. 105. U.S. Border Patrol physical infrastructure improvements.

Sec. 106. U.S. Border Patrol activities.

Sec. 107. U.S. Border Patrol forward operating bases.

Sec. 108. Border security technology program management.

Sec. 109. Authority to acquire leasesholds.

Sec. 110. National Guard support to secure the southern border and reimbursement of States for deployment of the National Guard at the southern border.

Sec. 111. Operation Phalanx.

Sec. 112. Merida Initiative.

Sec. 113. Prohibitions on actions that impede border security on certain Federal land.
Subtitle B—Protecting Children and America’s Homeland Act of 2017

Sec. 320. Short title.
Sec. 322. Expeditied due process and screening for unaccompanied alien children.
Sec. 323. Child welfare and law enforcement information sharing.
Sec. 324. Accountability for children and taxpayers.
Sec. 325. Custody of unaccompanied alien children in formal removal proceedings.
Sec. 326. Fraud in connection with the transfer of custody of unaccompanied alien children.
Sec. 327. Notification of States and foreign governments, reporting, and monitoring.
Sec. 328. Emergency immigration judge resources.
Sec. 329. Reports to Congress.

TITLE IV—PENALTIES FOR SMUGGLING, DRUG TRAFFICKING, HUMAN TRAFFICKING, TERRORISM, AND ILLEGAL ENTRY AND REENTRY; BARS TO REMOVAL OF REMOVED ALIENS

Sec. 401. Dangerous human smuggling, human trafficking, and human rights violations.
Sec. 402. Putting the Brakes on Human Smuggling Act.
Sec. 403. Drug trafficking and crimes of violence committed by illegal aliens.
Sec. 404. Establishing inadmissibility and deportability.
Sec. 405. Penalties for illegal entry; enhanced penalties for entering with intent to aid, abet, or commit terrorism.
Sec. 406. Penalties for reentry of removed aliens.
Sec. 407. Laundering of monetary instruments.
Sec. 408. Freezing bank accounts of international criminal organizations and money launderers.
Sec. 409. Criminal proceeds laundered through prepaid access devices, digital currencies, or other similar instruments.
Sec. 410. Closing the loophole on drug cartel associates engaged in money laundering.

TITLE V—PROTECTING NATIONAL SECURITY AND PUBLIC SAFETY

Subtitle A—General Matters
Sec. 501. Definition of engaging in terrorist activity.
Sec. 502. Terrorist grounds of inadmissibility.
Sec. 503. Expedited removal for aliens inadmissible on criminal or security grounds.
Sec. 504. Detention of removable aliens.
Sec. 505. GAO study on deaths in custody.
Sec. 506. GAO study on migrant deaths.
Sec. 507. Statute of limitations for visa, naturalization, and other fraud of offenses.
Sec. 508. Criminal detention of aliens to protect public safety.
Sec. 509. Recruitment of persons to participate in terrorism.
Sec. 510. Barring and removing persecutors, war criminals, and participants in crimes against humanity from the United States.
Sec. 511. Gang membership, removal, and increased criminal penalties related to gang violence.
Sec. 512. Barred aliens with convictions for driving under the influence or while intoxicated.

.subtitle B—Strong Visa Integrity Secures America Act

Sec. 531. Short title.
Sec. 532. Visa security.
Sec. 533. Electronic passport screening and biometric matching.
Sec. 534. Reporting visa overstays.
Sec. 535. Student and exchange visitor information verification.
Sec. 536. Social media review of visa applicants.

Subtitle C—Visa Cancellation and Revocation
Sec. 541. Cancellation of additional visas.
Sec. 542. Visa information sharing.
Sec. 543. Visa interviews.

Subtitle D—Secure Visas Act
Sec. 551. Short title.
Sec. 552. Authority of the Secretary of Homeland Security and Secretary of State.

Subtitle E—Other Matters
Sec. 553. Requirement for completion of background checks.
Sec. 554. Withholding of adjudication.
Sec. 555. Access to the National Crime Information Center and Interstate Identification Index.
Sec. 556. Appropriate remedies for immigration litigation.
Sec. 557. Use of false immigration information for national security purposes.
Sec. 558. Uniform statute of limitations for certain immigration, naturalization, and peonage offenses.
Sec. 559. Conforming amendment to the definition of racketeering activity.
Sec. 560. Validity of electronic signatures.

TITLE VI—OTHER MATTERS

Sec. 601. Other Immigration and Nationality Act amendments.
Sec. 602. Exemption from the Administrative Procedure Act.
Sec. 603. Exemption from the Paperwork Reduction Act.
Sec. 604. Ability to fill and retain DHS positions in U.S. territories.
Sec. 605. Severability.
Sec. 606. Funding.

TITLE VIII—TECHNICAL AMENDMENTS

Sec. 801. References to the Immigration and Nationality Act.
Sec. 802. Title I technical amendments.
Sec. 803. Title II technical amendments.
Sec. 804. Title III technical amendments.
Sec. 805. Title IV technical amendments.
Sec. 806. Title V technical amendments.
Sec. 807. Other amendments.
Sec. 808. Repeals; construction.
Sec. 809. Miscellaneous technical corrections.

ENTRY INTO THE UNITED STATES

Sec. 101. DEFINITIONS.

Sec. 2. DEFINITIONS.
SEC. 104. CAPABILITY DEPLOYMENT TO SPECIFIC SECTORS AND REGIONS.

(a) In General.—Not later than January 20, 2021, the Secretary of Homeland Security, in implementing section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by section 102 of this Act), and acting through the appropriate component of the Department of Homeland Security, shall deploy to each sector or region of the southern border and the northern border, in a prioritized manner to achieve situational awareness and operational control of such borders, the following additional capabilities:

(1) San Diego Sector.—For the San Diego sector, the following:

(A) Subterranean surveillance and detection technologies.
(B) To increase coastal maritime domain awareness, the following:
   (i) Deployable, lighter-than-air surface surveillance equipment.
   (ii) Unmanned aerial vehicles with maritime surveillance capabilities.
   (iii) Maritime patrol aircraft.
   (iv) Coastal radar surveillance systems.
   (v) Maritime signals intelligence capabilities.
(C) Ultralight aircraft detection capabilities.
(D) Advanced unattended surveillance sensors.
(E) A rapid reaction capability supported by aviation assets.
(F) Mobile vehicle-mounted and man-portable surveillance equipment.

(2) El Centro Sector.—For the El Centro sector, the following:

(A) Tower-based surveillance technology.
(B) Deployable, lighter-than-air ground surveillance equipment.
(C) Man-portable unmanned aerial vehicles.
(D) Ultralight aircraft detection capabilities.
(E) Advanced unattended surveillance sensors.
(F) A rapid reaction capability supported by aviation assets.

(3) Yuma Sector.—For the Yuma sector, the following:

(A) Tower-based surveillance technology.
(B) Mobile vehicle-mounted and man-portable surveillance systems.
(C) Deployable, lighter-than-air ground surveillance equipment.
(D) Ultralight aircraft detection capabilities.
(E) Advanced unattended surveillance sensors.
(F) A rapid reaction capability supported by aviation assets.
(G) Mobile vehicle-mounted and man-portable surveillance capabilities.
(H) Man-portable unmanned aerial vehicles.
(4) Tucson sector.—For the Tucson sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Man-portable unmanned aerial vehicles.
(C) Tower-based surveillance technology.
(D) Ultralight aircraft detection capabilities.
(E) Advanced unattended surveillance sensors.
(F) Deployable, lighter-than-air ground surveillance equipment.
(G) A rapid reaction capability supported by aviation assets.
(H) Mobile vehicle-mounted and man-portable surveillance capabilities.
(I) Man-portable unmanned aerial vehicles.
(10) Eastern Pacific Maritime region.—For the Eastern Pacific Maritime region, the following:
(A) Not later than two years after the date of the enactment of this Act, an increase of not less than ten percent in the number of overall cutter, boat, and aircraft hours spent conducting interdiction operations over the average number of such hours during the preceding three fiscal years.
(B) Increased maritime signals intelligence capabilities.
(C) To increase maritime domain awareness, the following:
(i) Unmanned aerial vehicles with maritime surveillance capability.
(ii) Increased maritime aviation patrol hours.
(D) Increased operational hours for maritime security components dedicated to joint counter-smuggling and interdiction efforts with other Federal agencies, including the Deployable Specialized Forces of the Coast Guard.
(11) Caribbean and Gulf Maritime region.—For the Caribbean and Gulf Maritime region, the following:
(A) Not later than two years after the date of the enactment of this Act, an increase of not less than ten percent in the number of overall cutter, boat, and aircraft hours spent conducting interdiction operations over the average number of such hours during the preceding three fiscal years.
(B) Increased maritime signals intelligence capabilities.
(C) Increased maritime domain awareness and surveillance capabilities, including the following:
(i) Unmanned aerial vehicles with maritime surveillance capability.
(ii) Increased maritime aviation patrol hours.
(iii) Coastal radar surveillance systems with long range day and night cameras capable of providing 100 percent maritime domain awareness of the United States territorial waters surrounding Puerto Rico, Mona Island, Desecheo Island, Vieques Island, Culebra Island, Saint Thomas, Saint John, and Saint Croix.
(D) Increased operational hours for maritime security components dedicated to joint counter-smuggling and interdiction efforts with other Federal agencies, including the Deployable Specialized Forces of the Coast Guard.
(12) Blaine sector.—For the Blaine sector, the following:
(A) Coastal radar surveillance systems.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Improved agent communications systems.
(E) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(F) Man-portable unmanned aerial vehicles.
(G) Ultralight aircraft detection capabilities.
(H) Modernized port of entry surveillance capabilities.
(I) Increased maritime interdiction capabilities.
(13) Spokane sector.—For the Spokane sector, the following:
(A) Mobile vehicle-mounted and man-portable surveillance capabilities.
(B) Advanced unattended surveillance sensors.
(C) Improved agent communications systems.
(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(E) Man-portable unmanned aerial vehicles.
(F) Completion of six miles of the Bog Creek road.
(G) Ultralight aircraft detection capabilities.
(H) Modernized port of entry surveillance capabilities.
(I) Increased maritime interdiction capabilities.
(14) Havre sector.—For the Havre sector, the following:
(A) Mobile vehicle-mounted and man-portable surveillance capabilities.
(B) Advanced unattended surveillance sensors.
(C) Improved agent communications systems.
(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(E) Man-portable unmanned aerial vehicles.
(F) Ultralight aircraft detection capabilities.
(G) Modernized port of entry surveillance capabilities.
(15) Grand Forks sector.—For the Grand Forks sector, the following:
(A) Mobile vehicle-mounted and man-portable surveillance capabilities.
(B) Advanced unattended surveillance sensors.
(C) Improved agent communications systems.
(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(E) Man-portable unmanned aerial vehicles.
(F) Ultralight aircraft detection capabilities.
(G) Modernized port of entry surveillance capabilities.
(16) Detroit sector.—For the Detroit sector, the following:
(A) Coastal radar surveillance systems.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Improved agent communications systems.
(E) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(F) Man-portable unmanned aerial vehicles.
(G) Ultralight aircraft detection capabilities.
(H) Modernized port of entry surveillance capabilities.
(I) Increased maritime interdiction capabilities.
(17) Buffalo sector.—For the Buffalo sector, the following:
(A) Coastal radar surveillance systems.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Improved agent communications systems.
(E) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(F) Man-portable unmanned aerial vehicles.
(G) Ultralight aircraft detection capabilities.
(H) Modernized port of entry surveillance capabilities.
(I) Increased maritime interdiction capabilities.
(18) SWANTON SECTOR.—For the Swanton sector, the following:
(A) Mobile vehicle-mounted and man-portable surveillance capabilities.
(B) Advanced unattended surveillance sensors.
(C) Improved agent communications systems.
(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(E) Man-portable unmanned aerial vehicles.
(F) Ultralight aircraft detection capabilities.
(G) Modernized port of entry surveillance capabilities.
(H) Modernized port of entry surveillance capabilities.
(19) HOULTON SECTOR.—For the Houlton sector, the following:
(A) Mobile vehicle-mounted and man-portable surveillance capabilities.
(B) Advanced unattended surveillance sensors.
(C) Improved agent communications systems.
(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(E) Man-portable unmanned aerial vehicles.
(F) Ultralight aircraft detection capabilities.
(G) Modernized port of entry surveillance capabilities.
(b) REIMBURSEMENT RELATED TO THE LOWER RIO GRANDE VALLEY FLOOD CONTROL PROJECT.—The International Boundary and Water Commission is authorized to reimburse State and local governments for any expenses incurred before, on, or after the date of the enactment of this Act by such governments in designing, constructing, and rehabilitating the Lower Rio Grande Valley Flood Control Project of the Commission.
(c) TACTICAL FLEXIBILITY.—
(1) SOUTHERN AND NORTHERN LAND BORDERS.—The Secretary of Homeland Security may alter the capability deployment referred to in this section if the Secretary determines, after notifying the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, that such alteration is required to enhance situational awareness or operational control.
(2) MARITIME BORDER.—
(A) NOTIFICATION.—The Commandant of the Coast Guard shall notify the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives regarding the capability deployments referred to in this section, including information relating to—
(1) the number and types of assets and personnel deployed; and
(2) the impact such deployments have on the capability of the Coast Guard to conduct its mission in each of the sectors referred to in paragraphs (10) and (11) of subsection (a).
(B) ALTERATION.—The Commandant of the Coast Guard may alter the capability deployments referred to in this section if the Commandant—
(i) determines, after consultation with the appropriate committees referred to in subparagraph (A), that such alteration is necessary; and
(ii) does not later than 30 days after making a determination under clause (i), notifies the appropriate committees referred to in such subparagraph regarding such alteration, including information relating to—
(I) the number and types of assets and personnel deployed pursuant to such alteration; and
(II) the impact such alteration has on the capability of the Coast Guard to conduct its mission in each of the sectors referred to in subsection (a).

SEC. 105. U.S. BORDER PATROL PHYSICAL INFRASTRUCTURE IMPROVEMENTS.

The Secretary of Homeland Security shall upgrade existing physical infrastructure of the Department of Homeland Security, and construct and acquire additional physical infrastructure, including—
(1) U.S. Border Patrol stations;
(2) U.S. Border Patrol checkpoints;
(3) mobile command centers; and
(4) other necessary facilities, structures, and properties.

SEC. 106. U.S. BORDER PATROL ACTIVITIES.

The Chief, U.S. Border Patrol shall direct agents of the U.S. Border Patrol to patrol as close to the physical land border as possible, consistent with the accessibility to such areas.

SEC. 107. U.S. BORDER PATROL FORWARD OPERATING BASES.

(a) UPGRADES AND MAINTENANCE FOR FORWARD OPERATING BASES.—Not later than January 20, 2021, the Secretary of Homeland Security shall upgrade existing forward operating bases of U.S. Border Patrol on or near the southern border to ensure that such forward operating bases meet the minimum requirements set forth in subsection (b).

(b) MINIMUM REQUIREMENTS.—Each forward operating base operated by U.S. Customs and Border Protection shall be equipped with—
(1) perimeter security;
(2) short-term detention space (separate from existing housing facilities);
(3) portable generators or shore power sufficient to meet the power requirements for the facility;
(4) interview rooms;
(5) adequate communications, including wide area network connectivity;
(6) cellular security;
(7) potable water; and
(8) a helicopter landing zone.

SEC. 108. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.) is amended by adding at the end the following:

"SEC. 434. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

"(a) MAJOR ACQUISITION PROGRAM DEFINED.—In this section the term ‘major acquisition program’ means an acquisition program of the Department that is estimated by the Secretary to require an eventual total expenditure of at least $300,000,000 (based on fiscal year 2017 constant dollars) over its life cycle cost.

"(b) PLANNING DOCUMENTATION.—For each border security technology acquisition program of the Department that is determined to be a major acquisition program, the Secretary shall—
"(1) ensure that such program has a written acquisition program baseline approved by the relevant acquisition decision authority;
"(2) document that each such program is meeting cost, schedule, and performance thresholds as specified in such baseline, in compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and
"(3) establish a plan to implement program implementation objectives by managing contractor performance.
"(c) ADHERENCE TO STANDARDS.—The Secretary, acting through the Under Secretary for Management and the Commissioner of U.S. Customs and Border Protection, shall ensure border security technology acquisition program managers who are responsible for carrying out this section adhere to relevant internal control standards identified by the Comptroller General of the United States.

"(d) PLAN.—The Secretary, acting through the Under Secretary for Management, in coordination with the Under Secretary for Science and Technology and the Commissioner of U.S. Customs and Border Protection, shall submit to the appropriate congressional committees a plan for testing and evaluation, as well as the use of independent verification and validation resources, for border security technology so that new border security technologies are evaluated through a series of assessments, processes, and audits to ensure compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation, as well as the effectiveness of taxpayer dollars.

"(e) CIRCUMVENTION OF BOTTLENECK AUTHORIZATION OF APPROPRIATIONS.—No additional funds are authorized to be appropriated to carry out section 434 of the Homeland Security Act of 2002, as added by subsection (a). Such section shall be carried out using amounts otherwise authorized for such purposes.

SEC. 109. AUTHORITY TO ACQUIRE LEASEHOLD.

Notwithstanding any other provision of law, if the Secretary of Homeland Security determines that the acquisition of a leasehold interest in real property and the construction or modification of any facility on the leased property are necessary to facilitate the implementation of this Act, the Secretary may—
(1) acquire a leasehold interest;
(2) construct or modify such facility;
(3) accept real or personal property donations of any value through U.S. Customs and Border Protection’s Donations Acceptance Program under the Cross-Border Trade Enhancement Act of 2016 (Public Law 114-279) or through other public-public or public-private partnerships at any location at which U.S. Customs and Border Protection operates; and
(4) designate any leasing action as exempt from Federal lease standards.

SEC. 110. NATIONAL GUARD SUPPORT TO SECURE THE SOUTHERN BORDER AND REIMBURSEMENT OF STATES FOR DEPLOYMENT OF THE NATIONAL GUARD AT THE SOUTHERN BORDER.

(a) IN GENERAL.—With the approval of the Secretary of Defense, the Secretary of Homeland Security, or the Governor of a State may order any units or personnel of the National Guard of such State to perform operations and missions authorized by title 32, United States Code, along the southern border for the purposes of assisting U.S.
Customs and Border Protection to secure the southern border.

(b) Assignment of Operations and Missions.

(1) In General.—National Guard units and personnel deployed under subsection (a) may be assigned such operations and missions specified in subsection (c) as may be necessary to secure the southern border.

(2) Nature of Duty.—The duty of National Guard personnel performing operations and missions described in paragraph (1) shall be full-time duty under title 32, United States Code.

(c) Range of Operations and Missions.—The operations and missions assigned under subsection (a) shall include the temporary authority to—

(1) construct reinforced fencing or other barriers;

(2) conduct ground-based surveillance systems;

(3) operate unmanned and manned aircraft;

(4) provide radio communications interoperability between U.S. Customs and Border Protection and State, local, and tribal law enforcement agencies; and

(5) construct checkpoints along the southern border to bridge the gap to long-term permanent checkpoints.

(d) Materiel and Logistical Support.—The Secretary of Defense shall deploy such materiel and logistical support as may be necessary to ensure success of the operations and missions conducted by the National Guard under this section.

(e) Exclusion From National Guard Personnel Strength Limitations.—National Guard personnel deployed under subsection (a) shall not be included in the calculation to determine compliance with limits on strength for National Guard personnel or limits on the number of National Guard personnel that may be placed on active duty for operational support under section 115 of title 10, United States Code.

(f) Reimbursement Required.—The Secretary of Defense shall reimburse States for the cost of the deployment of any units or personnel of the National Guard to perform operations and missions under full-time State Active Duty in support of a southern border mission. The Secretary of Defense may not seek reimbursement from the Secretary of Homeland Security for any assistance provided under this section.

(g) Reports.—

(1) In General.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall provide to Congress an appropriate congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code) regarding any assistance provided under paragraph (a) during the period specified in paragraph (3).

(2) Elements.—Each report under paragraph (1) shall include, for the period specified in paragraph (3),—

(A) the assistance provided;

(B) the sources and amounts of funds used to provide such assistance; and

(C) the amounts obligated to provide such assistance.

(h) Period Specified.—The period specified in this paragraph is—

(1) in the case of the first report required under paragraph (1), the 90-day period beginning on the date of the enactment of this Act; and

(2) in the case of any subsequent report submitted under paragraph (1), the calendar year for which the report is submitted.

SEC. 112. MERIDA INITIATIVE.

(a) Sense of Congress.—It is the sense of Congress that assistance to Mexico, including assistance from the Department of State and the Department of Defense and any aid related to the Merida Initiative, should—

(1) focus on providing enhanced border security and judicial reform and support for Mexico’s drug crop eradication efforts; and

(2) support security and prioritize security, training, and acquisition of equipment for Mexican security forces involved in drug crop eradication efforts.

(b) Assistance for Mexico.—The Secretary of State, in coordination with the Secretary of Homeland Security, and the Secretary of Defense shall provide assistance to Mexico to—

(1) combat drug trafficking and related violence, organized crime, and corruption;

(2) build a modern border security system capable of operational transcription; and

(3) support border security and cooperation with United States law enforcement agencies on border incursions;

(4) support border reform, institution building, and rule of law activities; and

(5) provide for training and equipment for Mexican security forces involved in drug crop eradication efforts.

(c) Allocation of Funds; Report.—

(1) In General.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit, to the congressional committees specified in paragraph (2), a detailed spending plan for assistance to Mexico under this section, which shall include a strategy, developed after consultation with relevant authorities of the Government of Mexico for—

(A) combating drug trafficking and related violence and organized crime; and

(B) anti-corruption and rule of law activities, which shall include concrete goals, actions to be taken, budget proposals, and a description of anticipated results.

(2) Congressional Committees Specified.—The congressional committees specified in this paragraph are—

(A) the Committee on Appropriations of the House of Representatives;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(D) the Committee on the Judiciary of the Senate.

(c) Sense of Congress.—It is the sense of Congress that assistance to Mexico, including assistance from the Department of State and the Department of Defense and any aid related to the Merida Initiative, should—

(1) combat drug trafficking and related violence, organized crime, and corruption;

(2) build a modern border security system capable of operational transcription; and

(3) support border security and cooperation with United States law enforcement agencies on border incursions;

(4) support border reform, institution building, and rule of law activities; and

(5) provide for training and equipment for Mexican security forces involved in drug crop eradication efforts.

(c) Allocation of Funds; Report.—

(1) In General.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit, to the congressional committees specified in paragraph (2), a detailed spending plan for assistance to Mexico under this section, which shall include a strategy, developed after consultation with relevant authorities of the Government of Mexico for—

(A) combating drug trafficking and related violence and organized crime; and

(B) anti-corruption and rule of law activities, which shall include concrete goals, actions to be taken, budget proposals, and a description of anticipated results.

(2) Congressional Committees Specified.—The congressional committees specified in this paragraph are—

(A) the Committee on Appropriations of the House of Representatives;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(D) the Committee on the Judiciary of the Senate.

(2) Applicability.—The authority of U.S. Customs and Border Protection to conduct searches and seizures of contraband on covered Federal land applies without regard to whether a state of emergency exists.
(b) AUTHORIZED ACTIVITIES OF U.S. CUSTO
MERS AND BORDER PROTECTION.—
(1) IN GENERAL.—U.S. Customs and Border Protection shall have immediate access to covered Federal land to conduct the activi-
ties described in paragraph (2) on such land to prevent all unlawful entries into the United States, including entries by terror-
ists, drug traffickers, smugglers, instruments of terrorism, narcotics, and other contraband through the southern border or the northern border.
(2) ACTIVITIES DESCRIBED.—The activities described in this paragraph are—
(A) the use of vehicles to patrol the border area, apprehend illegal entrants, and rescue individuals; and
(B) the construction, installation, operation, and maintenance of tactical infra-
structure and border technology as set forth in section 102 of the Illegal Immigration Re-
form and Immigrant Responsibility Act of 1996 (as amended by section 102 of this Act).
(c) EXEMPTION FROM CERTAIN LAWS.—
(1) IN GENERAL.—The activities of U.S. Cus-
toms and Border Protection described in sub-
section (b)(2) may be carried out without re-
gard to any provisions of law specified in para-
graph (2).
(2) PROVISIONS OF LAW SPECIFIED.—The pro-
visions of law specified in this paragraph are all Federal, State, and other laws, regulations, and legal requirements of, deriving from, or related to the subject of the follow-
ing laws:
(A) The National Environmental Policy Act (42 U.S.C. 4321 et seq.).
(C) The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)(commonly re-
ferred to as the “Clean Water Act”).
(D) Certain subtitle H of title 54, United States Code (54 U.S.C. 300801 et seq.)
(formerly known as the “National Historic Protection Act”.
(F) The Clean Air Act (42 U.S.C. 7401 et seq.).
(G) The Archeological Resources Protec-
(H) The Safe Drinking Water Act (42 U.S.C. 300f et seq.).
(J) The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).
(K) The Comprehensive Environmental Re-
(L) section 312 of title 54, United States Code (formerly known as the “Archae-
ological and Historic Preservation Act”).
(N) Chapter 3203 of title 54, United States Code (formerly known as the “Arche-
ological, Building, and Antiquities Act”).
(O) The Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).
(Q) The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).
(S) The Federal Land Policy and Manage-
ment Act of 1976 (43 U.S.C. 1701 et seq.).
(V) The Fish and Wildlife Coordination Act (16 U.S.C. 666 et seq.).
(W) Subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly
known as the “Administrative Procedure Act”).
(Y) Sections 101 and 103 of the Cal-
(Z) Division A of subtitle I of title 54, United States Code, known as the “National Park Service Organic Act”).
(AA) The National Park Service General Authority Act (16 U.S.C. 1a–1 et seq.).
(BB) Sections 407(7), 409, and 404 of the Na-
(CC) Subsections (a) through (f) of section 301 of the America’s Natural Wildlife Act of 1990 (16 U.S.C. 1132 note).
(FF) The Native American Graves Protec-
tion and Repatriation Act (25 U.S.C. 3001 et seq.).
(KK) APPLICABILITY OF WAIVER TO SUCCESSOR LAWS.—If a provision of law specified in para-
graph (2) was repealed and incorporated into title 54, United States Code, after April 1, 2006, and before the enactment of this Act, the waiver described in paragraph (1) shall apply to the provision of such title that corresponds to the provision of law specified in paragraph (2) to the same extent as the waiver applied to that provision of law.
(L) PROTECTION OF LEGAL USES.—This sec-
tion may not be construed to provide—
(1) authority to restrict legal uses, such as grazing, hunting, mining, or recreation or the use of back country airstrips, on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture; or
(2) any additional authority to restrict legal access to State and private lands.
(M) EFFECT ON STATE AND PRIVATE LAND.—
This section shall—
(1) have no force or effect on State lands or private lands;
(2) provide authority on or access to State lands or private lands.
(N) TRIBAL SOVEREIGNTY.—Nothing in this section may be construed to supersede, re-
place, negate, or diminish treaties or other agreements between the United States and Indian tribes.
(g) DEFINITIONS.—In this section:
(1) COVERED FEDERAL LAND.—The term “covered Federal land” includes all land under the control of the Secretary concerned that is located within 100 miles of the southern border or the northern border.
(2) SECRETARY CONCERNED.—The term “Sec-
retary concerned” means—
(A) with respect to land under the jurisdic-
tion of the Department of Agriculture, the Secretary of Agriculture; and
(B) with respect to land under the jurisdic-
tion of the Department of the Interior, the Secretary of the Interior.
SEC. 114. LANDOWNER AND RANCHER SECURITY ENHANCEMENT.
(a) ESTABLISHMENT OF NATIONAL BORDER SECURITY ADVISORY COMMITTEE.—The Sec-
cretary of Homeland Security shall establish a National Border Security Advisory Com-
mittee, which (1) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to border security matters, including—
(1) determining whether such border security claimants and the border security metrics established by the Department of Homeland Security under section 1092 of the National Defense Authoriza-
tion Act for Fiscal Year 2017 (Public Law 114–
328; 8 U.S.C. 233); and
(2) discussing ways to improve the security of high traffic areas along the northern border and the southern border; and
(2) may provide, through the Secretary, recommendations to Congress.
(b) CONSIDERATION OF VIEWS.—The Sec-
cretary of Homeland Security shall consider the information, advice, and recommendations of the National Border Security Advis-
ory Committee in formulating policy regarding matters affecting border security.
(c) MEMBERSHIP.—The National Border Sec-
urity Advisory Committee shall consist of not less than seven members, including—
(1) at least 5 years practical experience in border security operations; or
(2) lives and works in the United States within 50 miles from the southern border or the northern border.
(d) NONAPPLICABILITY OF FEDERAL ADVI-
SORY COMMITTEE ACT.—Any advisory committee established by the Secretary of Homeland Security shall not apply to the National Border Security Advisory Committee (5 U.S.C. App.) shall not apply to the National Border Security Advisory Committee.
SEC. 115. LIMITATION ON LAND OWNERS’ LIABILITY.
Section 287 of the Immigration and Nation-
ality Act (8 U.S.C. 1357) is amended by add-
ing at the end the following:
“(1) INDUSTRY FOR ACTIONS OF LAW EN-
FORCEMENT OFFICERS.—In general.—Notwithstanding any other provision of law, and subject to appro-
priations, any owner of land located in the United States within 100 miles of the south-
ern border of the United States who is reimbursed from the Department of Home-
land Security and the Secretary of Homeland Security shall pay for any adverse final tort judgment for negligence (excluding attorney-
neys’ fees and costs) authorized under Fed-
eral or State tort law, arising directly from any border patrol action, such as apprehen-
sion, tracking, and detention of aliens, that is conducted on privately-owned land:
“(A) such land owner has been found neg-
ligent by a Federal or State court in any tort litigation;”
“(B) such land owner has not already been reimbursed for the final tort judgment, in-
cluding outstanding attorneys’ fees and costs;”
“(C) such land owner did not have or does not have sufficient property insurance to cover the judgment and has had an insurance claim for such coverage denied; and
“(D) such tort action was brought against such land owner as a direct result of activity of law enforcement officers of the Depart-
ment of Homeland Security in their official capacity, on the owner’s land.”
(2) DEFINITIONS.—In this subsection—
(A) the term ‘land’ includes roads, water, watercourses, and private ways, and build-
ings, structures, machinery, and equipment that is attached to real property; and
(B) the term ‘owner’ includes the pos-
sessor of a fee interest, a tenant, a lessee, an occupant, the possessor of any other interest in land, and any person having a right to grant permission to use the land.
(3) EXCEPTIONS.—In this subsection may be construed to require the Sec-
cretary of Homeland Security to reimburse, under subparagraph (1)(A), a land owner for any adverse final tort judgment for negligence or to limit land owner liability which would otherwise exist for.
"(A) willful or malicious failure to guard or warn against a known dangerous condition, use, structure, or activity likely to cause harm;"

"(B) direct interference with, or hindrance of, any agent or officer of the Federal Government who is authorized to enforce immigration laws of the United States during—

"(i) a patrol of such landowner's land; or

"(ii) any action taken to apprehend or detain any alien attempting to enter the United States illegally or to evade execution of an arrest warrant for a violation of any immigration law."

"(C) gross negligence; or

"(D) direct interference with, or hindrance of, any agent or officer of the Federal Government who is authorized to enforce immigration laws of the United States during—

"(i) a patrol of such landowner's land; or

"(ii) any action taken to apprehend or detain any alien attempting to enter the United States illegally or to evade execution of an arrest warrant for a violation of any immigration law."

"(E) direct interference with, or hindrance of, any agent or officer of the Federal Government who is authorized to enforce immigration laws of the United States during—

"(i) a patrol of such landowner's land; or

"(ii) any action taken to apprehend or detain any alien attempting to enter the United States illegally or to evade execution of an arrest warrant for a violation of any immigration law."

"(F) an executive agency entering into the contract may use noncompetitive procedures in accordance with section 3304 of such title.

"(G) any executive agency entering into the contract may use noncompetitive procedures in accordance with section 3304 of title 41, United States Code, to use noncompetitive procedures shall not be subject to challenge by protest to—

"(a) an electronic device deployed by the Federal Government to control the border or a port of entry, or

"(b) any executive agency entering into the contract may use noncompetitive procedures in accordance with section 3304 of such title.

"(H) the requirement under section 3301 of title 41, United States Code, to obtain a full and open competition through the use of competitive procedures shall not apply; and

"(I) any executive agency entering into the contract may use noncompetitive procedures in accordance with section 3304 of such title.

"(J) low or high pathogenicity and pests in accordance with regulations issued by the Secretary of Agriculture; and

"(K) any action taken to apprehend or detain any alien attempting to enter the United States illegally or to evade execution of an arrest warrant for a violation of any immigration law."

"(L) Any organism similar to or allied with any pest disease of livestock or plant that threatens any segment of agriculture."

"(M) a vector.

"(N) A parasite or parasitic plant.

"(O) An infectious agent or other pathogen.

"(P) A pest.

"(Q) A plant or plant part, article, or means of conveyance in human livestock, a plant, or a plant part—

"(R) a soil, a soil amendment, a plant, or a plant part—

"(S) a soil, a soil amendment, a plant, or a plant part—

"(T) an infectious agent or other pathogen.

"(U) an agent or other pathogen.

"(V) an agent or other pathogen.

"(W) an agent or other pathogen.

"(X) an agent or other pathogen.

"(Y) an agent or other pathogen.

"(Z) an agent or other pathogen.

"(a) APPLICABILITY OF CERTAIN GOVERNMENT SERVICES.

"(b) COMPENSATION.—

"(c) REPORTS.—The head of an executive agency entering into a contract or hiring employees pursuant to such authority shall provide, to the extent practicable, to the Committee on Appropriations of the House of Representatives, the Senate Committee on Appropriations, the Senate Committee on Governmental Affairs, and the Senate Committee on Commerce, Science, and Transportation prior to the end of the fiscal year.

"(d) FUNDING.—For each succeeding fiscal year, the Secretary of Agriculture shall submit to the Congress an electronic device deployed by the Federal Government to control the border or a port of entry, or

"(e) ANIMAL.—The term 'animal' means any person to whom the use of such authority is necessary to carry out operations or measures—

"(f) PLANT.—The term 'plant' means any plant (including any plant part) for or capable of propagation, including a tree, a tissue culture, a plantlet culture, pollen, a shrub, a vine, a cutting, a graft, a scion, a bud, a root, and a seed.

"(g) STATE.—The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, and any territory or possession of the United States; and

"(h) DETECTION, CONTROL, AND ERADICATION OF THE SPREAD OF DISEASES AND PESTS.—

"(1) IN GENERAL.—The Secretary of Agriculture may carry out operations and measures to prevent, detect, control, or eradicate the spread of any pest or disease of livestock or plant that threatens any segment of agriculture.

"(2) COMPENSATION.—

"(A) IN GENERAL.—The Secretary of Agriculture may pay a claim arising out of—

"(B) SPECIFIC COOPERATIVE PROGRAMS.—The Secretary of Agriculture shall compensate industry participants and State agencies that title 28, United States Code (commonly known as the "Federal Tort Claims Act")

"SEC. 116. ERADICATION OF CARRIZO CANE AND SALT CEDAR.

Not later than January 20, 2021, the Secretary of Homeland Security, after coordinating with the heads of the relevant Federal, State, and local agencies, shall begin eradication activities in cane and salt cedar along the Rio Grande River.
(1) shall be fined under title 18, imprisoned not more than 10 years, or both; and

(2) if, at the time of the offense, the person uses or carries a firearm or who, in furtherance of any such crime, possesses a firearm, shall be fined under title 18, imprisoned not more than 20 years, or both.

(c) CONSPIRACY AND ATTEMPT.—Any person who attempts or conspires to violate subsection (a) or (b) shall be punished in the same manner as a person who completes a violation of such subsection.

(2) S TATUTE OF LIMITATIONS.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 234 the following:

"Sec. 296. Unlawfully hindering immigration, border, and customs controls.

(b) CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended by—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting "alien smuggling crime," after "crime of violence" each place that term appears; and

(B) in subparagraph (B), by inserting "alien smuggling crime," after "crime of violence";

(2) by striking paragraphs (2) through (4);

(3) redesignating paragraph (5) as paragraph (2); and

(4) by adding at the end the following:

"(5) For purposes of this subsection—

(A) the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328);

(B) the term 'terrorism' means, with respect to a firearm, to display all or part of such firearm, or to take the firearm, or to possess such firearm, in a manner that is illegal under any law of the United States; and

(C) the term 'crime of violence' means a felony offense that—

(i) has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

(ii) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense; and

(D) the term 'trafficking in a crime' means any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46.

(c) STATUTE OF LIMITATIONS.—Section 3298 of title 18, United States Code, is amended by inserting "-295", after "-274(a)".

SEC. 120. SOUTHERN BORDER THREAT ANALYSIS.

(a) THREAT ANALYSIS.—

(1) REQUIREMENT.—Not later than 180 days after the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a southern border threat analysis.

(2) CONTENTS.—The analysis submitted under paragraph (1) shall include an assessment of—

(A) current and potential terrorism and criminal threats posed by individuals and organizations or groups seeking—

(i) to unlawfully enter the United States through the southern border; or

(ii) to exploit security vulnerabilities along the southern border;

(B) improvements needed at and between ports of entry along the southern border to prevent terrorists and instruments of terror from entering the United States;

(C) gaps in law, policy, and coordination between State, local, or tribal law enforcement entities relating to border security activities; and

(D) agreements that hinder effective and efficient border security, counterterrorism, and anti-human smuggling and trafficking efforts.

(b) BORDER Patrol STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 180 days after the submission of the threat analysis required under subsection (a) or June 30, 2018, and every five years thereafter, the Secretary of Homeland Security, acting through the Chief of the U.S. Border Patrol, and in consultation with the Office for Civil Rights and Civil Liberties of the Department of Homeland Security, shall issue a Border Patrol Strategic Plan.

(2) CONTENTS.—The Border Patrol Strategic Plan required under this subsection shall include—

(A) the southern border threat analysis required under subsection (a), with an emphasis on efforts to mitigate threats identified in such threat analysis;

(B) efforts to analyze and disseminate border security and border threat information between border security components of the Department of Homeland Security and other appropriate Federal departments and agencies with missions associated with the southern border;

(C) efforts to increase situational awareness, including—

(i) surveillance capabilities, including capabilities developed or utilized by the Department of Defense and technology determined to be excess by the Department of Defense; and

(ii) the use of manned aircraft and unmanned aerial systems, including camera and sensor technology deployed on such assets;

(D) efforts to detect and prevent terrorists and instruments of terrorism from entering the United States;

(E) efforts to detect, interdict, and disrupt all hard and illicit drugs at the earliest possible point;

(F) efforts to focus intelligence collection to disrupt transnational criminal organizations outside of the United States and maritime borders of the United States;

(G) efforts to ensure that any new border security technology can be readily integrated with existing technologies in use by the Department of Homeland Security;

(H) any technology required to maintain, support, and enhance security and facilitate trade at ports of entry, including nonintrusive detection equipment, radiation detection equipment, biometric technology, surveillance systems, and other sensors and technology that the Secretary of Homeland Security determines to be necessary;

(I) operational coordination unity of effort initiatives of the border security components of the Department of Homeland Security, including any relevant task forces of the Department of Homeland Security;

(J) lessons learned from Operation Jumpstart and Operation Phalanx;

(K) cooperative agreements and information sharing with State, local, tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the northern border or the southern border;

(L) border security information received from consultation with State, local, tribal, territorial, and Federal law enforcement agencies that have jurisdiction on the northern border or the southern border, or in the maritime environment, and from border community stakeholders (including through public meetings with such stakeholders), including representatives from border agricultural and ranching organizations and representatives from business and civic organizations along the northern border or the southern border;

(M) staffing requirements for all departmental border security functions;

(N) a prioritized list of departmental research and development priorities to enhance the security of the southern border;

(O) an assessment of training programs, including training programs for—

(i) identifying and detecting fraudulent documents;

(ii) understanding the scope of enforcement authorities and the use of force policies; and

(iii) screening, identifying, and addressing vulnerable populations, such as children and victims of human trafficking; and

(P) an assessment of how border security operations affect border crossing times.

Subtitle B—Personnel

PART 1—INCREASES IN IMMIGRATION AND LAW ENFORCEMENT PERSONNEL

SEC. 111. ADDITIONAL LAW ENFORCEMENT RESOURCES AND AGENCY BORDER PROTECTION AGENTS AND OFFICERS.

(a) BORDER PROTECTION AGENTS.—Not later than September 30, 2021, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign sufficient agents to maintain an active agent complement of not fewer than 26,370 full-time equivalent agents.

(b) CBP OFFICERS.—In addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies authorized before the date of the enactment of this Act and any existing officer vacancies available within U.S. Customs and Border Protection as of such date, the Commissioner, subject to the availability of appropriations, shall hire, train, and assign to duty, not later than September 30, 2021—
(1) sufficient U.S. Customs and Border Protection officers to maintain an active duty presence of not fewer than 27,725 full-time equivalent officers; and

(2) period of low support staff distributed among all United States ports of entry.

(c) AIR AND MARINE OPERATIONS.—Not later than September 30, 2021, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign sufficient agents for Air and Marine Operations of U.S. Customs and Border Protection to maintain not fewer than 1,675 full-time equivalent agents.

(d) U.S. CUSTOMS AND BORDER PROTECTION K-9 UNITS AND HANDLERS.—

(1) not later than September 30, 2021, the Commissioner shall deploy not less than 300 new K-9 units, with supporting officers of U.S. Customs and Border Protection and other required staff, at land ports of entry and checkpoints on the southern border and the northern border.

(2) USE OF CANINES.—The Commissioner shall prioritize the use of canines at the primary inspection lanes at land ports of entry and checkpoints.

(e) U.S. CUSTOMS AND BORDER PROTECTION HOMEBACK UNITS.—

(1) INCREASE.—Not later than September 30, 2021, the Commissioner shall increase by not fewer than 100 the number of officers engaged in search and rescue activities along the southern border.

(2) HIRING INCENTIVES.—

(a) IN GENERAL.—In addition to the retention incentives that are authorized under subsection (b), and to the extent necessary for U.S. Customs and Border Protection to hire, train, and retain officers and employees and to meet the requirements under section 131, the Commissioner, with the approval of the Secretary of Homeland Security, may pay a signing bonus of $10,000 to a covered CBP employee, after the covered CBP employee completes initial basic training and executes a written agreement required under subparagraph (B).

(b) W RITTEN AGREEMENT.—The payment of a hiring bonus to a covered CBP employee under paragraph (1) is contingent upon the agreement is signed. Such agreement shall include—

(A) the amount of the hiring bonus;

(B) the rate of basic pay that exceeds the otherwise applicable rate of basic pay for a similar covered CBP employee at a land port of entry;

(C) the length of the required service period; and

(D) any other terms and conditions under which the hiring incentive is payable, subject to the requirements under this section.

(c) FORM OF PAYMENT.—A signing bonus paid to a covered CBP employee under paragraph (1) shall be paid as a single payment the date on which the covered CBP employee enters into an agreement with U.S. Customs and Border Protection beginning on the date on which the agreement is signed. Such agreement shall include—

(A) the amount of the hiring bonus;

(B) the rate of basic pay that exceeds the otherwise applicable rate of basic pay for a similar covered CBP employee at a land port of entry;

(C) the length of the required service period; and

(D) any other terms and conditions under which the hiring incentive is payable, subject to the requirements under this section.

(d) EXCLUSION OF RETENTION INCENTIVE FROM RATE OF PAY.—A retention incentive paid to a covered CBP employee under paragraph (1) shall not be considered part of the rate of basic pay of the covered CBP employee for any purpose.

(2) PILOT PROGRAM ON SPECIAL RATES OF PAY IN COVERED AREAS.—

(a) IN GENERAL.—The Commissioner shall establish a pilot program to assess the feasibility and advisability of paying a retention incentive to covered CBP employees in covered areas, as designated on the date of the enactment of this Act, to help meet the requirements set forth in section 131, the Commissioner, with the approval of the Secretary of Homeland Security, may pay a retention incentive to a covered CBP employee who has been employed with U.S. Customs and Border Protection for a period of not less than five years, and the Commissioner determines that, in the absence of the retention incentive, the covered CBP employee would likely—

(A) leave the Federal service; or

(B) transfer to, or be hired into, a different position within the Department of Homeland Security (other than another position in CBP).

(b) W RITTEN AGREEMENT.—The payment of a retention incentive to a covered CBP employee under paragraph (1) is contingent upon the covered CBP employee entering into a written agreement with U.S. Customs and Border Protection to complete more than two years of employment with U.S. Customs and Border Protection beginning on the date on which the CBP employee enters on duty and the agreement is signed. Such agreement shall include—

(A) the amount of the retention incentive;

(B) the conditions under which the agreement may be terminated before the required period of service is completed and the effect of such termination;

(C) the length of the required service period; and

(D) any other terms and conditions under which the retention incentive is payable, subject to the requirements under this section.

(c) FORM OF PAYMENT.—A retention incentive paid to a covered CBP employee under paragraph (1) shall be paid as a single payment the end of the fiscal year in which the covered CBP employee entered into an agreement under paragraph (2), or in equal installments during the life of the service agreement, as determined by the Commissioner.

(d) PILOT PROGRAM ON SPECIAL RATES OF PAY IN COVERED AREAS.—The rate of basic pay of a covered CBP employee paid special rate of pay under the pilot program may not exceed 125 percent of the otherwise applicable rate of basic pay of the covered CBP employee.

(3) TERMINATION.—

(a) IN GENERAL.—The Commissioner shall establish a pilot program to assess the feasibility and advisability of paying a retention incentive to covered CBP employees in covered areas, as designated on the date of the enactment of this Act, to help meet the requirements set forth in section 131, the Commissioner, with the approval of the Secretary of Homeland Security, may pay a retention incentive to a covered CBP employee who has been employed with U.S. Customs and Border Protection for a period of not less than five years, and the Commissioner determines that, in the absence of the retention incentive, the covered CBP employee would likely—

(A) leave the Federal service; or

(B) transfer to, or be hired into, a different position within the Department of Homeland Security (other than another position in CBP).

(b) W RITTEN AGREEMENT.—The payment of a retention incentive to a covered CBP employee under paragraph (1) is contingent upon the covered CBP employee entering into a written agreement with U.S. Customs and Border Protection to complete more than two years of employment with U.S. Customs and Border Protection beginning on the date on which the CBP employee enters on duty and the agreement is signed. Such agreement shall include—

(A) the amount of the retention incentive;

(B) the conditions under which the agreement may be terminated before the required period of service is completed and the effect of such termination;

(C) the length of the required service period; and

(D) any other terms and conditions under which the retention incentive is payable, subject to the requirements under this section.

(c) FORM OF PAYMENT.—A retention incentive paid to a covered CBP employee under paragraph (1) shall be paid as a single payment the date on which the covered CBP employee enters into an agreement under paragraph (2), or in equal installments during the life of the service agreement, as determined by the Commissioner.

(d) PILOT PROGRAM ON SPECIAL RATES OF PAY IN COVERED AREAS.—The rate of basic pay of a covered CBP employee paid special rate of pay under the pilot program may not exceed 125 percent of the otherwise applicable rate of basic pay of the covered CBP employee.
(A) In GENERAL.—Except as provided in paragraph (B), the pilot program shall terminate on the date that is two years after the date of the enactment of this Act.

(B) EXTENSION.—If the Secretary of Homeland Security determines that the pilot program is performing satisfactorily and there are metrics that prove its success in meeting the requirements of subparagraph (A), the Secretary may extend the pilot program until the date that is four years after the date of the enactment of this Act.

(c)IRRELEVANT.—Shortly after the pilot program terminates under paragraph (3), the Commissioner shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that details—

(1) the total amount paid to covered CBP employees under the pilot program; and
(2) the covered areas in which the pilot program was implemented.

(e) SALARIES.—

(1) IN GENERAL.—Section 101(b) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1711(b)) is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS FOR PAY.—There are authorized to be appropriated to U.S. Customs and Border Protection such sums as may be necessary to increase, effective January 1, 2018, the annual rate of basic pay for U.S. Customs and Border Protection employees who have completed at least one year of service—

"(1) to the annual rate of basic pay payable for positions at GS-5, GS-6, GS-7, GS-8, or GS-9 of the General Schedule;

"(2) to the annual rate of basic pay payable for positions at GS–10 of the General Schedule; and

"(3) to the annual rate of basic pay payable for positions at GS–13, step 1 of the General Schedule under subchapter III of chapter 53 of title 5, United States Code, for officers and agents who are receiving the annual rate of basic pay payable for a position at GS–5, GS–6, GS–7, GS–8, or GS–9 of the General Schedule;

"(4) to the annual rate of basic pay payable for positions at GS–14, step 1 of the General Schedule under such subchapter for supervisory CBP officers and supervisory Border Patrol agents who are receiving the annual rate of basic pay payable for a position at GS–10 of the General Schedule; and

"(5) to the annual rate of basic pay payable for positions at GS–8, GS–9, or GS–10 of the General Schedule for assistants who are receiving an annual rate of basic pay payable for positions at GS–5, GS–6, GS–7, or GS–8 of the General Schedule, respectively."

(2) HARDSHIP DUTY PAY.—In addition to reimbursement to which Border Patrol agents are otherwise entitled, Border Patrol agents who are assigned to rural areas shall be entitled to receive hardship duty pay, in lieu of a retention incentive bonus under subsection (b), if they are in the Special Pay Area in effect on the date of the enactment of the Anti-Border Corruption Reauthorization Act of 2017.

(3) OVERTIME LIMITATION.—Section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) is amended by striking "$25,000" and inserting "$45,000".

SEC. 133. ANTI-BORDER CORRUPTION REAUTHORIZATION ACT.

(a) SHORT TITLE.—This Act may be cited as the “Anti-Border Corruption Reauthorization Act of 2017".

(b) HIRING ELIGIBILITY.—Section 3 of the Anti-Border Corruption Act of 2010 (6 U.S.C. 221) is amended by striking subsection (b) and inserting the following:

"(b) WAIVER AUTHORITY.—The Commissioner of U.S. Customs and Border Protection may waive the application of subsection (a)(1)—

"(1) to a current, full-time law enforcement officer employed by a State or local law enforcement agency who—

"(A) has continuously served as a law enforcement officer for not fewer than three years;

"(B) is authorized by law to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

"(C) has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

"(D) has, within the last ten years, successfully completed a polygraph examination as a condition of employment with such officer’s current law enforcement agency;

"(2) to a current, full-time Federal law enforcement officer who—

"(A) has continuously served as a law enforcement officer for not fewer than three years;

"(B) is authorized to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

"(C) has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

"(D) has, within the last ten years, successfully completed a polygraph examination as a condition of employment with such officer’s current law enforcement agency;

"(3) to a current, full-time Federal law enforcement officer who—

"(A) has served in the Armed Forces for not fewer than three years;

"(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance;

"(C) holds, or has undergone within the past five years, a current Tier 4 background investigation or current Tier 5 background investigation;

"(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces and has not engaged in criminal activity or committed a serious military or civil offense under the Uniform Code of Military Justice; and

"(E) was not granted any waivers to obtain the clearance referred to in subparagraph (B);

"(F) TERMINATION OF WAIVER AUTHORITY. The authority to issue a waiver under subsection (b) shall terminate on the date that is four years after the date of the enactment of the Anti-Border Corruption Reauthorization Act of 2017.”.

(c) SUPPLEMENTAL COMMISSIONER AUTHORITY AND DEFINITIONS.

(1) SUPPLEMENTAL COMMISSIONER AUTHORITY.—Section 4 of the Anti-Border Corrup- tion Act of 2010 (Public Law 111–376) is amended to read as follows:

"SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.

"(a) NONEXEMPTION.—An individual who receives a waiver under section 3(b) is not exempt from other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position, as determined by the Commissioner of U.S. Customs and Border Protection.

"(b) BACKGROUND INVESTIGATIONS.—Any individual who receives a waiver under section 3(b) is required to undergo a Tier 5 background investigation before being recommended to the Director of United States Customs and Border Protection. The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under section 3(b) if information discovered before the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.

"(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under section 3(b) if information discovered before the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.

"(d) REPORT.—The Anti-Border Corruption Reauthorization Act of 2010 (6 U.S.C. 221, as amended by paragraph (1)), is further amended by adding at the end the following new section:

"SEC. 5. REPORTING.

"(a) ANNUAL REPORT.—Not later than one year after the date of the enactment of the Anti-Border Corruption Reauthorization Act of 2017, and annually thereafter while the waiver authority under section 3(b) is in effect, the Commissioner of U.S. Customs and Border Protection shall submit to Congress a report that includes, with respect to the reporting period—

"(1) the number of waivers requested, granted, and denied under section 3(b);

"(2) the reasons for any denials of such waiver;

"(3) the percentage of applicants who were hired after receiving a waiver;

"(4) the number of instances that a polygraph was administered to an applicant who was eligible for a waiver and the results of such polygraph;

"(5) an assessment of the current impact of the polygraph waiver program on filling law enforcement positions at U.S. Customs and Border Protection; and

"(6) additional authorities needed by U.S. Customs and Border Protection to better utilize the polygraph waiver program for its intended goals.

"(b) ADDITIONAL INFORMATION.—The first report submitted under subsection (a) shall include—

"(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with additional background investigations to evaluate potential employees for suitability; and

"(2) a recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).

(2) DEFINITIONS.—The Anti-Border Corruption Act of 2010, as amended by paragraphs (1) and (2), is further amended by adding at the end the following new section:

"SEC. 6. DEFINITIONS.

"In this Act:

"(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term ‘Federal law enforcement officer’ in sections 8331(20) and 8401(17) of title 5, United States Code.
‘(2) SERIOUS MILITARY OR CIVIL OFFENSE.— The term ‘serious military or civil offense’ means an offense for which—

(A) a member of the Armed Forces may be disqualified from service in the Armed Forces; and

(B) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial, except as pursuant to Army Regulation 635-200, chapter 14-12.

(3) BOARD OF IMMIGRATION APPEALS.—

(A) BOARD MEMBERS.—Not later than September 30, 2031, the Attorney General shall increase the number of Board Members authorized under this Board of Immigration Appeals to 25.

(B) STAFF ATTORNEYS.—Not later than September 30, 2031, in addition to positions authorized in subsections (A) and (C) of this paragraph, the Attorney General shall increase the number of staff attorneys assigned to support the Board of Immigration Appeals by not fewer than 50.

(4) FACILITIES AND SUPPORT PERSONNEL.—The Attorney General is authorized to procure space, temporary facilities, and required administrative and legal support staff, on an expedited basis, to accommodate the additional Board Members authorized under this subparagraph.

(B) DEPARTMENT OF HOMELAND SECURITY.—

(1) FRAUD DETECTION AND NATIONAL SECURITY OFFICES.—Not later than September 30, 2031, in addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within the Department of Homeland Security, and subject to the availability of appropriations, the Attorney General shall increase by not fewer than 100 the number of attorneys for the Office of Immigration Litigation.

(3) ICE HOMELAND SECURITY INVESTIGATIONS FORENSIC DOCUMENT LABORATORY PERSONNEL.—Not later than September 30, 2031, in addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within the Department of Homeland Security, the Director of U.S. Immigration and Customs Enforcement shall increase the number of trained, full-time active duty Forensic Document Laboratory Examiners by 15.

(C) FACILITIES AND SUPPORT PERSONNEL.—

The Attorney General is authorized to procure space, temporary facilities, and to hire the required administrative and legal support staff, on an expedited basis, to accommodate the additional positions authorized under this paragraph.

PART II—JUDICIAL RESOURCES

SEC. 141. JUDICIAL RESOURCES FOR BORDER SECURITY.

(a) BORDER CROSSING PROSECUTIONS (CRIMINAL CONSEQUENCE INITIATIVE).—

(1) IN GENERAL.—Amounts appropriated pursuant to paragraph (3) shall be used—

(A) to increase the number of criminal prosecutions for unlawful border crossing in each and every sector of the southern border by not less than 80 percent per day, as compared to the average number of such prosecutions per day during the 12-month period preceding the date of the enactment of this Act, by hiring funding authorized by paragraphs (1) through (3) to—

(i) attorneys and administrative support staff in offices of United States attorneys;

(ii) support staff and interpreters in court clerk’s offices; and

(iii) pre-trial services;

(iv) activities of the Office of the Federal Public Defender, including payments to retain appointed counsel under section 306 of title 18, United States Code; and

(v) additional personnel, including lead United States Marshals in the United States Marshals Service, to perform intake, coordination, transportation, and court security; and

(B) to reimburse Federal, State, local, and tribal law enforcement agencies for any detention costs related to the increased border crossing prosecutions carried out pursuant to this subsection.

(2) ADDITIONAL MAGISTRATE JUDGES TO ASSIST WITH INCREASED CASELOAD.—The chief judge of each judicial district located within a sector of the southern border is authorized to appoint additional full-time magistrate judges, who, consistent with the Constitution and laws of the United States, shall be used by and under the direction of the Chief Justice of the United States, to handle national security and public safety cases, cross-border prosecutions carried out pursuant to paragraph (3), and controversies in the judicial district in which the magistrate judges are appointed.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2018 through 2021 such sums as may be necessary to carry out this subsection.

(a) BORDER CROSSING PROSECUTIONS (CRIMINAL CONSEQUENCE INITIATIVE).—The President shall appoint, by and with the advice and consent of the Senate, each of the judicial district judges in the judicial districts in which there is a sector of the southern border, to serve for the term of such judge, or until a successor shall have been duly appointed and qualified, to perform the duties of a judge of such district and any other duties given to such judge by the Constitution or laws of the United States.

(2) ADDITIONAL PERMANENT DISTRICT COURT JUDGES IN SOUTHERN BORDER STATES.—

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, to perform the duties of a judge of such district and any other duties given to such judge by the Constitution or laws of the United States.

(3) ADDITIONAL JUDGES TO ASSIST WITH INCREASED CASELOAD.—The Chief Justice of the United States shall, by order, assign additional judges to hearing districts in which there is a sector of the southern border, to serve for the term of such judge, or until a successor shall have been duly appointed and qualified, to perform the duties of a judge of such district and any other duties given to such judge by the Constitution or laws of the United States.
(D) 2 additional district judges for the Southern District of Texas.

(2) CONVERSIONS OF TEMPORARY DISTRICT COURT JUDGESHIPS.—The judgeships for the District of Arizona and the Central District of California authorized under section 313(e) of the 21st Century Justice Improvements Authorization Act (28 U.S.C. 133 note) that remained in effect under the date of enactment of this Act, shall be converted into judgeships on the day of the enactment of this Act, shall be authorized under section 133 of title 28, United States Code, and the individuals holding such judgeships on such day shall hold office under section 133 of title 28, United States Code, as amended by paragraph (3).

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(a) The amendment made by paragraph (1) shall be effective as of the date of the enactment of this Act.

(b) The amendments made by paragraph (3) shall apply to any action brought after the date of enactment of this Act.

SEC. 142. REIMBURSEMENT TO STATE AND LOCAL PROSECUTORS FOR FEDERALLY INITIATED CRIMINAL CASES.

(a) IN GENERAL.—The Attorney General shall make grants to the State, local, and tribal governments, as applicable, for the expense incurred in connection with the prosecution of federally initiated criminal cases, including:

(1) civil action; and

(b) exception.—Reimbursement under subsection (a) shall not be available, at the discretion of the Attorney General, if the Attorney General determines that there is reason to believe that the jurisdiction seeking reimbursement has engaged in unlawful conduct in connection with immigration-related apprehensions.

Subtitle C—Grants

SEC. 151. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

Section 241(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1255(d)(4)) is amended—

(1) in paragraph (1)－

(A) by inserting “AUTHORIZATION” before “of the chief;” and

(B) by inserting “an alien with an unknown status” after “undocumented criminal alien” each place that term appears;

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

“(2) COMPENSATION.—

(A) CALCULATION.—In compensation—

(i) the average cost of incarceration of a prisoner in the relevant State, as determined by the Attorney General; and

(ii) the average cost of detention, clerical support, and public defense services associated to such prosecution;

(b) exception.—Reimbursement under subsection (a) shall not be available, at the discretion of the Attorney General, if the Attorney General determines that there is reason to believe that the jurisdiction seeking reimbursement has engaged in unlawful conduct in connection with immigration-related apprehensions.

Title VII—Special Enforcement and Related Grants

Chapter 1—Immigration Enforcement

Sec. 152. Operation Stonegarden.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

“SEC. 2009. OPERATION STONEGARDEN.

(1) General—There is established in the Department of Homeland Security, an Operation Stonegarden, which shall be known as ‘Operation Stonegarden’. The Secretary, acting through the Administrator, shall make grants under this section to eligible local governments for the purpose of providing assistance to local governments, as the Secretary determines necessary, to enhance border security in accordance with this section.

(b) Eligible recipients.—To be eligible to receive a grant under this section, a local government—

(1) shall be located in—

(A) a State bordering Canada or Mexico; or

(B) a State or territory with a maritime border;

(2) shall be involved in an active, ongoing, and Border Security Grant program coordination through a Federal government;

(3) any activity permitted for Operation Stonegarden under the Department of Homeland Security’s Fiscal Year 2017 Homeland Security Grant Program Notice of Funding Opportunity; and

(4) any other activity as determined by the Secretary.

(c) General—The Secretary shall award grants under this section for a period not less than 36 months.

(d) Period of performance.—The Secretary shall award grants under this section for a period not less than 36 months.

(e) Report.—For each of the fiscal years 2018 through 2022, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security of the Senate, a report that contains information on the expenditure of grants made under this section by each grant recipient.

(f) Authorization of Appropriations.—There is authorized to be appropriated $100,000,000 for each of the fiscal years 2018 through 2022 for grants under this section.

(b) CONFORMING AMENDMENT.—Section 2002(a) of the Homeland Security Act of 2002 (6 U.S.C. 603) is amended to read as follows:

“(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants under sections 203, 204, and 209 to State, local, and tribal governments, as appropriate.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2008 the following new item:

“Sec. 2009. Operation Stonegarden.”

SEC. 153. GRANTS FOR IDENTIFICATION OF VICTIMS OF CROSS-BORDER HUMAN SMUGGLING.

In addition to amounts for grants made through September 30, 2020, the Attorney General may provide grants made available to the Attorney General for State and local law enforcement assistance for the purpose of identifying victims of cross-border human smuggling to the Attorney General or the Secretary of Homeland Security, as the Attorney General determines appropriate.
the area with the capacity to analyze human remains using forensic best practices, including DNA testing, where such expenses may contribute to the collection and analysis of information pertaining to missing and unidentified persons.

SEC. 154. GRANT ACCOUNTABILITY.

(a) Definitions.—In this section:

(1) AWARDING ENTITY.—The term "awarding entity" means the Secretary, the Administrator of the Federal Emergency Management Agency, the Director of the National Science Foundation, or the Chief of the Office of Children and New Americans.

(2) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.

(b) UNRESOLVED AUDIT FINDING.—The term "unresolved audit finding" means a finding in a final audit report conducted by the Inspector General of the Department of Homeland Security, or the Inspector General for the National Science Foundation for grants awarded by the Director of the National Science Foundation, that the audited grantee has utilized grant funds for an unauthorized expenditure or other unallowable cost that is not closed or resolved within one year after the date when the final audit report is issued.

(c) ACCOUNTABILITY.—All grants awarded by an awarding entity pursuant to this subtitle shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—

(A) AUDITS.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, and in each fiscal year thereafter, the Inspector General of the Department of Homeland Security, or the Inspector General for the National Science Foundation for grants awarded by the Director of the National Science Foundation, shall conduct audits of recipients of grants under this subtitle or any amendment made by this subtitle that may not be used by an awarding entity to host or support any expenditure for conferences that may not be made available by the Department of Homeland Security or the National Science Foundation unless the Deputy Secretary for Homeland Security, under the National Science Foundation, or their designee, provides prior written authorization that the funds may be used to host a conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(c) REPORT.—The Secretary of Homeland Security and the Director of the National Science Foundation shall submit an annual report to Congress that identifies all conference expenditures approved under this paragraph.

(d) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, each awarding entity shall submit a report to Congress that—

(A) indicates whether—

(i) all audits conducted by the Offices of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate individuals;

(ii) all mandatory exclusions required under subparagraph (1)(B) have been issued; and

(iii) all reimbursements required under paragraph (1)(D) have been made; and

(B) includes a list of any grant recipients excluded under paragraph (1) during the previous year.

Subtitle D—Authorization of Appropriations

SEC. 161. AUTHORIZATION OF APPROPRIATIONS.

(a) General Provisions.—In addition to amounts otherwise authorized to be appropriated, there are appropriated such sums as may be necessary to carry out this title.

(b) Requirement for Full Authorization.—Not later than 15 days after determining the location of any new port of entry for construction pursuant to this Act, the Secretary of Homeland Security shall submit a report containing the location of the new port of entry, a description of the need for and anticipated benefits of the new port, and a description of the consultations undertaken by the Secretary, any actions that will be taken to minimize negative impacts of the new port, and the anticipated timing for construction and completion of the new port of entry to—

(A) the members of Congress that represent the State or congressional district in which the new port of entry will be located; (B) the Committee on Homeland Security and Governmental Affairs of the Senate; (C) the Committee on Finance of the Senate; (D) the Committee on the Judiciary of the Senate; (E) the Committee on Homeland Security of the House of Representatives; (F) the Committee on Ways and Means of the House of Representatives; and (G) the Committee on the Judiciary of the House of Representatives.

(c) Dates for Appropriations.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall make the certifications required by subparagraph (A) of paragraph (1) of section 801 of the National Defense Authorization Act for Fiscal Year 2018 ( Public Law 115–184; 132 Stat. 1134) and the Secretary of the Treasury shall notify the congressional committees listed under paragraph (1) of—
(A) the top 10 high-volume ports of entry on the southern border referred to in subsection (b); and

(b) the Secretary’s plan for expanding the primary and secondary inspection lanes at each such port of entry.

SEC. 202. SECURE COMMUNICATIONS.

(a) In General.—The Secretary shall ensure that each U.S. Customs and Border Protection agent or officer assigned or required to patrol on foot, by horseback, or with a canine unit, in remote mission critical locations, including but not limited to the Rio Grande Valley and Big Bend, and at border checkpoints, has a multi-channeled encrypted portable radio with military-grade high frequency capability to allow for beyond line-of-sight communications.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated $10,000,000 for fiscal year 2018 to carry out this section.

SEC. 203. BORDER SECURITY DEPLOYMENT PROGRAM.

(a) Expansion.—Not later than September 30, 2021, the Secretary shall fully implement the Border Security Deployment Program of the U.S. Customs and Border Protection and expand the integrated surveillance and intrusion detection system at land ports of entry along the southern border and the expansion of the integrated surveillance and intrusion detection system at land ports of entry along the southern border and the expansion of the integrated surveillance and intrusion detection system at land ports of entry along the southern border and the existing State and local law enforcement systems that are used for collection and storage of iris scans or voice prints for criminal aliens.

(b) PILOT PROGRAM.—Not later than 120 days after the date of enactment of this Act, U.S. Immigration and Customs Enforcement and U.S. Citizenship and Immigration Services shall conduct a six-month pilot on the collection and use of iris scans and voice prints for identification, remote authentication, and verification of aliens. The Secretary shall ensure, to the extent possible, that the system for storage of iris scans and voice prints is compatible with the existing State and local law enforcement systems and is interoperable and LTE network capability, to allow for beyond line-of-sight communications.

SEC. 204. PILOT AND UPGRADE OF LICENSE PLATE READERS AT PORTS OF ENTRY.

(a) Upgrade.—Not later than one year after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall upgrade all existing license plate readers on the northern border and the southern borders on incoming and outgoing vehicle lanes.

(b) PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall conduct a one-month pilot on the southern border using license plate readers for one to two cargo lanes at the top three high-volume land ports of entry or checkpoints to determine their effectiveness in reducing cross-border wait times for commercial traffic and tractor-trailers.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Finance of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on the Judiciary of the House of Representatives, and the Committee on Ways and Means of the House of Representatives on the results of the pilot program under subsection (b); and

(2) make recommendations to such committees for implementing such technology on the northern border.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated $125,000,000 for fiscal year 2018 to carry out this section.

SEC. 205. BIOMETRIC TECHNOLOGY.

(a) BIOMETRIC STORAGE.—The Secretary shall create a system or upgrade an existing system (if a Department of Homeland Security system already has capability and capacity) to allow for storage of iris scans and voice prints of aliens that can be used by the Department of Homeland Security, other Federal agencies, and State and local law enforcement for identification, remote authentication, and verification of aliens. The Secretary shall ensure, to the extent possible, that the system for storage of iris scans and voice prints is compatible with the existing State and local law enforcement systems and is interoperable and LTE network capability, to allow for beyond line-of-sight communications.

(b) PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary shall report the results of the pilot and make recommendations for implementing use of such technology to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and Governmental Affairs of the House of Representatives.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall report the results of the pilot program.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated $10,000,000 for fiscal year 2018 to carry out this section.

SEC. 206. BIOMETRIC EXIT DATA SYSTEM.

(a) In General.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 211 et seq.) is amended by adding at the end the following new section:

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SEC. 418. BIOMETRIC ENTRY-EXIT.

(1) PILOT PROGRAM AT LAND PORTS OF ENTRY FOR NON-PEDESTRIAN OUTBOUND TRAFFIC.—Not later than five years after the date of enactment of the Building America’s Trust Act, the Secretary, in collaboration with industry stakeholders, shall establish a six-month pilot program to test the biometric exit data system referred to in subsection (a)(2) on nonpedestrian outbound traffic at ports of entry other than the top five land ports of entry with significant cross-border traffic, including at not fewer than two land ports of entry on the southern land border and at least one land port of entry on the northern land border.

(b) IMPLEMENTATION.—

(1) PILOT PROGRAM AT LAND PORTS OF ENTRY FOR NON-PEDESTRIAN OUTBOUND TRAFFIC.—Not later than 18 months after the date of the enactment of the Building America’s Trust Act, the Secretary, in collaboration with industry stakeholders, shall establish a six-month pilot program to test the biometric exit data system referred to in subsection (a)(2) on nonpedestrian outbound traffic at ports of entry other than the top three land ports of entry with significant cross-border traffic, including at not fewer than two land ports of entry on the southern land border and at least one land port of entry on the northern land border.

(2) The Secretary shall conduct the pilot program on a rolling basis, as determined by available Federal resources.

(c) REPORT.—Not later than 18 months after the date of the enactment of the Building America’s Trust Act, the Secretary, in collaboration with industry stakeholders, shall establish a six-month pilot program to test the biometric exit data system referred to in subsection (a)(2) on nonpedestrian outbound traffic at ports of entry other than the top three land ports of entry with significant cross-border traffic, including at not fewer than two land ports of entry on the southern land border and at least one land port of entry on the northern land border.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated $10,000,000 for fiscal year 2018 to carry out this section.

SEC. 207. REVIEW OF AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Not later than five years after the date of the enactment of the Building America’s Trust Act, the Secretary shall conduct a review of the costs associated with the biometric exit data system referred to in subsection (a)(2) to all land ports of entry, and such system shall apply only in the case of nonpedestrian outbound traffic.

(b) EXTENSION.—The Secretary may extend for a single two-year period the date...
specified in subparagraph (A) if the Secretary certifies to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Homeland Security of the United States, that 15 land ports of entry port the highest volume of passenger vehicles, as determined by available Federal data, do not have the physical infrastructure or characteristics to install the systems necessary to implement a biometric exit data system.

(3) AT AIR AND SEA PORTS OF ENTRY.—Not later than five years after the date of the enactment of the Building America’s Trust Act, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all air and sea ports of entry, and such system shall apply only in the case of pedestrians.

(4) AT LAND PORTS OF ENTRY FOR PEDESTRIANS.—Not later than five years after the date of the enactment of the Building America’s Trust Act, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all land ports of entry, and such system shall apply only in the case of pedestrians.

(c) MEASURES ON AIR, SEA, AND LAND TRANSPORTATION.—The Secretary, in consultation with appropriate private sector stakeholders, shall ensure that the collection of biometric data pursuant to subsection (a) on the air, sea, or land transportation, while fulfilling the goals of improving counterterrorism efforts and identifying visa holders who violate the terms of their visas.

(d) TERMINATION OF PROCEEDING.—Notwithstanding the provision of this section, the Secretary shall, on the date of the enactment of the Building America’s Trust Act, terminate the proceeding entitled “Collection of Biometric Data on Exit From the United States at Air and Sea Ports of Departure; United States Visitor and Immigrant Status Indicator Technology Program (“US-VISIT”), issued on April 24, 2008 (73 Fed. Reg. 22065).

(e) DATA-MATCHING.—The biometric exit data system established under this section shall—

(1) match biometric information for an alien who is departing the United States against the biometric information obtained for the alien upon entry to the United States;

(2) leverage the infrastructure and databases of the current biometric entry and exit systems to determine whether the alien is exiting the United States; and

(3) be interoperable with, and allow matching against, other Federal databases that store biometrics of known or suspected terrorists and visa holders who have violated the terms of their visas.

(f) SCOPE.—

(1) IN GENERAL.—The biometric exit data system established under this section shall include a requirement for the collection of biometric exit data for all categories of individuals who are required to provide biometric entry data.

(2) EXCEPTION FOR CERTAIN OTHER INDIVIDUALS.—This section shall not apply to individuals who exit then reenter the United States on a passenger vessel (as such term is defined in section 2101 of title 46, United States Code) if the itinerary of such vessel originates and terminates in the United States.

(3) EXCEPTION FOR LAND PORTS OF ENTRY.—This section shall not apply to a United States citizen or a Canadian citizen who exits the United States through a land port of entry.

(g) COLLECTION OF DATA.—The Secretary may not require any non-Federal person to collect biometric data pursuant to subsection (a) unless the Secretary—

(1) ensures that the biometric exit data system established under this section, except through a contractual agreement,

(2) or

(b) MULTIPLE-MODAL COLLECTION.—In carrying out subsections (a)(1) and (b), the Secretary shall make every effort to collect biometric data using multiple modes of biometrics.

(i) FACILITIES.—All non-federally owned facilities where the exit data system established under this section is implemented shall provide and maintain space for Federal use that is adequate to support biometric data collection and other inspection-related activity. Such space shall be provided and maintained at no cost to the Government.

(j) NORTHERN LAND BORDER.—In the case of the northern land border, the requirements described in subsection (a)(2) shall limit the collection of biometric data to the extent necessary to provide security.

(k) EXCEPTION FOR CERTAIN OTHER INDIVIDUALS.—Nothing in this section shall be construed to require the Secretary to provide for the collection of biometric data on aliens who are departing the United States to the extent the Secretary determines that the alien will not pose a danger to the national security or public safety.

(1) IN GENERAL.—The Secretary, on a warrant issued by the Secretary, may arrest an alien and detain the alien pending a decision on whether the alien is to be removed from the United States up until the alien has an administratively final order of removal. Except as provided in subsection (c) and pending such decision, the Secretary—

(i) may not release the alien;

(ii) shall ensure that the alien is detained at a facility where the alien will have access to legal counsel and will be provided with any other appropriate condition prescribed by the Secretary; and

(iii) shall make the alien available for examination by the law enforcement and immigration authorities of the United States.

(M) MANDATORY DETENTION OF CRIMINAL ALIENS.—

(i) CRIMINAL ALIENS.—The Secretary shall take into custody and continue to detain any alien whom the Secretary has determined to be an alien who—

(A(i) has not been admitted or paroled into the United States; and

(A(ii) was apprehended anywhere within 100 miles of the international border of the United States;

(B) is admissible by reason of having committed any offense covered in section 212(a)(2); or

(C) is deportable by reason of having committed any offense covered in section 237(a).

(D) is convicted for an offense under section 275(a);

(E) is convicted for an offense under section 276;

(F) is convicted for any criminal offense; or

(G) is inadmissible under section 212(a)(3)(B) or deportable under section 237(a).

when the alien is released, without regard to whether the alien is released on parole, supervised release, and without regard to whether the alien may be arrested or imprisoned again for the same offense.

(2) RELEASE.—

(A) IN GENERAL.—Except as provided in subsection (B), the Secretary shall release an alien described in paragraph (1) only if the Secretary determines pursuant to section 235 of title 18, United States Code, and in accordance with a procedure that considers the severity of the offense committed by the alien, that—

(i) release of the alien from custody is not likely to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a potential witness, or person cooperating with such an investigation, and

(ii) the alien agrees to the Secretary that the alien is not a flight risk, poses no danger to the safety of other persons or of property, is not a threat to national security or public...

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SEC. 207. SENSE OF CONGRESS ON COOPERATION BETWEEN AGENCIES.

(a) FINDING.—Congress finds that personnel constraints exist at land ports of entry with regard to sanitarian and phytosanitary inspections for exported goods.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in the best interest of cross-border trade and the agricultural community—

(1) any lack of certified personnel for inspection purposes at ports of entry should be addressed by seeking cooperation between agencies and departments of the United States, whether in the form of a memorandum of understanding or through a certification process, whereby additional existing agents are authorized for additional work hours to facilitate the crossing and trade of perishable goods in a manner consistent with rules of the Department of Agriculture; and

(2) cross designation should be available for personnel who will assist more than one agency or department at land ports of entry to facilitate increased trade and commerce.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

In addition to any amounts otherwise appropriated to be authorized, there is appropriated for the fiscal years 2018 through 2021 to carry out this title $1,000,000,000 for each of such fiscal years.

TITLe III—DOMESTIC SECURITY AND INTERIOR ENFORCEMENT

Subtitle A—General Matters

SEC. 301. ENFORCEMENT OF IMMIGRATION LAWS.

 SEC. 303. ENFORCEMENT OF IMMIGRATION LAWS FOR REPEAL IMMIGRATION VIOLATORS AND CRIMINALS.

SEC. 304. ENFORCEMENT OF IMMIGRATION LAWS FOR REPEAL IMMIGRATION VIOLATORS AND CRIMINALS.

SEC. 305. ENFORCEMENT OF IMMIGRATION LAWS FOR REPEAL IMMIGRATION VIOLATORS AND CRIMINALS.

SEC. 306. ENFORCEMENT OF IMMIGRATION LAWS FOR REPEAL IMMIGRATION VIOLATORS AND CRIMINALS.
safety, and is likely to appear at any scheduled proceeding.

"(B) ARRESTED, BUT NOT CONVICTED, ALIENS.

"(1) RELEASE FOR PROCEEDINGS.—The Secretary of Homeland Security may release any alien held pursuant to paragraph (1) to the appropriate authority for any proceeding pending the arrest.

"(ii) RESUMPTION OF CUSTODY.—If an alien is released under clause (i), the Secretary shall—

"(I) resume custody of the alien during any period pending the final disposition of any such proceedings that the alien is not in the custody of the appropriate authority; and

"(ii) if the alien is not convicted of the offense for which the alien was arrested, the Secretary shall continue to detain the alien until all such proceedings are completed.’’.

SEC. 302. DETERRING VISA OVERSTAYS.

(a) ADMISSION OF NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1114) is amended by striking the section heading and all that follows through subsection (a)(1) and inserting the following:

"SEC. 214. ADMISSION OF NONIMMIGRANTS.

"(a) Nonimmigrants.—No alien admitted to the United States as a nonimmigrant shall be inadmissible to the United States of any alien as a nonimmigrant visitor to the United States at the end of the alien’s admission, unless the alien has—

"(1) signed, under penalty of perjury, an acknowledgement confirming that the alien was notified and understands that he or she will be ineligible for any form of relief or immigration benefit under the Act or any other immigration law, other than a request for asylum, withholding of removal under section 208(a)(3), or relief from removal based on persecution, torture,怕者asylum, withholding of removal under section 240 of that Act (8 U.S.C. 1229a) based on inadmissibility under section 212(a)(2) of that Act (8 U.S.C. 1182(a)(2)) or section 237(a)(2) of that Act (8 U.S.C. 1227(a)(2)). ’’

(b) ISSUANCE OF NONIMMIGRANT VISAS.—Section 221(a) of the Immigration and Nationality Act (8 U.S.C. 1201(a)) is amended by adding at the end the following:

"(3) NOTIFICATION OF BARS.—The Secretary of Homeland Security, in the Secretary’s sole and unreveiwable discretion, may bar an alien from admission under this Act of an immigration officer’s determination that such alien is not a threat to national security or public safety.

"(iii) Good cause defined.—In clause (i), the term ‘good cause’ means exigent humanitarian or public safety emergencies or force majeure.”.

(b) WAIVER OF RIGHTS.—An alien may not be provided a waiver under the program unless the alien has—

"(1) signed, under penalty of perjury, an acknowledgment confirming that the alien was notified and understands that he or she will be ineligible for any form of relief or immigration benefit under the Act or any other immigration law, other than a request for asylum, withholding of removal under section 208(a)(3), or relief from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984, if the alien fails to depart the United States at the end of the alien’s admission, unless the alien has—

"(2) waived any right to review or appeal any determination of the immigration officer’s determination as to the admissibility of the alien at the port of entry into the United States, and

"(3) waived any right to contest, other than on the basis of an application for asylum, any action for removal of the alien.”.

SEC. 303. DECREASE IN IMMIGRATION DETENTION CAPACITY.

Not later than September 30, 2018, and subject to the availability of appropriations, the Secretary of Homeland Security shall decrease the immigration detention capacity to a daily immigration detention capacity of not less than 48,879 detention beds.

SEC. 304. COLLECTION OF DNA FROM CRIMINAL AND DETAINED ALIENS.

(a) IN GENERAL.—Section 3(a)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(a)(1)) is amended by adding at the end the following:

"(ii) the Secretary of Homeland Security shall collect DNA samples from any alien, as defined under section 237(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)) who—

"(i) has been detained pursuant to section 237(a)(1)(B)(iv)(Y), 226, 236A, or 238 of this Act (8 U.S.C. 1225(b)(1)(B)(iv)(Y), 226, 229a, 228a); or

"(ii) is the subject of a final order of removal under section 240 of that Act (8 U.S.C. 1229a) based on inadmissibility under section 212(a)(2) of that Act (8 U.S.C. 1182(a)(2)) or section 237(a)(2) of that Act (8 U.S.C. 1227(a)(2)).’’

(b) FURNISHING OF DNA SAMPLES FROM CRIMINAL AND DETAINED ALIENS.—Section 3(b) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(b)) is amended by striking “or the probation office responsible (as applicable), and inserting “or the probation office responsible (as applicable), or the Secretary of Homeland Security.”

SEC. 305. COLLECTION, USE, AND STORAGE OF BIOMETRIC DATA.

(a) COLLECTION AND USE OF BIOMETRIC INFORMATION FOR IMMIGRATION PURPOSES.—

(1) COLLECTION.—The Secretary of Homeland Security may require any individual filing an application, petition, or other request for immigration benefit or status with the Department of Homeland Security or seeking an immigration benefit, immigration employment authorization, identity, or travel document, or requesting relief under any provision of the immigration laws to submit biometric information (including but not limited to fingerprints, photograph, signature, voice print, iris, or DNA) to the Secretary.

(2) USE.—The Secretary may use any biometric information submitted under paragraph (1) to conduct background security checks, verify an individual’s identity, adjudicate, revoke, or terminate immigration benefits or status, and perform other functions related to administering and enforcing the immigration laws.

(b) BIOMETRIC AND BIOGRAPHIC INFORMATION SHARING.—

(1) BIOMETRIC AND BIOGRAPHIC INFORMATION SHARING WITH DEPARTMENT OF DEFENSE AND FEDERAL BUREAU OF INVESTIGATION.—The Secretary of Homeland Security, the Secretary of Defense, and the Director of the Federal Bureau of Investigation—

(A) shall exchange appropriate biometric and biographic information to determine or confirm the identity of an individual and to assess whether the individual is a threat to national security or public safety; and

(B) may use information pursuant to subparagraph (A) to compare biometric and biographic information contained in applicable systems of the Department of Homeland Security, the Department of Defense, or the Federal Bureau of Investigation to determine if there is a match between such information and, if there is a match, to request such information to the requesting agency.

(2) USE OF BIOMETRIC DATA BY THE DEPARTMENT OF STATE.—The Secretary of State shall use biometric information from applicable systems of the Department of Homeland Security, the Department of Defense, and of the Federal Bureau of Investigation to track individuals who—

(A)(i) known or suspected terrorists; or

(ii) identified as a potential threat to national security; and

(B) who are using an alias while traveling.

(3) REPORT ON BIOMETRIC INFORMATION SHARING WITH MEXICO AND OTHER COUNTRIES FOR IDENTIFICATION VERIFICATION.—Not later than January 31, 2019, the Secretary shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the Senate a report on the status of efforts to enter into agreements with the governments of other appropriate foreign countries located in Central America or South America.

(4) DIRECTOR.—Each Director of the Department of Homeland Security shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the Senate a report on the status of coordination on biometric information sharing between the United States and such countries; and

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(B) to enter into bilateral agreements that provide for the sharing of such biometric information with the Department of State, the Department of Defense, the Department of Justice, the Federal Bureau of Investigation, and the Department of Homeland Security to use in identifying individuals who are known or suspected terrorists or potential threats to national security, and verifying entry and exit of individuals to and from the United States.

(c) CONSTRUCTION.—The collection of biometric information under paragraph (1) shall not limit the Secretary of Homeland Security’s authority to collect biometric information from an individual applying to enter or departing from the United States.

SEC. 306. PILOT PROGRAM FOR ELECTRONIC FIELD PROCESSING.

(a) In General.—The Secretary of Homeland Security shall establish a pilot program in at least 5 of the 10 U.S. Immigration and Customs Enforcement field offices or regions with the largest removal caseloads to allow U.S. Immigration and Customs Enforcement officers to use handheld or vehicle-mounted computers to electronically—

(1) process and serve charging documents, including notices to appear, while in the field;

(2) process and place detainees while in the field;

(3) collect biometric data for the purpose of identifying an alien and establishing both immigration status and criminal history while in the field;

(4) enter any required data, including personal information about the alien subject and the reason for issuing the document;

(5) apply the electronic signature of the issuing ICE officer or agent;

(6) apply or capture the electronic signature of the alien on any charging document or notice of arrest or deportation electronically captured to acknowledge service of such documents or notices;

(7) set the date the alien is required to appear before an immigration judge, in the case of notices to appear;

(8) print any documents the alien subject may be required to sign, along with additional copies of documents to be served on the alien; and

(9) interface with the ENFORCE database so that all data is collected, stored, and retrievable in real-time.

(b) Construction.—The pilot program described in subsection (a) shall be designed to—

(1) provide recommendations to such committees for implementing use of such technology nationwide.

SEC. 307. ENDING ABUSE OF PAROLE AUTHORITY.

(a) Short Title.—This section may be cited as the “Stop Dangerous Sanctuary Cities Act.”

(b) Ensuring That Local and Federal Law Enforcement Officers May Cooperate to Safeguard Our Communities.—

(1) AUTHORITY TO COOPERATE WITH FEDERAL OFFICIALS.—A State, the political subdivision of a State, or an officer, employee, or agent of such State or political subdivision that complies with a detainee issued by the Department under section 287 of the Immigration and Nationality Act (8 U.S.C. 1226, 1231, or 1337)—

(A) shall be deemed to be acting as an agent of the Department; and

(B) with regard to actions taken to comply with the detainee, shall have all authority available to officers and employees of the Department.

(2) LEGAL PROCEEDINGS.—In any legal proceeding brought against a State, a political subdivision of a State, or an officer, employee, or agent of such State or political subdivision that challenges the legality of the seizure or detention of an individual pursuant to a detainee issued by the Department under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226, 1231)—

(A) no liability for false arrest or imprisonment shall lie against any State or political subdivision of a State for actions taken in compliance with the detainee, which includes maintaining custody of the alien in accordance with the instructions on the detainee form and notifying the Department prior to the alien’s release from custody; and

(B) if the actions of the officer, employee, or agent of the State or political subdivision were taken in compliance with the detainee—

(i) the officer, employee, or agent shall be deemed to be an employee of the Department.

(ii) to be an employee of the Federal Government and an investigative or law enforcement officer; and

(iii) to have been acting within the scope of his or her employment under section 1346(b) and chapter 171 of title 28, United States Code.

(c) SANCTUARY JURISDICTION DEFINED.—

(1) IN GENERAL.—Except as provided under subsection (2), for purposes of this section, the term “sanctuary jurisdiction” means any State or political subdivision of a State that has in effect a statute, ordinance, policy, or practice that prohibits or restricts any government entity or official from—

(A) sending, receiving, maintaining, or exchanging with any Federal, State, or local government entity information regarding the citizenship or immigration status (lawful or unlawful) of any individual; or

(B) complying with a request lawfully made by the Department under section 287 of the Immigration and Nationality Act (8 U.S.C. 1226, 1337) to comply with a detainee for, or notify about the release of, an individual.

(2) EXCEPTION.—A State or political subdivision of a State shall not be deemed a sanctuary jurisdiction based solely on its policy whereby its officials will not share information regarding, or comply with a request made by the Department under...
section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226, 1357) to comply with a detainer regarding, an individual who comes forward as a victim or a witness to a criminal offense.

(d) SANCTUARY JURISDICTIONS INELIGIBLE FOR CERTAIN FEDERAL FUNDS.—

(1) ECONOMIC DEVELOPMENT ADMINISTRATION GRANTS.—

(A) GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT.—Section 201(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141(b)) is amended—

(i) in paragraph (2), by striking “and” at the end;

(ii) in paragraph (3), by striking the period at the end; and

(iii) by adding at the end following: “(4) the area in which the project is to be carried out is not a sanctuary jurisdiction (as defined in subsection (c) of the Stop Dangerous Sanctuary Cities Act).”;

(B) GRANTS FOR PLANNING AND ADMINISTRATIVE EXPENSES.—Section 203(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143(a)) is amended by adding at the end the following: “(c) INELIGIBILITY OF SANCTUARY JURISDICTIONS.—Grant funds under this section may not be obligated or expended for any State or unit of general local government that is a sanctuary jurisdiction.”;

(C) SUPPLEMENTARY GRANTS.—Section 205(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3145(a)) is amended by adding the following:

(1) Economic development grants provided under this section shall not be deemed an eligible recipient under section 236 or 287 of the Immigration and Nationality Act of 1965 (42 U.S.C. 1182(i)(1)) is amended—

(i) in paragraph (1), by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E) respectively;

(ii) by redesignating clauses (i) and (ii) as items (aa) and (bb); and

(iii) by designating paragraphs (1) and (2) as paragraphs (2) and (3) respectively.

(D) TECHNICAL ASSISTANCE.—Section 207 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147) is amended by adding the following:

(1) in paragraph (3), by striking the period at the end and inserting “; and”; and

(2) by adding at the end following: “(4) in the area that does not contain a sanctuary jurisdiction (as defined in subsection (c) of the Stop Dangerous Sanctuary Cities Act).”;

(2) COMMUNITY DEVELOPMENT BLOCK GRANTS.—

(A) DEFINITIONS.—Section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)) is amended by adding at the end the following: “(25) The term ‘sanctuary jurisdiction’ has the meaning given that term in subsection (c) of the Stop Dangerous Sanctuary Cities Act.”;

(B) ELIGIBLE GRANTEES.—

(i) IN GENERAL.—Section 104(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304) is amended by adding at the end the following: “(1) In general.—No funds authorized to be appropriated to carry out this title may be obligated or expended for any State or unit of general local government that is a sanctuary jurisdiction.

(ii) RETURNED AMOUNTS.—

(A) STATE.—If a State is a sanctuary jurisdiction during the period for which it receives amounts under this title, the Secretary—

(i) shall direct the State to immediately return to the Secretary any such amounts that the State received for that period; and

(ii) shall reallocate amounts returned under clause (i) for grants under this title to other States that are not sanctuary jurisdictions;

(B) UNIT OF GENERAL LOCAL GOVERNMENT.—If a unit of general local government is a sanctuary jurisdiction during the period for which it receives amounts under this title, any such amounts that the unit of general local government received for that period—

(i) in the case of a unit of general local government that is not in a nonprofit organization, shall be returned to the Secretary for grants under this title to States and other units of government that are not sanctuary jurisdictions; and

(ii) in the case of a unit of general local government that is in a nonprofit organization, shall be returned to the Governor of the State for grants under this title to other units of general local government in the State that are not sanctuary jurisdictions.

(C) REALLOCATIONS.—In reallocating amounts under subparagraphs (A) and (B), the Secretary—

(i) shall apply the relevant allocation formula under subsection (b), with all sanctuary jurisdictions excluded; and

(ii) shall not be subject to the rules for reallocation under section 207.

(D) ECONOMIC DEVELOPMENT ADMINISTRATION GRANTS.—Section 205(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(b)) is amended by adding the following:

(1) in paragraph (1), by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E) respectively;

(2) by redesignating clauses (i) and (ii) as items (aa) and (bb); and

(3) by adding at the end following: “(3)(y) the alien seeking the waiver.”;

(E) AMOUNTS.—The amendments made by this section shall apply to all applications for waivers or cancellation of removal submitted before, on, or after the date of enactment of this Act.

Subtitle B—Protecting Children and America’s Homeland Act of 2017

SEC. 310. PREVENTION AND DETERRANCE OF FRAUD IN OBTAINING RELIEF FROM REMOVAL.

(A) RESTRICTION ON WAIVER OF INADMISSIBILITY OF CRIMINAL GROUNDS WHEN QUALIFYING RELATIVES BENEFITED FROM FRAUD.—

(1) No waiver shall be available under this paragraph if a preponderance of the evidence shows that the spouse, parent, son, or daughter procured, or sought to procure, any immigration status under this title based on fraud or material misrepresentation by the alien seeking the waiver.

(B) RESTRICTION ON CANCELLATION OF REMOVAL WHEN QUALIFYING RELATIVES BENEFITED FROM FRAUD.—Section 240(a)(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(1)) is amended—

(1) in paragraph (1), by redesignating sub-subparagraphs (A) through (D) as subparagraphs (A) through (E) respectively;

(2) by inserting “(A)” before “The Attorney General”; and

(3) by adding at the end following: “(B) No cancellation shall be available under this paragraph if a preponderance of the evidence shows that the spouse, parent, son, or daughter procured, or sought to procure, any immigration status under this title based on fraud or material misrepresentation by the alien seeking the waiver.”;

(C) APPLICABILITY.—The amendments made by this section shall apply to all applications for waivers or cancellation of removal submitted before, on, or after the date of enactment of this Act.

Subtitle C—2017 Trafficking Victims Protection Reauthorization Act

SEC. 320. SHORT TITLE.

This subtitle may be cited as the “Protecting Children and America’s Homeland Act of 2017”.

SEC. 321. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

Section 236(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1225a) is amended—

(1) in paragraph (2)—

(A) by striking the paragraph heading and inserting “RULES FOR UNACCOMPANIED ALIEN CHILDREN.”;

(B) in subparagraph (A), in the matter preceding clause (i), by striking “who is a national or habitual resident of a country that is contiguous with the United States or the alien may be treated in accordance with paragraph (B)” and inserting “shall be treated in accordance with paragraph (B) of this paragraph”;

(C) in subparagraph (B), in the matter preceding clause (i), by striking “countries contiguous” and inserting “Canada, El Salvador, Honduras, Guatemala, Mexico, any other foreign country that the Secretary determines appropriate”;
CRIMINALS AND GANG MEMBERS.—Notwithstanding any other provision of law, including section 235B(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)), the Secretary of Homeland Security shall place an unaccompanied alien child in a proceeding in accordance with section 235 of the Immigration and Nationality Act (8 U.S.C. 1225f) if, the Secretary determines or has reason to believe the alien—

"(A) has been convicted of, or found to be a juvenile offender based on, any offense carrying a maximum term of imprisonment of more than 180 days;

"(B) has been convicted of, or found to be a juvenile offender based on, an offense which involved—

"(i) the use or attempted use of physical force, or threatened use of a deadly weapon;

"(ii) the purchase, sell, offering for sale, exchange, use, own, possession, or carrying, of or attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 101(a)(53) of title 18, United States Code) in violation of any law;

"(iii) child abuse and neglect (as defined in section 409(a)(3) of the Violence Against Women Act of 1994 (42 U.S.C. 13920(a)(3));

"(iv) assault resulting in bodily injury (as defined in section 2266 of title 18, United States Code);

"(v) the violation of a protection order (as defined in section 2266 of title 18, United States Code);

"(vi) driving while intoxicated or driving under the influence (as those terms are defined in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

"(vii) any offense under federal law, except for a purely political offense, which, if the offense had been committed in the United States, would render the alien inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

"(C) has been convicted of, or found to be a juvenile offender based on, more than 1 criminal offense (other than minor traffic offenses);

"(D) has been convicted of, or found to be a juvenile offender based on, a crime of violence or a crime under Federal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon;

"(E) has engaged in, is engaged in, or is likely to engage after entry, in any terrorist activity (as defined in section 212(a)(3)(B)(ii));

"(F) has engaged in, is engaged in, or is likely to engage after entry, in any terrorist activity, in an act of a foreign terrorist organization (as defined under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189));

"(G) is or was a member of a criminal gang (as defined in paragraph (53) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(53));

"(H) provided materially false, fictitious, or fraudulent information regarding age or identity to the United States Government;

"(I) has entered the United States more than 1 time in violation of section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a), knowing that the entry was unlawful;

"(J) has entered the United States more than 1 time in violation of section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a), knowing that the entry was unlawful;

"(K) in paragraph (4), as redesignated—

"(A) by striking "not described in paragraph (2)(A)"; and

"(B) by inserting "who does not withdraw his or her application for admission or return to the country of nationality or country of last habitual residence after a period of 7 days";

"(L) in paragraph (6)(D), as redesignated—

"(A) by striking the subparagraph heading and inserting "EXPEDITED DUE PROCESS AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN."

"(B) in the matter preceding clause (i), by striking ", except for an unaccompanied alien child from a contiguous country subject to the exceptions under subsection (a)(2), shall be", by striking "who meets the criteria listed in paragraph (2)(A) and who chooses not to withdraw his or her application for admission and return to the country of nationality or country of last habitual residence as permitted under section 235(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1225b(c)(5))", and inserting "shall be";

"(C) by striking clause (1) and inserting the following:

"(i) shall be placed in a proceeding in accordance with section 235B of the Immigration and Nationality Act (8 U.S.C. 1225b), which shall commence not later than 7 days after the screening of an unaccompanied alien child; and

"(D) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

"(E) by inserting after clause (i) the following:

"(ii) may not be placed in the custody of a nongovernmental sponsor or otherwise released from the immediate custody of the United States Government until the child is repatriated unless the child—

"(I) is the subject of an order under section 235B(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1225b), and

"(II) is placed or released in accordance with subsection (c)(2)(C) of this section.";

"(F) in clause (iii), as redesignated, by inserting "is", and

"(G) in clause (iv), as redesignated, by inserting "shall be" before "provided";

SEC. 322. EXPEDITED DUE PROCESS AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN. (a) HUMANE AND EXPEDITED INSPECTION AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN.—

"(1) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) (as redesignated after section 235A) the following:

"SEC. 235B. HUMANE AND EXPEDITED INSPECTION AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN. (a) ASYLUM OFFICER DEFINED.—In this section, the term ‘asylum officer’ means an immigration officer who—

"(1) has had professional training in country conditions, asylum law, and interview techniques comparable to that provided to full-time adjudicators of applications under section 238;

"(2) is supervised by an officer who—

"(A) meets the condition described in paragraph (1); and

"(B) has had substantial experience adjudicating applications under section 238.

"(b) PROCEEDING.—

"(1) IN GENERAL.—Not later than 7 days after the screening of an unaccompanied alien child under section 235(a)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(5)), an immigration judge shall—

"(A) conduct and conclude a proceeding in accordance with section 235B(c)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(5));

"(B) in the case of an unaccompanied alien child seeking asylum, conduct fact finding to determine whether the unaccompanied alien child meets the definition of an unaccompanied alien child and make the findings of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(g));

"(2) TIME LIMIT.—Not later than 72 hours after the conclusion of a proceeding with respect to an unaccompanied alien child under this section, the immigration judge who conducted such proceeding shall issue an order pursuant to subsection (e)

"(c) CONDUCT OF PROCEEDING.—

"(1) AUTHORITY OF IMMIGRATION JUDGE.—The immigration judge conducting a proceeding under this section—

"(w) including, without limitation, administer oaths, receive evidence, and interrogate, examine, and cross-examine the unaccompanied alien child and any witnesses;

"(x) is authorized to sanction by civil money penalty any action (or inaction) in contempt of the judge’s proper exercise of authority under this Act; and

"(y) shall determine whether the unaccompanied alien child meets any of the criteria set out in subparagaphs (A) through (I) of section 235(a)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)), and if so, order the alien removed under section (e)(2) of this section.

"(2) FORM OF PROCEEDING.—A proceeding under this section may take place—

"(A) in person;

"(B) at a location agreed to by the parties, in the absence of the unaccompanied alien child;

"(C) through video conference; or

"(D) through telephone conference.

"(3) FREQUENCY OF ALIEN.—If it is impractical to assemble the unaccompanied alien child for the alien to be present at the proceeding, the Attorney General shall prescribe safeguards to protect the rights and privileges of the alien.

"(4) RIGHTS OF THE ALIEN.—In a proceeding under this section—

"(A) the unaccompanied alien child shall be provided access to counsel in accordance with section 235(c)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(5));

"(B) the alien shall be given a reasonable opportunity—

"(i) to examine the evidence against the alien;

"(ii) to present evidence on the alien’s own behalf; and

"(iii) to cross-examine witnesses presented by the Government;

"(C) the rights set forth in subparagraph (B) shall not entitle the alien—

"(i) to examine such national security information as the Government may proffer in connection with the alien’s admission to the United States; or

"(ii) to an application by the alien for discretionary relief under this Act; and

"(D) the complete record of the proceedings shall be kept of all testimony and evidence produced at the proceedings.
‘(5) WITHDRAWAL OF APPLICATION FOR AD- 
MISSION.—An unaccompanied alien child ap- 
plying for admission to the United States may, and at any time prior to the issuance of a final order or a removal, be permitted to withdraw the application and immediately be returned to the alien’s country of nation- 
ality or country of last habitual residence.

‘(6) TIME LIMITATION ON APPEAR- 
ANCE.—An unaccompanied alien child who 
does not attend a proceeding under this sec- 
tion, shall be ordered removed, except under 
exceptions or circumstances where the alien’s 
absence is the fault of the Government, a 
medical emergency, or an act of nature.

DIVISION D: BURDEN OF PROOF.—

‘(1) DECISION.—

‘(A) IN GENERAL.—At the conclusion of a 
proceeding under this section, the immigra-
tion judge shall determine whether an unac-
accompanied alien child is likely to be—

(i) admissible to the United States; or

(ii) eligible for any form of relief from re-

moval under this Act.

‘(B) EVIDENCE.—The determination of the 
immigration judge under subparagraph (A) 
shall be based only on the evidence produced 
at the hearing.

‘(2) BURDEN OF PROOF.—

‘(A) IN GENERAL.—A proceeding under this 
section, an unaccompanied alien child who 
is an applicant for admission has the burden 
of establishing, by clear and convinc-
ing evidence, that the alien—

(i) is likely to be entitled to be lawfully 

admitted to the United States or eligible 

for any form of relief from removal under 

this Act; or

(ii) is lawfully present in the United 

States pursuant to a prior admission.

‘(B) ACCESS TO DOCUMENTS.—In meeting 
the burden of proof under subparagraph (A)(ii), the 
aliens shall be given access to—

(i) the alien’s visa or other entry docu-

ment, if any; and

(ii) any other records and documents, not 

considered by the Attorney General to be 

confidential, pertaining to the alien’s admis-

sion or presence in the United States.

‘(e) ORDERS.

‘(1) PLACEMENT IN FURTHER PROCEEDINGS.—If 
an immigration judge determines that the unac-
accompanied alien child has met the bur-
den of proof under subsection (d)(2), the 
immigration judge shall—

‘(A) order the alien to be placed in further 
proceedings in accordance with section 240;

and

‘(B) order the Secretary of Homeland Se-

curity to place the alien on the U.S. Immi-

gration and Customs Enforcement detained 

docket for purposes of carrying out such pro-
ceedings.

‘(2) ORDERS OF REMOVAL.—If an immigra-
tion judge determines that the unac-
accompanied alien child has not met the burden 
of proof required under subsection (d)(2), the 
judge shall order the alien removed from the 
United States without further hearing or re-
view unless the alien claims—

‘(A) an intention to apply for asylum under 

section 287;

‘(B) a fear of persecution; or

‘(C) a fear of torture.

‘(3) CLAIMS FOR ASYLUM.—If an unac-
companied alien child described in paragraph (2) 
files an application to apply for asylum under 
section 287 or a fear of persecution, or 
fear of torture, the immigration judge shall 
order the alien referred for an interview by an 
asylum office under subsection (f).

‘(f) ASYLUM INTERVIEWS.—

‘(1) CREDIBLE FEARS OF PERSECUTION.

‘(A) In general.—If an unac-
companied alien child referred for an inter-
view by an asylum officer under subsection (f), the 
attorney general shall establish, by regulation, a process for 
support of the alien’s claim and such other 
facts as are known to the asylum officer, 
there is a significant possibility that the 
alien could establish eligibility for asylum 
under section 208.
(6) INSPECTION OF FACILITIES.—The Inspector General of the Department of Health and Human Services shall conduct regular inspections of facilities utilized by the Secretary of Health and Human Services to provide care and custody of unaccompanied alien children who are in the immediate custody of the Secretary to ensure that such facilities are operated in the most efficient manner practicable.

(7) FACILITY OPERATING COSTS.—The Secretary of Health and Human Services shall ensure that facilities utilized to provide care and custody of unaccompanied alien children are operated efficiently and at a rate of cost that is not greater than $300 per day for each child placed at such facility, unless the Secretary certifies that compliance with this requirement is temporarily impossible due to emergency circumstances.

SEC. 325. CUSTODY OF UNACCOMPANIED ALIEN CHILDREN IN FORMAL REMOVAL PROCEEDING.

(a) CUSTODY OF UNACCOMPANIED ALIEN CHILDREN.—Section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1225(c)) is amended—

(1) in paragraph (2), by adding at the end the following:

"(C) CHILDREN IN FORMAL REMOVAL PROCEEDINGS.—"

(ii) A child who is placed in the custody of an unaccompanied alien child is a victim of trafficking in persons, a special needs child, or a child with a disability (as defined in section 12102 of title 42);

(xii) an unaccompanied alien child is a victim of sexual abuse under circumstances that indicate that the child’s life has been significantly harmed or threatened; or

(xiii) any other criteria established by the Immigration and Naturalization Service or any successor agency established pursuant to section 1504 of title 8.

(b) HOME STUDIES AND FOLLOW-UP SERVICES.—The Secretary of Health and Human Services shall conduct home studies and follow-up services for children for whom a home study was conducted and who were placed with a nongovernmental sponsor until the immigration judge has issued an order of removal, granted voluntary departure under section 240B, or granted the alien relief from removal.

(c) FOLLOW-UP SERVICES AND ADDITIONAL HOME STUDIES.—

(1) PENDENCY OF REMOVAL PROCEEDINGS.—Every six months, the Secretary of Health and Human Services shall conduct follow-up services for children for whom a home study was conducted and who were placed with a nongovernmental sponsor until initial removal proceedings have been completed and the immigration judge has issued an order of removal, granted voluntary departure under section 240B, or granted the alien relief from removal.

(2) CHILDREN WITH MENTAL HEALTH OR OTHER NEEDS.—Every six months, for up to two years from the date of placement with a nongovernmental sponsor, the Secretary of Health and Human Services shall conduct follow-up services for children with mental health needs or other needs that could benefit from ongoing assistance from a social work agency.

(3) CHILDREN AT RISK.—Every six months, for up to two years from the date of placement with a nongovernmental sponsor, the Secretary of Health and Human Services shall conduct follow-up services, including partnering with local community programs that focus on early am and after-school programs for at risk children who need a secure environment to engage in studying, training, and skills-building programs and who are at risk for recruitment by criminal gangs or other transnational criminal organizations in the United States.


(1) by amending paragraph (1) to read as follows:

"(i) who, before reaching 18 years of age, was declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with either parent of the immigrant is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;"

(2) in subparagraph (ii), by striking "and" at the end;

(3) in subparagraph (iii)(III), by inserting "and" at the end; and

(4) by adding at the end the following:

"(iv) in whose case the Secretary of Homeland Security has made the determination that the alien is an unaccompanied alien child (as defined in section 101(f) of the Homeland Security Act of 2002 (6 U.S.C. 275(g))),''.

"(B) HOME STUDIES.—"

(1) IN GENERAL.—Before placing the child with an individual, the Secretary of Health and Human Services shall first determine whether the home study was conducted and meet the following:

(ii) RISK OF REMOVAL.—A home study shall be conducted for a child—

(iv) in whose case the Secretary of Homeland Security has made the determination that the alien is an unaccompanied alien child (as defined in section 101(f) of the Homeland Security Act of 2002 (6 U.S.C. 275(g)))."
SEC. 326. FRAUD IN CONNECTION WITH THE TRANSFER OF CUSTODY OF UNACCOMPANIED ALIEN CHILDREN.

(a) In General.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"(4) the number of unaccompanied alien children who have been released to a sponsor or placement in a facility under paragraph (2) or (3) shall identify the number of unaccompanied alien children placed in the State during the reporting period, disaggregated by—

(A) the locality in which the aliens were placed; and

(B) the age of such aliens.

(6) a determination of whether more than 1 unaccompanied alien child has been released to the same sponsor, including the number of children who were released to such sponsor; and

(7) an assessment of the extent to which the Secretary of Health and Human Services is monitoring the release of unaccompanied alien children, including home studies done and home visits made.

(b) REPORTS ON CARE OF UNACCOMPANIED ALIEN CHILDREN.—Not later than September 30, 2019, the Secretary of Homeland Security shall submit a report to Congress and make publicly available a report that includes—

(1) the number of unaccompanied alien children who have voluntarily returned to their country of nationality or habitual residence, disaggregated by—

(A) country of nationality or habitual residence; and

(B) age of the unaccompanied alien child; and

(2) the number of unaccompanied alien children who have not been returned to their country of nationality or habitual residence, including assessment of the length of time such children were present in the United States;

(3) the number of unaccompanied alien children who have not been returned to their country of nationality or habitual residence because of travel documents or other immigration benefit or status, including—

(A) the number of alien children who have been deported to or excluded from the United States, whether through asylum, any other immigration benefit or status, or de-
(A) country of nationality or residence; and

(B) age and gender of such aliens;

(2) the number of unaccompanied alien children who, after proceedings under such section 235B, prove a claim of admissibility and are placed in proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1225a); and

(3) the number of unaccompanied alien children who fail to appear at a removal hearing that such alien was required to attend.

(4) the number of sponsors who were levied a penalty, including the amount and whether the penalty was collected, for the failure of an unaccompanied alien child to appear at a removal hearing; and

(5) the number of aliens that are classified as unaccompanied alien children, the ages and countries of nationality of such children, and the orders issued by the immigration judge at the conclusion of proceedings under such section 235B for such children.

TITLES IV—PENALTIES FOR SMUGGLING, DRUG TRAFFICKING, HUMAN TRAFFICKING, TERRORISM, AND ILLEGAL ENTRY AND REENTRY; BARS TO READMISSION OF REMOVED ALIENS

SEC. 401. DANGEROUS HUMAN SMUGGLING, HUMAN TRAFFICKING, AND HUMAN RIGHTS VIOLATIONS.

(a) CRIMINAL PENALTIES FOR HUMAN SMUGGLING AND THE PROTECTION OF ALIENS.—Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in paragraph (1)(B)—

(A) by redesignating clauses (ii) and (iv) as clauses (vi) and (vii), respectively;

(B) in clause (vi), as redesignated, by inserting “for not less than 18 years and” before “before—” and “and”; and

(C) by inserting after clause (ii) the following:

“(ii) in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) that is the third or subsequent violation committed by such person under this section, shall be fined under title 18, imprisoned for not less than 5 years and not more than 25 years, or both;”;

“(iv) in the case of a violation of subparagraph (A)(i), (ii), (iii), or (v) that is recklessly aiding or abetting an alien's illegal entry into the United States when the alien is seeking permission or legal authority, shall for each offense committed—

(C) by inserting at the end the following:

“5, the term ‘incitement to genocide’ means conduct described in section 1091(c);”;

(4) in subparagraph (B), by striking “for not less than 10 years” and inserting “for not less than 10 years and” before “before—” and “and”;

(5) in subparagraph (C), by striking the period at the end and inserting “;”;

(b) PROHIBITION OF ILLEGAL ENTRY.—Section 276 of such Act (8 U.S.C. 1326) is further amended in paragraph (3)(C) to read as follows:

“(3)(C) by adding at the end the following:

“5, the term ‘incitement to genocide’ means conduct described in section 1091(c);”;

(c) APPLICATION.—The amendments made by this subsection shall apply to any offense committed on or after the date of the enactment of this Act.

SEC. 402. PUTTING THE BRAKES ON HUMAN SMUGGLING.

(a) SHORT TITLE.—This section may be cited as the “Putting the Brakes on Human Smuggling Act”.

(b) FINDING.—Section 3131(b)(1) of title 49, United States Code, is amended—

(1) in subparagraph (D), by striking the “or” at the end;

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

(3) by adding at the end the following:

“(F) using a commercial motor vehicle in willfully aiding or abetting an alien’s illegal entry into the United States by transporting, guiding, directing, or attempting to assist the alien with the alien’s entry in violation of section 275 of the Immigration and Nationality Act (8 U.S.C. 1325), regardless of whether the alien is ultimately fined or imprisoned for an act in violation of such section; or

“(G) using a commercial motor vehicle in willfully aiding or abetting the transport of controlled substances, monetary instruments, bulk cash, or weapons by any individual departing the United States.”.

(c) SECOND OR MULTIPLE VIOLATIONS.—Section 3131(b)(1) of title 49, United States Code, is amended—

(1) in subparagraph (E), by striking the “or” at the end;

(2) by redesignating subparagraph (F) as subparagraph (H);

(3) in subparagraph (H), as redesignated, by striking “(E)” and inserting “(F)”;

(4) by inserting after subparagraph (F) the following:

“(F) using a commercial motor vehicle on more than one occasion in willfully aiding or abetting an alien’s illegal entry into the United States by transporting, guiding, directing and attempting to assist the alien with the alien’s entry in violation of section 275 of the Immigration and Nationality Act (8 U.S.C. 1325), regardless of whether the alien is ultimately fined or imprisoned for an act in violation of such section.”;

(d) PERMITTING THE USE OF COMMERCIAL MOTOR VEHICLES FOR ILLEGAL PURPOSES.—Section 3131(c)(1) of title 49, United States Code, is amended to read as follows:

“(1) in committing a felony involving manufacturing, distributing, or dispensing a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance;

“(2) in committing an act for which the individual is convicted under—

(A) section 274 of the Immigration and Nationality Act (8 U.S.C. 1324), regardless of whether the alien is ultimately fined or imprisoned for that act; or

(B) section 277 of such Act (8 U.S.C. 1327); or

“(3) in willfully aiding or abetting the transport of controlled substances, monetary instruments, bulk cash, and weapons by any individual departing the United States.”.

(e) REPORTING REQUIREMENTS.—

(1) COMMERCIAL DRIVER’S LICENSE INFORMATION SYSTEM.—Section 3131(a)(8) of title 49, United States Code, is amended—

(A) in subparagraph (E), by striking “and” at the end;

(B) in subparagraph (F), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(G) whether the operator was disqualified, either temporarily or permanently, from operating a commercial motor vehicle under section 31310, including under subsection (b)(1)(F), (c)(1)(F), or (d) of such section.”.

(f) NOTIFICATION OF THE FEDERAL AGENT.—Section 3131(a)(8) of title 49, United States Code, is amended by inserting “including such a disqualification, revocation, suspension, or cancellation” after “a commercial motor vehicle”. The making a prior violation under subsection (b)(1)(F), (c)(1)(F), or (d) of section 31310,” after “60 days,”.
SEC. 403. DRUG TRAFFICKING AND CRIMES OF VIOLENCE COMMITTED BY ILLEGAL ALIENS.

(a) In General.—Title 18, United States Code, is amended by inserting after chapter 27 the following:

"CHAPTER 28—DRUG TRAFFICKING AND CRIMES OF VIOLENCE COMMITTED BY ILLEGAL ALIENS"

"§ 581. Enhanced penalties for drug trafficking and crimes committed by illegal aliens

"(a) Offense.—Any alien unlawfully present in the United States who, for drug purposes, conspires to commit, or attempts to commit, a crime of violence or an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon or a drug trafficking crime (as defined in section 924) shall be fined under this title for not less than 5 years, or both.

"(b) Enhanced Penalties for Aliens Ordered Removed.—Any alien unlawfully present in the United States who violates subsection (a) and who is ordered removed under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime before the conclusion of subsection (a), shall be fined under this title, imprisoned for not less than 15 years, or both.

"(c) Requirement for Consecutive Sentences.—Any term of imprisonment imposed under this section shall be consecutive to any term imposed for any other offense.

(b) Clerical Amendment.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 27 the following:

"28. Drug trafficking and crimes of violence committed by illegal aliens".

SEC. 404. ESTABLISHING INADMISSIBILITY AND DEPORTABILITY.

(a) Inadmissibility of Aliens.—Section 212(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)) is amended by adding at the end the following:

"(ii) Crime of violence.—If the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Secretary of Homeland Security may consider other evidence related to the conviction, including but not limited to charging documents, plea agreements, plea colloquies, jury instructions, police reports, that clearly establishes that the conduct for which the alien engaged constitutes a crime involving moral turpitude.".

(b) Delinquent Aliens.—

(1) General Crimes.—Section 237(a)(2)(A) of such Act (8 U.S.C. 1227(a)(2)(A)) is amended by adding at the end the following:

"(A) Enters or crosses, or attempts to enter or cross, the border into the United States at any time or place other than as designated by immigration officers;

"(B) Eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including failing to stop at the command of such officer); or

"(C) Enters or crosses the border to the United States, makes a false or misleading representation or conceals a material fact, including such representation or willful concealment in the context of arrival, reporting, entry, or clearance, requirements of the customs laws, immigration laws, agriculture laws, or shipping laws, shall be ineligible for all immigration benefits and Nationality Act is amended by striking the subsection and inserting the following:

"SEC. 275. ILLEGAL ENTRY."

"(a) In General.—Section 275 of the Immigration and Nationality Act (8 U.S.C. 1235) is amended by striking the section heading and subsections (a) and (b) and inserting the following:

"SEC. 275. ILLEGAL ENTRY."

"(a) General Crimes.—Any alien who

"(1) Enters or crosses, or attempts to enter or cross, the border into the United States at any time or place other than as designated by immigration officers;

"(2) Eludes, at any time or place, examination or inspection by an authorized immigration officer;

"(3) Makes a false or misleading representation or conceals a material fact, in an amount equal to any other provision of law, in an amount equal to

"(A) Not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing;

"(B) Twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

"(2) Civil Penalties.—Civil penalties under paragraph (1) are in addition to, and not in lieu of, any civil penalty or other civil penalties that may be imposed.

"(b) Enhanced Penalties.—Section 237 of the Immigration and Nationality Act, as amended by subsection (a), is further amended by adding at the end the following:

"(e) Enhanced Penalty for Terrorist Alien.—Any alien who commits an offense described in subsection (a) for the purpose of engaging in, or with the intent to engage in, any Federal crime of terrorism (as defined in section 2332b(g) of title 18, United States Code) shall be imprisoned for not less than 10 years and not more than 30 years.".
striking the item relating to section 275 and inserting the following:

"Sec. 275. Illegal entry."

(d) **APPLICATION.**—

(1) **EXCEPTIONS.—** Paragraph (4) of section 275(a) of the Immigration and Nationality Act, as amended by subsection (a), shall apply only to violations of paragraph (2) of section 275(a) committed on or after the date of enactment of this Act.

(2) **BARS TO IMMIGRATION RELIEF AND BENEFITS.**—Section 275a(l) of such Act, as amended by subsection (a), shall take effect on the date of enactment and apply to any alien who, on or after the date of enactment—

(A) enters or crosses, or attempts to enter or cross, the border into the United States at any time or place other than as designated by immigration officers;

(B) eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including falling to stop at the command of such officer); or

(C) enters or crosses the border to, attempts to cross the border to, or is at any time found in, the United States, unless—

"(i) the alien is seeking admission more than 10 years after the date of the alien’s last departure from the United States if, prior to the alien’s reembarkation at a place outside the United States or the alien’s application for admission from a foreign contiguous territory, the Secretary of Homeland Security has expressly consented to such alien’s reapplying for admission; or

(ii) with respect to an alien previously denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding; and thereafter

"(B) enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States, unless—

"(i) the alien is seeking admission more than 10 years after the date of the alien’s last departure from the United States if, prior to the alien’s reembarkation at a place outside the United States or the alien’s application for admission from a foreign contiguous territory, the Secretary of Homeland Security has expressly consented to such alien’s reapplying for admission; or

"(ii) with respect to an alien previously denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding; and thereafter

"(B) enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States, unless—

(1) the alien is seeking admission more than 10 years after the date of the alien’s last departure from the United States if, prior to the alien’s reembarkation at a place outside the United States or the alien’s application for admission from a foreign contiguous territory, the Secretary of Homeland Security has expressly consented to such alien’s reapplying for admission; or

(2) with respect to an alien previously denied admission and removed, the alien—

(A) was not required to obtain such advance consent under this Act; and

(B) had complied with all other laws and regulations governing the alien’s admission into the United States;

(2) **REENTRY OF CRIMINAL ALIENS AFTER REMOVAL,** Notwithstanding the penalty under subsection (a), an alien described in subsection (a)—

"(A) who was convicted, before the alien was subject to removal or deportation, of a significant misdemeanor involving drugs, crimes against the person, or both, shall be fined under title 18, United States Code, imprisoned not more than 15 years, or both; and

"(B) who was convicted, before the alien was subject to removal or deportation, of 2 or more misdemeanors involving drugs, crimes against the person, or both, shall be fined under title 18, United States Code, imprisoned not more than 15 years, or both.

"(d) **PROOF OF PRIOR CONVICTIONS.**—The prior convictions described in subsection (b) are elements of the crimes described, and the penalties in that subsection shall apply only in a conviction in which the prior convictions that form the basis for the additional penalty are—

(1) alleged in the indictment or information; and

(2) proven beyond a reasonable doubt at trial; or

(3) admitted by the defendant.

(e) **AFFIRMATIVE DEFENSES.**—It shall be an affirmative defense to a violation of this section that—

(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

(2) with respect to an alien previously denied admission and removed, the alien—

(A) was not required to obtain such advance consent under this Act; and

(B) had complied with all other laws and regulations governing the alien’s admission into the United States;

(3) **LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.**—In a criminal proceeding under this section, an alien may not challenge the validity of a removal order described in subsection (a), (b), or (c) concerning the alien unless the alien demonstrates that—

"(i) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

"(ii) the alien was deportable at the time the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.

(f) **REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.**—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien demonstrates that the Secretary of Homeland Security has expressly consented to the
alien’s reentry (if a request for consent to reapply is authorized under this section). Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

(2) FELONY.—The term ‘felony’ means any criminal offense punishable by a term of imprisonment of not more than 1 year under the laws of the United States, any State, or a foreign government.

(3) MISDEMEANOR.—The term ‘misdemeanor’ means any criminal offense punishable by a term of imprisonment of not more than 1 year under the laws of the United States, any State, or a foreign government.

(4) REMOVAL.—The term ‘removal’ includes any denial of admission, deportation, or removal, or any agreement by which an alien stipulates or agrees to deportation, or removal.

(5) SIGNIFICANT MISDEMEANOR.—The term ‘significant misdemeanor’ means a misdemeanor:

(A) that involves the use or attempted use of physical force, or threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim;

(B) which is a sexual assault (as such term is defined in section 921 of title 18, United States Code); or

(C) which involved the unlawful possession of a firearm (as such term is defined in section 922 of title 18, United States Code).

(6) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, possession of the United States, or any territory or possession of the United States.

(c) EFFECTIVE DATE.—Section 276(a)(1), as amended, shall take effect on the date of the enactment of this Act and shall apply to any alien who, on or after the date of enactment—

(1) has been denied admission, excluded, deported, or removed and has departed the United States while an order of exclusion, deportation, or removal is outstanding; and

(2) has been excluded, deportation or removal, enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States—

(A) the alien is seeking admission more than 10 years after the date of the alien’s last departure from the United States if, prior to the alien’s reembarkation at a place outside the United States or the alien’s application for admission from a foreign contiguous territory, the Secretary of Homeland Security has, in his or her discretion, consented to such alien’s reapplying for admission; or

(B) with respect to an alien previously denied admission and removed, such alien establishment was not properly executed to obtain such advance consent under this Act or any prior Act.

SEC. 407. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ‘‘section’’ before ‘‘to be restrained with respect to peonage, slavery, involuntary servitude, or forced labor,’’ after ‘‘section 1956 relating to destruction of property within the special maritime and territorial jurisdiction’’.

SEC. 408. FREEZING BANK ACCOUNTS OF INTER- NATIONALLY ORGANIZED CRIMINAL ORGANIZATIONS AND MONEY LAUNDERERS.

Section 981(b) of title 18, United States Code, is amended by adding at the end the following: ‘‘(B) the application for a restraining order under subsection (A) shall—

(i) identify the account for which the person has been arrested or charged;

(ii) identify the location and description of the account; and

(iii) state that the restraining order is needed to prevent the removal of the funds in the account by the person arrested or charged, or by others associated with such person, during the time needed by the Government to conduct such investigation as may be necessary to establish whether there is probable cause to believe that the funds in the accounts are subject to forfeiture in connection with the commission of any criminal offense.

(C) An offense described in this subparagraph is any offense for which forfeiture is intended to contain more than $10,000 at the time the monetary instrument was—

(1) transported; or

(2) negotiated.”.

SEC. 409. CRIMINAL PROCEEDS LAUNDERED THROUGH PREPAID ACCESS DEVICES, DIGITAL CURRENCIES, OR OTHER SIMILAR INSTRUMENTS.

(a) IN GENERAL.—

(1) DEFINITIONS.—

(A) ADDITION OF ISSUERS, REDEEMERS, AND CASHIERS OF PREPAID ACCESS DEVICES AND DIGITAL CURRENCIES TO THE DEFINITION OF MONETARY INSTRUMENTS.—Section 1956(c)(7)(C) of title 18, United States Code, is amended by inserting ‘‘prepaid access devices, digital currencies, or other similar’’.

(B) ADDITION OF PREPAID ACCESS DEVICES TO THE DEFINITION OF MONETARY INSTRUMENTS.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ‘‘prepaid access devices,’’ after ‘‘delivery,’’.

(C) DEFINITION OF PREPAID ACCESS DEVICE.—Section 332 of such title is amended by—

(i) redesigning paragraph (6) as paragraph (7); and

(ii) inserting after paragraph (5) the following: ‘‘(6) ‘prepaid access device’ means an electronic device or vehicle, such as a card, plate, code, number, electronic serial number, personal identification number, or other instrument that provides a portal to funds or the value of funds that have been paid in advance and can be retrievable and transferable at some point in the future.’’.

(2) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing—

(A) the impact of amendments made by paragraphs (1) on law enforcement, the prepaid access device industry, and consumers; and

(B) the implementation and enforcement by the Department of the Treasury of the final rule relating to ‘‘Bank Secrecy Act Regulations—Definitions and Other Regulations Relating to Prepaid Access’’ (76 Fed. Reg. 45603 (July 29, 2011)).

(b) MONEY SMUGGLING THROUGH BLANK CHECKS IN BEARER FORM.—Section 3316 of title 31, United States Code, is amended by adding at the end the following:

‘‘(1) ‘blank check’ means any account held by the person arrested or charged for not more than 30 days, except that such 30-day time period may be extended for good cause shown for a period not to exceed 90 days; ‘blank check’ includes any account that is—

(i) not eligible for remote deposit, and

(ii) avoid, or is intended to avoid, a transaction reporting requirement under State or Federal law;’’.

SEC. 410. CLOSING THE LOOPHOLE ON DRUG CARTEL ASSOCIATES ENGAGED IN MONEY LAUNDERING.

(a) INTENT TO CONCEAL OR DISGUISE.—Section 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by striking ‘‘(B) knowing that’’ and all that follows through ‘‘Federal law,’’ and inserting the following: ‘‘(B) knowing that the transaction—

(1) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

(2) involves, or is intended to involve, a transaction reporting requirement under State or Federal law,’’; and

(2) in paragraph (2)(B), by striking ‘‘(B) knowing that’’ and all that follows through ‘‘Federal law,’’ and inserting the following: ‘‘(B) knowing that the monetary instrument or funds involved in the transpor- tation, transmission, or transfer represent the proceeds of some form of unlawful activity, and knowing that such transportation, transmission, or transfer—

(1) conceal or disguise, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

(2) involves, or is intended to involve, a transaction reporting requirement under State or Federal law,’’.
(b) a terrorist activity;''; and
(ii) by striking ‘‘the Attorney General may grant the Secretary of Homeland Security or the Attorney General may grant, in the discretion of the Secretary or the Attorney General, in any proceeding;’’.
(D) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6) respectively; and
(E) by inserting after paragraph (2) the following:
‘‘(3) The Secretary of Homeland Security, in the exercise of discretion, may determine inadmissibility under section 212(a)(2) and issue an order of removal pursuant to the procedures set forth in this subsection, in lieu of removal proceedings under section 240, with respect to an alien who—
(1) has not been admitted or paroled;
(2) has been convicted of a felony or an aggravated felony; or
(3) has been convicted of an offense described in section 237(a)(2)(A)(iii) or (B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)(iii) or (B)(iii)).’’.
(1) by inserting at the end of such subsection the following:
‘‘(II) to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information, engaging in, or with respect to clauses (i) and (ii) of section 2237(a)(3)(B)(i), activity of the alien under subparagraph (A) or (B) of section 237(a)(4) (as a consequence of being described in section 212(i), (II), or (III) of section 212(a)(3)(B)(i), the alien has committed, is engaging in, or is a member of a terrorist organization;’’;
and
(2)(A) by adding at the end the following:
‘‘(VI) to threaten, attempt, or conspire to do any of acts described in subclauses (I) through (V),’’.
SEC. 502. TERRORIST GROUPS OF INADMISSIBILITY.
(a) SECURITY AND RELATED GROUPS.—Section 212(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(A)) is amended to read as follows:
‘‘(A) IN GENERAL.—Any alien who is a consular or diplomatic officer of the Department of State, or an employee of a government of a foreign country, who has reasonable ground to believe, seeks to enter the United States to engage solely, principally, or incidentally, in, or who is engaged in, or, with respect to clauses (i) and (ii), has engaged in—
(i) any activity—
(I) to violate any law of the United States relating to espionage or sabotage; or
(II) to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information;
(ii) any other activity which would be unlawful if committed in the United States, or
(iii) any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means, is inadmissible.’’.
(b) TERRORIST ACTIVITIES.—Section 212(a)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) is amended—
(1) in subclause (IV), by inserting ‘‘or has been’’ before ‘‘a representative’’;
(2) in subclause (V), by inserting ‘‘or has been’’ before ‘‘a member’’;
(3) in subclause (VI), by inserting ‘‘or has been’’ before ‘‘a member’’; and
(4) by amending subclause (VII) to read as follows:
‘‘(VII) endorses or espouses, or has endorsed or espoused, terrorist activity or per- suades or has persuaded others to endorse or espouse terrorist activity or support a ter- rorist organization;’’;
(5) by amending subclause (IX) to read as follows:
‘‘(IX)(aa) is the spouse or child of an alien who is inadmissible under this subparagraph, if the activity causing the alien to be found inadmissible occurred within the last 5 years.
(bb) EXCEPTION.—This subclause does not apply to a spouse or child—
(AA) who did not know or should not rea- sonably have known of the activity causing the alien to be found inadmissible under this section; or
(BB) whom the consular officer or Attorney General has reasonable grounds to be- lieve has renounced the activity causing the alien to be found inadmissible under this section,
(6) by striking the undesignated matter following subclause (IX),
(c) PALESTINE LIBERATION ORGANIZATION.—Section 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)), is amended to read as follows:
‘‘(II) PALESTINE LIBERATION ORGANIZATION.—An alien who is an officer, official, representative, or spokesman of the Pal- estine Liberation Organization is considered, for purposes of this Act, to be engaged in terrorist activity.’’.
SEC. 503. EXPEDITED REMOVAL FOR ALIENS IN- ADMISSIBLE ON CRIMINAL OR SECURI- GY GROUNDS.
(a) IN GENERAL.—Section 238 of the Immi- grant and Nationality Act (8 U.S.C. 1228) is amended—
(1) by striking ‘‘Attorney General’’ and in- serting ‘‘Secretary of Homeland Security, in the exercise of discretion,’’; and
(II) by striking ‘‘set forth in this subsection, in lieu of removal proceedings under’’;
(B) in paragraphs (3) and (4), by striking ‘‘Attorney General’’ each place the term ap- pears and inserting ‘‘Secretary of Homeland Security’’;
(C) in paragraph (5)—
(i) by striking ‘‘described in this section’’ and inserting ‘‘described in paragraph (1) or (2);’’ and
(ii) by striking ‘‘the Attorney General may grant the Secretary of Homeland Security’’ each place the term appears and replacing it with ‘‘the Secretary of Homeland Security’’.
(b) P ROCEEDS OF A FELONY.—Section 238 of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) is amended by section 116 and this section, is amended to read as follows:
‘‘(a) IN GENERAL.—The Secretary of Home- land Security, in the case of every alien, determine the inadmissibility of the alien under subsection (A) or (B) of section 212(a)(3)(B) (other than subclauses (I), (II), and (III) of section 212(a)(3)(B)(i)), the alien has committed, is engaging in, or is a member of a terrorist organization;’’.
‘‘(B) by adding at the end the following:
‘‘(VI) to threaten, attempt, or conspire to do any of acts described in subclauses (I) through (V),’’.
SEC. 504. DETENTION OF REMOVABLE ALIENS.
(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act but shall not apply to aliens who are in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) on such date.
“(A) determine the immigration status of any individual arrested by a State, county, or local police, enforcement, or peace officer for any criminal offense;”

“(B) charge documents and notices related to the initiation of removal proceedings or reinstatement of prior removal orders under section 241(a)(5);”

“(C) transmit, directly into the National Crime Information Center (NCIC) database, Immigration Violator File, to include—

“(i) the alien’s address,

“(ii) the reason for arrest,

“(iii) the legal cite of the State law violated or the alien’s charged offense,

“(iv) the alien’s driver’s license number and State of issuance (if any),

“(v) any other identification document(s) held by the Law Enforcement entity for such identification documents, and

“(vi) any identifying marks, such as tattoos, birthmarks, scars, etc.;”

“(D) to collect the alien’s biometrics, including but not limited to iris, fingerprint, photographs, and signature, of the alien and

“including but not limited to iris, fingerprint, photographs, and signature, of the alien and

“(E) to make arrangements for the immediate transfer of State to Federal custody of any criminal when the alien is released, without regard to whether the alien is released on parole, supervised release, or

“(F) to enforce the Secretary’s other laws.”

“(3) TECHNOLOGY USAGE.—The Secretary shall provide CBP and ICE agents, officers, and investigators on a temporary duty assignment under this paragraph mobile access to Federal databases containing alien information, live scan technology for collection of biometric identification System (IDENT) and any other DHS database authorized for storage of biometric information for aliens; and

“(4) KIDNAPPING.—If the alien has been

“(E) to make arrangements for the immediate transfer of State to Federal custody of any criminal when the alien is released, without regard to whether the alien is released on parole, supervised release, or

“(F) to enforce the Secretary’s other laws.”

“(3) TECHNOLOGY USAGE.—The Secretary shall provide CBP and ICE agents, officers, and investigators on a temporary duty assignment under this paragraph mobile access to Federal databases containing alien information, live scan technology for collection of biometric identification System (IDENT) and any other DHS database authorized for storage of biometric information for aliens; and

“(4) KIDNAPPING.—If the alien has been

“(E) to make arrangements for the immediate transfer of State to Federal custody of any criminal when the alien is released, without regard to whether the alien is released on parole, supervised release, or

“(F) to enforce the Secretary’s other laws.”

“(3) TECHNOLOGY USAGE.—The Secretary shall provide CBP and ICE agents, officers, and investigators on a temporary duty assignment under this paragraph mobile access to Federal databases containing alien information, live scan technology for collection of biometric identification System (IDENT) and any other DHS database authorized for storage of biometric information for aliens; and

“(4) KIDNAPPING.—If the alien has been

“(E) to make arrangements for the immediate transfer of State to Federal custody of any criminal when the alien is released, without regard to whether the alien is released on parole, supervised release, or

“(F) to enforce the Secretary’s other laws.”

“(3) TECHNOLOGY USAGE.—The Secretary shall provide CBP and ICE agents, officers, and investigators on a temporary duty assignment under this paragraph mobile access to Federal databases containing alien information, live scan technology for collection of biometric identification System (IDENT) and any other DHS database authorized for storage of biometric information for aliens; and

“(4) KIDNAPPING.—If the alien has been

“(E) to make arrangements for the immediate transfer of State to Federal custody of any criminal when the alien is released, without regard to whether the alien is released on parole, supervised release, or

“(F) to enforce the Secretary’s other laws.”
(A) in paragraph (7), by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(b) by redesignating paragraph (7) as paragraph (14); and

(c) by inserting after paragraph (6) the following:

“(7) Parole.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the exercise of discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of such parole or the alien’s removal becomes reasonably foreseeable, provided that no circumstance shall such alien be considered admitted.


(A) Application.—The procedures set out under this paragraph—

(i) apply only to an alien who were previously admitted to the United States;

(ii) do not apply to any other alien, including an alien detained pursuant to paragraph (6);

(B) Establishment of a Detention Review Process for Aliens Who Fully Cooperate with Removal.—

(i) Requirements to Establish.—For an alien who were made all reasonable efforts to comply with a removal order and to cooperate fully with the efforts of the Secretary of Homeland Security to establish the alien’s identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien’s departure, and has not conspired or acted to prevent removal, the Secretary shall establish an administrative review process to determine whether the alien should be detained or released on conditions.

(ii) Determinations.—The Secretary shall—

(I) make a determination whether to release an alien described in clause (i) after the end of the alien’s removal period; and

(ii) make a determination under subparagraph (I) in good faith for travel or other documents necessary to the alien’s departure, and has not conspired or acted to prevent removal, the Secretary shall establish an administrative review process to determine whether the alien should be detained or released on conditions.

(iii) Definitions.—The Secretary shall—

(A) in subsection (e), by inserting “With-
(e) DETENTION.—

(1) IN GENERAL.—If, after a hearing pursuant to the provisions of subsection (f), the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the defendant removed to the country of last legal entry or as otherwise provided by law.

(2) PRESUMPTION ARISING FROM OFFENSES DESCRIBED IN SUBSECTION (F)(1).—In a case described in subsection (f)(1) of this section, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community if such judicial officer finds that—

(A) the person has been convicted of a federal offense that is described in subsection (f)(1), or of an offense that would have been an offense described in subsection (f)(1) of this section if a circumstance giving rise to Federal jurisdiction had existed;

(B) the offense described in subparagraph (A) was committed while the person was on release pending trial for a Federal, State, or local offense; and

(C) a period of not more than 5 years has elapsed since the date of conviction or the release of the person from imprisonment, for the offense described in subparagraph (A), whichever is later.

(3) PRESUMPTION ARISING FROM OTHER OFFENSES INVOLVING ILLEGAL SUBSTANCES, FIREARMS, OR WAR CRIMES OR HUMAN RIGHTS VIOLATIONS.

(a) IN GENERAL.—Subject to subsection (b), if the person is convicted of, or a Federal offense that is described in subsection (b)(1) of this section if a rebuttable presumption is rebutted by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed—

(B) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 801 et seq.), or chapter 705 of title 46;

(C) an offense under section 922(c), 956(a), or 2323(b) of this title; and

(D) an offense listed in section 2322(g)(6)(B) of this title for which a maximum term of imprisonment of 10 years or more is prescribed; or


(2) PREVENTION OF DEATHS.—The Comptroller General of the United States shall submit to the Committee on the Judiciary and Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Judiciary and Committee on Homeland Security of the House of Representatives a report on:

(a) The total number of migrant deaths along the southern border in the last 5 years;

(b) The number of unaccompanied alien children encountered and removed found along the southern border;

(c) The level of cooperation between U.S. Customs and Border Protection, local and State law enforcement, foreign diplomatic and consular posts, nongovernmental organizations, and family members to accurately identify deceased individuals;

(d) The use of DNA testing and sharing of such data between U.S. Customs and Border Protection, foreign diplomatic and consular posts, and nongovernmental organizations to accurately identify deceased individuals;

(e) The extent to which the Comptroller General has in place a plan for notification of relevant authorities or family members after missing persons are identified through DNA testing.

(Sec. 505. GAO STUDY ON MIGRANT DEATHS.)

Within 120 days of the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary and Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Judiciary and Committee on Homeland Security of the House of Representatives a report on:

(1) The total number of migrant deaths along the southern border in the last 5 years;

(2) The number of unaccompanied alien children encountered and removed found along the southern border;

(3) The level of cooperation between U.S. Customs and Border Protection, local and State law enforcement, foreign diplomatic and consular posts, nongovernmental organizations, and family members to accurately identify deceased individuals;

(4) The use of DNA testing and sharing of such data between U.S. Customs and Border Protection, foreign diplomatic and consular posts, and nongovernmental organizations to accurately identify deceased individuals;

(b) the continued sex testing with information on Federal, State, and local missing person registries; and

(6) The procedures and processes U.S. Customs and Border Protection has in place for notification of relevant authorities or family members after missing persons are identified through DNA testing.

(Sec. 507. STATEMENT OF LIMITATIONS FOR VISA, NATURALIZATION, AND OTHER FRAUD OFFENSES INFRINGEMENTS INVOLVING WAR CRIMES OR HUMAN RIGHTS VIOLATIONS.)

(a) STATEMENT OF LIMITATIONS FOR VISA FRAUD AND OTHER OFFENSES.—Chapter 213, Title 18, United States Code, is amended by adding new section 3302, as follows:

(5) PRESUMPTION ARISING FROM OFFENSES DESCRIBED IN SUBSECTION (F)(1).—In a case described in subsection (f)(1) of this section, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community if such judicial officer finds that—

(A) the person has been convicted of a federal offense that is described in subsection (f)(1), or of an offense that would have been an offense described in subsection (f)(1) of this section if a circumstance giving rise to Federal jurisdiction had existed;

(B) the offense described in subparagraph (A) was committed while the person was on release pending trial for a Federal, State, or local offense; and

(C) a period of not more than 5 years has elapsed since the date of conviction or the release of the person from imprisonment, for the offense described in subparagraph (A), whichever is later.

(3) PRESUMPTION ARISING FROM OTHER OFFENSES INVOLVING ILLEGAL SUBSTANCES, FIREARMS, WAR CRIMES, OR HUMAN RIGHTS VIOLATIONS.

(a) IN GENERAL.—Subject to subsection (b), if the person is convicted of, or a Federal offense that is described in subsection (b)(1) of this section if a rebuttable presumption is rebutted by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed—

(B) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 801 et seq.), or chapter 705 of title 46;

(C) an offense under section 922(c), 956(a), or 2323(b) of this title; and

(D) an offense listed in section 2322(g)(6)(B) of this title for which a maximum term of imprisonment of 10 years or more is prescribed; or


(4) PREVENTION OF DEATHS.—The Comptroller General of the United States shall submit to the Committee on the Judiciary and Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Judiciary and Committee on Homeland Security of the House of Representatives a report on:

(a) The total number of migrant deaths along the southern border in the last 5 years;

(b) The number of unaccompanied alien children encountered and removed found along the southern border;

(c) The level of cooperation between U.S. Customs and Border Protection, local and State law enforcement, foreign diplomatic and consular posts, nongovernmental organizations, and family members to accurately identify deceased individuals;

(d) The use of DNA testing and sharing of such data between U.S. Customs and Border Protection, foreign diplomatic and consular posts, and nongovernmental organizations to accurately identify deceased individuals;

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to communications, and family members to accurately identify deceased individuals;
of the person as required if the judicial officer finds that there is probable cause to believe that the person is an alien and that the person—

"(A) has no lawful immigration status in the United States;

"(B) is the subject of a final order of removal; or

"(C) is absent from the United States and the Attorney General, after notice and hearing, finds that there is a good reason to believe that the person is an alien and that the person—

"(i) has entered or attempted to enter the United States in violation of section 277 of the Immigration and Nationality Act (8 U.S.C. 1325);

"(ii) is an alien ineligible to be admitted to the United States by virtue of section 212(a)(1)(A), (1)(B), (1)(C), (1)(F), (1)(G), (1)(H), (1)(J), (1)(K), (1)(L), (2)(A)(iii), (2)(B), (2)(C), (2)(D), (2)(E), (2)(F), (2)(G), (2)(H), (2)(I), (2)(J), (2)(K), (2)(L), (2)(M), (2)(N), (2)(O), (2)(P), (2)(Q), (2)(R), (2)(S), (2)(T), (2)(U), (2)(V), (2)(W), (2)(X), (2)(Y), or (2)(Z) of the Immigration and Nationality Act (8 U.S.C. 1182);

"(iii) is an alien who has violated section 2641(a)(1) or (a)(2) of the Immigration and Nationality Act (8 U.S.C. 1326a); or

"(iv) is an alien who has committed an act that is a felony under this title or a Federal crime of terrorism,

"(v) who is an alien who is present in the United States in violation of any law relating to illegal entry into or exit from the United States or any regulations or order issued under the Immigration and Nationality Act (8 U.S.C. 1182), the Refugee Act of 1980 (8 U.S.C. 1511 et seq.), or any Act of Congress relating to the entry, exit, entry of aliens into the United States, or the residence in the United States, of aliens;

"(vi) who is a person who has been physically present in the United States during the 10 years before the date of filing of the application for an order of removal, whether or not the person has been charged, convicted, or deported

"(vii) who is an alien who has been ordered deported and who has not departed;

"(viii) who has been removed from the United States and who has subsequently reentered the United States, whether or not the person has been charged, convicted, or deported;

"(ix) who is an alien who has violated, or is subject to a order of removal for violation of, section 234(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(C));

"(x) who is an alien who has been convicted of a Federal crime of terrorism;

"(xi) who is an alien who has been convicted of an offense under section 2332b; and

"(xii) who is an alien who has committed, attempted, conspired to commit, or solicited or induced another to commit an offense described in section 2332b.

In any relevant case, if the Attorney General, after notice and hearing, finds that there is good reason to believe that the person is an alien and that the person—

"(A) has no lawful immigration status in the United States;

"(B) is the subject of a final order of removal; or

"(C) is absent from the United States and the Attorney General, after notice and hearing, finds that there is a good reason to believe that the person is an alien and that the person—

"(i) has entered or attempted to enter the United States in violation of section 277 of the Immigration and Nationality Act (8 U.S.C. 1325);

"(ii) is an alien ineligible to be admitted to the United States by virtue of section 212(a)(1)(A), (1)(B), (1)(C), (1)(F), (1)(G), (1)(H), (1)(J), (1)(K), (1)(L), (2)(A)(iii), (2)(B), (2)(C), (2)(D), (2)(E), (2)(F), (2)(G), (2)(H), (2)(I), (2)(J), (2)(K), (2)(L), (2)(M), (2)(N), (2)(O), (2)(P), (2)(Q), (2)(R), (2)(S), (2)(T), (2)(U), (2)(V), (2)(W), (2)(X), (2)(Y), or (2)(Z) of the Immigration and Nationality Act (8 U.S.C. 1182);

"(iii) is an alien who has violated section 2641(a)(1) or (a)(2) of the Immigration and Nationality Act (8 U.S.C. 1326a); or

"(iv) is an alien who has committed an act that is a felony under this title or a Federal crime of terrorism,

"(v) who is an alien who is present in the United States in violation of any law relating to illegal entry into or exit from the United States or any regulations or order issued under the Immigration and Nationality Act (8 U.S.C. 1182), the Refugee Act of 1980 (8 U.S.C. 1511 et seq.), or any Act of Congress relating to the entry, exit, entry of aliens into the United States, or the residence in the United States, of aliens;

"(vi) who is a person who has been physically present in the United States during the 10 years before the date of filing of the application for an order of removal, whether or not the person has been charged, convicted, or deported

"(vii) who is an alien who has been ordered deported and who has not departed;

"(viii) who has been removed from the United States and who has subsequently reentered the United States, whether or not the person has been charged, convicted, or deported;

"(ix) who is an alien who has violated, or is subject to a order of removal for violation of, section 234(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(C));

"(x) who is an alien who has been convicted of a Federal crime of terrorism;

"(xi) who is an alien who has been convicted of an offense under section 2332b; and

"(xii) who is an alien who has committed, attempted, conspired to commit, or solicited or induced another to commit an offense described in section 2332b.
(f) INCREASING CRIMINAL PENALTIES FOR ANYONE WHO AIDS AND ABETS THE ENTRY OF A PERSECUTED.—Section 277 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding after “(other than other subparagraph (E) thereof)”.

(g) INCREASING CRIMINAL PENALTIES FOR FEMALE GENITAL MUTILATION.—Section 116 of the building America’s trust Act, is amended by inserting “in consultations with the Attorney General, as meeting criteria set out in clause (i).”

“(i) An offense involving illicit trafficking in a controlled substance (as defined in section 101(a)(53) of the controlled substances Act), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code).

“(ii) An offense described under this paragraph and the group’s or association’s conduct poses a significant risk that threatens the security and public safety of the United States, the national security, homeland security, foreign policy, or economy of the United States.

“(B) EFFECTIVE DATE.—The amendments under subsection (a) shall remain in effect until the designation is revoked after consultation with the Secretary of Homeland Security, the Attorney General, and the Secretary of State or is terminated in accordance with Federal law.”.

(2) Clerical Amendment.—The table of contents in the first section of the immigration and nationality Act is amended by inserting after the item relating to section 219 the following:

“220. Designation of criminal gangs.”

(e) Annual Report on Detention of Criminal Gang Members.—Not later than March 1 of each year (beginning 1 year after the date of the enactment of this Act), the Secretary, after consultation with the heads of appropriate Federal agencies, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committees on Homeland Security, the Senate, and the Committee on Homeland Security and Governmental Affairs and the Committee on Homeland Security and on the Judiciary of the Senate and the Committee on Homeland Security and on the Judiciary of the House of Representatives, the report on the number of aliens detained who are described by paragraph (j) of section 212(a)(2) and subparagraph (G) of section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(J), 1227(a)(2)(G), as added by subsections (b) and (c)).

“ASYLUM CLAIMS BASED ON GANG AFFILIATION.—

“(1) INAPPLICABILITY OF RESTRICTION ON REMOVAL TO CERTAIN COUNTRIES.—Subparagraph (B) of section 212(a)(2) of the immigration and nationality Act (8 U.S.C. 1225(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting “who is described in section 212(a)(2) or section 237(a)(2)(G) or who is ‘‘after’’ to an alien’’.

“(2) INELIGIBILITY FOR ASYLUM.—Subparagraph (A) of section 208(b)(2) of the immigration and nationality Act (8 U.S.C. 1158(b)(2)(A) is amended—

(1) in clause (v), by striking ‘‘or’’ at the end;

(2) by redesignating clause (vii) as clause (vii); and

(C) by inserting after clause (vii) the following:

“(ii) to have participated in the activities of a criminal gang (as defined in section 101(a)(53)), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.”.
SEC. 512. BARRING ALIENS WITH CONVICTIONS FOR DRIVING WHILE UNDER THE INFLUENCE OR WHILE INTOXICATED.

(a) AGGRAVATED FELONY DRIVING WHILE INTOXICATED.—

(1) DEFINITIONS.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(A) in subparagraph (A) (i)—

(i) by striking ‘‘Attorney General’’ each place such term appears and inserting ‘‘Secretary’’;

(ii) at the time of the commission of the offense, the alien entered without inspection or admission, overstayed the period of stay authorized by the Secretary, or violated the terms of the alien’s nonimmigrant visa;

(iii) at the time of commission of the offense, the alien was previously convicted of driving while intoxicated (including a conviction entered on or after such date.

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and apply to any conviction entered on or after such date.

(b) INADMISSIBILITY FOR DRIVING WHILE INTOXICATED OR UNDER THE INFLUENCE.—

(1) IN GENERAL.—Paragraph (2) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)), as amended by section 552, is further amended by adding at the end the following:

‘‘(K) DRIVING WHILE INTOXICATED AND UNLAWFULLY PRESENT IN THE UNITED STATES.—An alien who—

(i) is convicted of driving while intoxicated (including a conviction entered on or after such date.

(ii) at the time of the commission of the offense that was unlawfully present in the United States because the alien entered without inspection or admission, overstayed the period of stay authorized by the Secretary, or violated the terms of the alien’s nonimmigrant visa, is inadmissible.’’. 

(2) EFFECTIVE DATE AND APPLICATION.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and apply to any conviction entered on or after such date.

(c) DEPORTATION FOR DRIVING WHILE INTOXICATED OR UNDER THE INFLUENCE.—

(1) IN GENERAL.—Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)), as amended by section 567, is further amended by adding at the end the following:

‘‘(H) DRIVING WHILE INTOXICATED AND UNLAWFULLY PRESENT IN THE UNITED STATES.—An alien who—

(i) at the time of commission of the offense that was unlawfully present in the United States because the alien entered without inspection or admission, overstayed the period of stay authorized by the Secretary, or violated the terms of the alien’s nonimmigrant visa, is inadmissible.’’.

(2) EFFECTIVE DATE AND APPLICATION.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and apply to any conviction entered on or after such date.

(d) GOOD MORAL CHARACTER BAR FOR DUI OR DWI CONVICTIONS.—

(1) IN GENERAL.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)), as amended by section 506, is further amended—

(A) in clause (i) of subsection (a), by substituting ‘‘States, or’’ for ‘‘States’’; and

(B) in clause (ii), by striking ‘‘States, or’’.

(2) A PPLICATION.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and apply to any conviction entered on or after such date.

SEC. 513. BARRING AGGRAVATED FELONS, BORDER CHECKPOINT RUNNERS, AND SEX OFFENDERS FROM ADMISSION TO THE UNITED STATES.

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS.—Paragraph (2) of section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subparagraph (A)(i) of paragraph (2), by striking ‘‘and (K)’’;

(2) in subclause (I) of subparagraph (A)(ii), by striking ‘‘or’’.

(3) by adding at the end the following:

‘‘(L) CITIZENSHIP FRAUD.—Any alien convicted of, or admitting committing an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force, or threatened use of physical force or a deadly weapon against a person permitted by the Secretary to be present in the United States, or who has been convicted of an offense punishable by life imprisonment or death, is inadmissible.’’. 

(b) VIOLATORS OF PROTECTION ORDERS.—

(1) IN GENERAL.—Any alien who at any time or has been convicted of the use of or attempted use of physical force, or threatened use of a deadly weapon, against a person who was or is a spouse, child, parent, sibling, or guardian of the victim, is inadmissible.

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and apply to any conviction entered on or after such date.
custody orders or provisions) whether obtained by filing an independent action or as an independent order in another proceeding.

(iii) WAIVER AUTHORIZED.—For provision and waiver of this subparagraph, see subsection (o); and

(iv) IN GENERAL.—The Secretary of Homeland Security or Attorney General is not limited by the criminal court record and may waive the application of paragraph (2)(Q)(i) (with respect to crimes of domestic violence and crimes of stalking) and (ii) in the case of an alien who has been battered or subjected to extreme cruelty, the Secretary of Homeland Security or Attorney General is not limited by the criminal court record and may waive the application of this section.

SEC. 514. ENHANCED CRIMINAL PENALTIES FOR HIGH SPEED FLIGHT.

(a) IN GENERAL.—Section 758 of title 18, United States Code, is amended to read as follows:

"§ 758. Unlawful flight from immigration or customs officers

(a) Evading a Checkpoint.—Any person who, while operating a motor vehicle or vessel abroad, knowingly and willfully avoids a checkpoint operated by the Department of Homeland Security or any other Federal law enforcement agency, and then knowingly or recklessly disobeys the lawful command of an officer of the Department of Homeland Security engaged in the enforcement of the immigration, customs, or maritime laws, or the law enforcement of any law enforcement assistant such officer, shall be fined under this title, imprisoned not more than 2 years, or both.

(b) Construction.—The amendments made by subsection (a) shall not be construed to

SEC. 515. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A), by inserting "(ii) that did not result in serious bodily injury; and"

(2) in subsection (o), by reinserting the second clause (I) as a subclause (II); and

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) of such Act (8 U.S.C. 1182(b)(3)(B)) is amended—

(1) by striking the comas at the end and inserting a semicolon;

(2) in clause (ii), by striking "or" at the end and inserting a semicolon;

(3) in clause (iii), by striking the comas at the end and inserting "; or"; and

(4) by inserting after clause (ii) the following:

"(iv) a violation of, or an attempt or a conspiracy to violate, subsection (a) or (b) of section 1225 of title 8 relating to the procurement of citizenship or naturalization unlawfully;"

(c) DEPORTABILITY; CRIMINAL OFFENSES.—Paragraph (2) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)), as amended by sections 507 and 508, is further amended by adding at the end the following:

"(1) IDENTIFICATION FRAUD.—Any alien who is convicted of a violation of any conspiracy to attempt to violate) an offense relating to section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security accounts), is subjected to a criminal penalty for section 1028 of title 18, United States Code, relating to fraud and related activity in connection with identification, is deportable.

(d) APPLICABILITY.—The amendments made by this section shall apply to—

(1) any such violation committed before, on, or after the date of the enactment of this Act; and

(2) all aliens who are required to establish admissibility on or after such date of enactment; and

(3) all removal, deportation, or exclusion proceedings that are filed, pending, or re-opened, on or after such date of enactment.

(e) CONSTRUCTION.—The amendments made by this section shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) if such eligibility did not exist before the date of enactment of this Act.

SEC. 516. PROSECUTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A), by inserting clause (vi) to read as follows:

"(vi) the alien was acting in self-defense;"

(2) in clause (ii), by striking "or" at the end and inserting a semicolon;

(3) in clause (iii), by striking the comma at the end and inserting a period; and

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) of such Act (8 U.S.C. 1182(b)(3)(B)) is amended—

(1) by inserting after clause (iii) the following:

"(iv) of a violation of, or an attempt or a conspiracy to violate, any law enforcement officer, or any law enforcement officer assisting such officer, shall be fined under this title, imprisoned not more than 2 years, or both.

(c) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to apply to petitions filed on or after such date.

SEC. 517. ALTERNATIVE PENALTIES.—Notwithstanding the penalties provided in subsection (a) or (b), any person who violates such subsection shall—

(1) be fined under this title, imprisoned not more than 10 years, or both, if the violation involved the operation of a motor vehicle, aircraft, or vessel.

(2) be fined under this title, imprisoned not more than 30 years, or both, if the violation caused serious bodily injury to any person; or

(3) be fined under this title, imprisoned for any term of years or life, or both, if the violation resulted in the death of any person.

SEC. 518. CONSTRUCTION.—Any person who attempts or conspires to commit any offense under this section shall be subject to the penalties provided in subsection (a) or (b).
create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) if such eligibility did not exist before the date of the enactment of this Act and section 240A of the Immigration and Nationality Act, as so amended, shall apply to an alien who (A) demonstrates that the alien's membership in a particular social group, or country, and that race, religion, nationality, political opinion would be at least one central reason for such threat."

(b) CANCELLATION OF REMOVAL.—Paragraph (4) of section 240A(c) of the Immigration and Nationality Act (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking "admissible under and inserting "described in"; and
(2) by striking clause (B) and inserting the following:

(4) EFFECTIVE DATE AND APPLICATION.—The amendments made by sections 509 through 511, are effective on the date of the enactment of this Act.

(a) ASYLUM.—Subparagraph (A) of section 208(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)), as amended by section 508, is further amended by adding at the end the following:

(4) in subparagraph (B), by striking "whom the alien abused or was involved in a relationship of
dependence with" and inserting "which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1546, is for the purpose of avoiding removal, or is in,

(b) CANCELLATION OF REMOVAL.—Paragraph (4) of section 240A(c) of the Immigration and Nationality Act (8 U.S.C. 1229b(c)(4)) is amended—

SEC. 516. PROHIBITION ON ASYLUM AND CANCELLATION OF REMOVAL FOR TERRORISTS.

SEC. 517. AGGRAVATED FELONIES.

(a) DEFINITION OF AGGRAVATED FELONY.—Paragraph (5) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(45)), as amended by section 508, is further amended by adding at the end the following:

(b) DEFINITION OF CONVICTION.—Section 101(a)(48) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(48)) is amended by adding at the end the following:

(c) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall—

SEC. 518. CONVICTIONS.

SEC. 519. CONVICTIONS.

SEC. 520. CONVICTIONS.
(b) Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2), as amended by sections 2 and 4, is further amended by adding at the end the following: "(J) CRIMINAL OFFENSES.—
"(i) IN GENERAL.—For purposes of determining whether an underlying criminal offense, or ground of deportability, under this subsection, all statutes or common law offenses are divisible so long as any of the conduct encompassed by the statute constitutes a ground of deportability.
"(ii) OTHER EVIDENCE.—If the conviction records (i.e., charging documents, plea agreements, jury findings) do not conclusively establish whether a crime constitutes a ground of deportability, the Attorney General or the Secretary of Homeland Security may consider other evidence related to the conviction, including but not limited to police reports and witness statements, that clearly establishes that the conduct for which the alien was engaged constitutes a ground of deportability.
"

SEC. 519. PARDONS.

(a) DEFINITION.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as amended by section 2, is further amended by adding at the end the following:

"(J) CRIMINAL OFFENSES.—
"(i) a pardon granted before, on, or after such date.
"(ii) a pardon granted for conduct for which the alien was granted a pardon before, on, or after such date.
"

(b) DEPORTABILITY.—Section 237(a) of such Act (8 U.S.C. 1227(a)), as amended by sections 2, is further amended—

(1) in paragraph (2)(A), by striking clause (vi); and

(2) by adding at the end the following:

"(K) DEPORTABILITY.—
"(i) a crime that constitutes a ground of deportability under section 2, if the purpose of the crime was to facilitate an act of international terrorism (as defined in section 2331 of this title), not less than 5 years but not more than 10 years (in the case of the first or second such offense, if the offense was not committed to facilitate such an act and otherwise constitutes a ground for drug trafficking crime, or not less than 7 years but not more than 15 years (in the case of any other offense), or both.
"

SEC. 520. FAILURE TO OBEY REMOVAL ORDERS.

(a) IN GENERAL.—Section 246(a) of the Immigration and Nationality Act (8 U.S.C. 1226(a)), as amended by subsection (a), is amended—

(1) by striking "(A) in subsection (a), by striking "not more than 10 years." and inserting "not less than 10 years." and inserting "not more than 15 years (in the case of any other offense), or both.
"

(b) EXPANSION OF CRIMINAL ALIEN REPATRIATION PROGRAMS.

SEC. 524. EXPANSION OF CRIMINAL ALIEN REPATRIATION PROGRAMS.

(a) EXPANSION OF DEPARTMENT CRIMINAL ALIEN REPATRIATION FLIGHTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall increase the number of criminal aliens repatriated from the United States conducted by U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement Air Operations, not less than 2 percent more than the number of such flights operated, and authorized to be operated, under existing appropriations and funding on the date of the enactment of this Act.

(b) U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT AIR OPERATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue a directive to expand U.S. Immigration and Customs Enforcement Air Operations (ICE Air Ops) so that ICE Air Ops provides additional services with respect to aliens who are illegally present in the United States. Such expansion shall include—

(1) increasing the daily operations of ICE Air Ops with buses and air hubs in the top 5 geographic regions along the southern border;

(2) allocating a set number of seats for such aliens for each metropolitan area; and

(3) allowing a metropolitan area to trade one set of seats an alien to another area under paragraph (2) for such aliens to other areas in the region of such area based on the transportation needs of each area.

SEC. 531. SHORT TITLE.

This subtitle may be cited as the "Strong Visa Integrity Supplies America Act".

SEC. 532. VISA SECURITY AND CONSULAR UNITS AT HIGH RISK POSTS.—

(a) VISA SECURITY AND CONSULAR UNITS AT HIGH RISK POSTS.—

(1) by striking "Shall be fined" and all that follows the end and inserting "Shall be fined and all that follows the end and inserting ""(B) RISK-BASED ASSIGNMENTS.—

In carrying out subparagraph (A), the Secretary shall assign, in a risk-based manner, and considering the criteria described in clause (ii), employee of the Department to not more than "
“(ii) CRITERIA DESCRIBED.—The criteria described in this clause (i) are the following:

“(1) The number of nationals of a country in which any of the diplomatic and consular posts under paragraphs (1) and (9) of section 428(e) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)), as amended by this section, shall be implemented not later than three years after the date of enactment of this Act.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated $30,000,000 to implement this section and the amendments made by this section.

SECTION 533. ELECTRONIC PASSPORT SCREENING AND BIOMETRIC MATCHING.

(a) IN GENERAL.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), is amended by adding at the end the following new paragraphs:

“(2) ELECTRONIC PASSPORT SCREENING AND BIOMETRIC MATCHING.

“(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall—

“(i) screen electronic passports at airports of entry by reading each such passport’s embedded chip; and

“(ii) to the greatest extent practicable, utilize facial recognition technology or other biometric technology, as determined by the Commissioner, to inspect travelers at United States airports of entry.

“(b) APPLICABILITY.—

“(1) ELECTRONIC PASSPORT SCREENING.—Paragraph (1) of subsection (a) shall apply to passports belonging to individuals who are United States citizens, individuals who are nationals of a program country pursuant to section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), and individuals who are nationals of any other foreign country that issues electronic passports.

“(2) FACIAL RECOGNITION MATCHING.—Paragraph (2) of subsection (a) shall apply, at a minimum, to individuals who are nationals of a program country pursuant to section 217 of the Immigration and Nationality Act.

“(c) ANNUAL REPORT.—

“(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection, in collaboration with the Chief Privacy Officer of the Department, shall issue to the Committee on Homeland Security and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives a report for the fiscal year preceding the fiscal year for which the report is submitted, containing the information required under subsection (b).''

“(d) SCHEDULE OF IMPLEMENTATION.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 419 the following new item:

“Sec. 420. Electronic passport screening and biometric matching.”

“Sec. 420A. Continuous screening by U.S. Customs and Border Protection.”

SECTION 534. REPORTING VISA OVERSTAYS.

Section 2 of Public Law 105–173 (8 U.S.C. 1376) is amended—

“(1) in subsection (a)—

“(A) by striking “Attorney General” and inserting “Secretary of Homeland Security”;

and

“(B) by inserting before the period at the end the following:

“and any additional information that the Secretary determines necessary for purposes of the report under subsection (b);”;

and

“(2) by amending subsection (b) to read as follows:

“(B) ANNUAL REPORT.—Not later than June 30, 2018, and not later than June 30 of each year thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives, a report for the fiscal year preceding the fiscal year, numerical estimates (including information on the methodology utilized to develop such numerical estimates) of—

“(i) the number of aliens from the country who are described in subsection (a), including—

“(A) the total number of such aliens within all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

“(B) the number of such aliens within each of the classes of nonimmigrants, as well as the number of such aliens within each of the subclasses of such classes of nonimmigrants, as applicable;”

“(ii) the percentage of the total number of aliens from the country who were present in the United States and were admitted to the United States as nonimmigrants who are described in subsection (a);”

“(iii) the number of aliens described in subsection (a) who arrived at a port of entry into the United States;

“(iv) the number of aliens described in subsection (a) who entered the United States using a border crossing identification card (as such term is defined in section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6)); and

“(v) the number of Canadian nationals who entered the United States without a visa and whose authorized period of stay in the United States terminated during the previous fiscal year, but who remained in the United States.”;

SECTION 535. STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM VERIFICATION.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall ensure that the information collected under the program established under section 641 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1372) is available to officers of U.S. Customs and Border Protection conducting primary inspections of aliens seeking admission at ports of entry to the United States at each port of entry of the United States.
SEC. 536. SOCIAL MEDIA REVIEW OF VISA APPLICANTS.
(a) IN GENERAL.—Subsection C of title IV of the Homeland Security Act of 2002 (8 U.S.C. 231 et. seq.) is amended by adding at the end the following new sections:

"SEC. 434. SOCIAL MEDIA SCREENING."

"(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Building America’s Trust Act, the Secretary of Homeland Security shall, to the greatest extent practicable, and in a risk based manner and on a risk based basis, review the social media accounts of visa applicants who are citizens of, or who reside in, high-risk countries as determined by the Secretary based on the criteria described in subsection (b),

"(b) HIGH-RISK CRITERIA DESCRIBED.—In determining whether a country is a high-risk pursuant to subsection (a), the Secretary shall consider the following criteria:

"(1) The number of nationals of the country who were identified in United States Government databases related to the identities of known or suspected terrorists during the previous year.

"(2) In good cooperation of the country with the counter-terrorism efforts of the United States.

"(3) Any other criteria the Secretary determines appropriate.

"(c) COLLABORATION.—To develop the technology required to carry out the requirements of subsection (a), the Secretary shall collaborate with—

"(1) the head of a national laboratory within the Department’s laboratory network with relevant expertise.

"(2) the head of a relevant university-based center within the Department’s centers of excellence network; and

"(3) the heads of other appropriate Federal agencies.

"SEC. 435. OPEN SOURCE SCREENING."

"The Secretary shall, to the greatest extent practicable, and in a risk based manner, review open source information of visa applicants.

"(a) CEREMONIAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by this Act, is further amended by inserting after the item relating to section 433 the following new item:

"Sec. 434. Social media screening.

"Sec. 435. Open source screening.

"Subtitle C—Visa Cancellation and Revocation

SEC. 541. CANCELLATION OF ADDITIONAL VISAS.
(a) IN GENERAL.—Subsection (g) of section 222 of the Immigration and Nationality Act (8 U.S.C. 1222(g)) is amended—

"(1) in paragraph (1)—

"(A) by striking "Attorney General," and inserting "Secretary of Homeland Security;" and

"(B) by inserting "and any other non-immigrant visa issued by the United States that is in the possession of the alien after such visa;" and

"(2) in paragraph (2)(A), by striking "other than the visa described in paragraph (1) issued in a consular office located in the country of the alien’s nationality or foreign residence".

"(b) EFFECTIVE DATE AND APPLICATION.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to a visa issued before, on, or after such date.

SEC. 542. VISA INFORMATION SHARING.
(a) IN GENERAL.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

"(1) in the introductory text, by striking "issuance or refusal" and inserting "issuance, refusal, or revocation;"

"(2) in paragraph (2), in the matter preceding subparagraph (A) by striking "and on the basis of reciprocity;"

"(3) in paragraph (2)(A)—

"(A) by inserting "(1) after "for the purpose of"; and

"(B) by striking "illicit weapons; or" and inserting "illicit weapons, or (1) determining a person’s deportability or eligibility for a visa admission, or other immigration benefit;";

"(4) in paragraph (2)(B)—

"(A) by striking "for the purposes" and inserting "for other purposes; and

"(B) by striking "or to deny visas to persons who would be inadmissible to the United States," and inserting "or;"; and

"(5) in paragraph (2), by adding at the end the following:

"(C) with regard to any or all aliens in the database, specified data elements from each record, if the Secretary of State determines that it is [required for national security or public safety and] in the national interest to provide such information to a foreign government.

"(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date of the enactment of this Act.

SEC. 543. VISA INTERVIEWS.
(a) IN GENERAL.—Section 222(h) of the Immigration and Nationality Act (8 U.S.C. 1222(h)) is amended—

"(1) in paragraph (1), by adding new subparagraph (D) to read as follows:

"(D) by the Secretary of State if the Secretary, in his or her sole discretion, determines that an interview is unnecessary because the alien is ineligible for a visa.

"(2) in paragraph (2), by adding at the end a new subparagraph (G) to read as follows:

"(G) is an individual within a class of aliens that the Secretary of Homeland Security, in his sole and unreviewable discretion, has determined may pose a threat to national security or public safety.

"SEC. 544. JUDICIAL REVIEW OF VISA REVOCA-
TIONS.
(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Building America’s Trust Act, the Secretary of State shall have exclusive authority to refuse or revoke a visa to an alien if the Secretary of Homeland Security determines that such revocation or revocation is necessary or advisable in the foreign policy interests of the United States.

"(b) EFFECTIVE DATE.—The revocation of any visa under paragraph (1)(B)—

"(1) shall take effect immediately; and

"(2) shall automatically cancel any other valid visa that is in the alien’s possession.

"(c) EFFECT OF VISA APPROVAL BY THE SEC-
RETARY OF STATE.—

"(1) IN GENERAL.—The Secretary of State may direct a consular officer to refuse or revoke a visa to an alien if the Secretary of Homeland Security determines that such revocation or revocation is necessary or advisable in the foreign policy interests of the United States.

"(2) LIMITATION.—No decision by the Secretary of State to approve a visa may override a decision by the Secretary of Homeland Security under subsection (b)."

"(d) VISA REVOCATION.—Section 428 of the Homeland Security Act (6 U.S.C. 236) is amended by adding at the end the following:

"(1) VISA REVOCATION INFORMATION.—If the Secretary of Homeland Security or the Secretary of State revokes a visa—

"(i) the relevant consular, law enforcement, and terrorist screening databases shall be immediately updated on the date of the revocation; and

"(ii) look-out notices shall be posted to all Department port inspectors and Department of State consular officers.

"(ii) CONFORMING AMENDMENT.—Section 103 of the Immigration and Nationality Act is amended to read—

"(1) the powers, duties and functions of diplomatic and consular officers of the United States, and the power authorized by section 428(c) of the Immigration and Nationality Act of 2002 (6 U.S.C. 236), as amended by section 542 of the Building America’s Trust Act, except those powers, duties and functions conferred upon the consular officers relating to the granting or refusal of visas.

"Subtitle E—Other Matters

SEC. 561. REQUIREMENT FOR COMPLETION OF BACKGROUND CHECKS.
(a) IN GENERAL.—Section 183 of Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

"(b) COMPLETION OF BACKGROUND AND SECURITY CHECKS.

"(1) REQUIREMENT TO COMPLETE.—Notwithstanding any other provision of law (statutory or nonstatutory), including but not limited to section 309 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1738a), sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, neither the Secretary of Homeland Security nor the Attorney General may—

"(1) approve a grant to an alien any status, relief, protection from removal, employment authorization, or any other benefit under the immigration laws, including an admission of status or determination of status, residence or a grant of United States citizenship; or
(B) issue to the alien any documentation evidencing a status or grant of any status, relief, protection from removal, employment authorization, or other benefit under the immigration laws; and

(b) the results of such checks do not preclude the approval or grant of such status, relief, protection, authorization, or benefit, or issuance of any documentation evidencing such status, relief, protection, authorization, or benefit.

(2) PROHIBITION ON JUDICIAL ACTION.—No court shall have authority to:

(A) order the approval of;

(B) grant;

(C) mandate or require any action in a certain time period; or

(D) award any award for the Secretary of Homeland Security’s or Attorney General’s failure to complete or delay in completing any action to provide

any status, relief, protection from removal, employment authorization, or any other benefit under the immigration laws, including an adjustment of status to lawful permanent residence, naturalization, or a grant or continued lawfulness of status to an alien until all background and security checks have been completed and the Secretary of Homeland Security or Attorney General has determined that the results of such checks do not preclude the approval or grant of such status, relief, protection, authorization, or benefit, or issuance of any documentation evidencing such status, relief, protection, authorization, or benefit.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to any application, petition, or request for any benefit or relief or any other case or matter under the immigration laws pending with on or filed with the Secretary of Homeland Security or the Attorney General on or after such date of enactment.

SEC. 562. WITHHOLDING OF ADJUDICATION.

(a) IN GENERAL.—Section 103 of Immigration and Nationality Act (8 U.S.C. 1103), as amended by section 551, is further amended by adding at the end the following:

(1) WITHHOLDING OF ADJUDICATION.—

(A) IN GENERAL.—Except as provided in subsections (c) and (d) of this section or any other law, including section 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, no court shall have jurisdiction to review a decision to withhold adjudication pursuant to this paragraph.

(B) AUTHORIZED ACTIVITIES.—

(i) shall have direct access, without any fee or charge, to the information described in paragraph (1) to conduct name-based searches, file number searches, and any other searches that any criminal justice or other law enforcement officials are entitled to conduct; and

(ii) may contribute to the records maintained by the National Crime Information Center.

(B) SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall receive, on request by the Secretary of Homeland Security, any documentation evidencing a status or grant of any status, relief, protection from removal, employment authorization, or other benefit under the immigration laws; and

(ii) may contribute to the records maintained by the National Crime Information Center.

(3) JURISDICTION.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 309 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (F.A.R. 393) of Public Law 107-179, section 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, no court shall have jurisdiction to review a decision to withhold adjudication pursuant to this paragraph.

(4) WITHHOLDING OF REMOVAL AND TREATMENT CONVENTION.—This paragraph does not limit the authority of the Attorney General to issue to the alien any documentation evidencing a status or grant of any status, relief, protection from removal, employment authorization, or benefit, or issuance of any documentation evidencing such status, relief, protection, authorization, or benefit.

(b) ACCESS TO THE NATIONAL CRIME INFORMATION CENTER INTERSTATE IDENTIFICATION INDEX.

(a) CRIMINAL JUSTICE ACTIVITIES.—Section 104 of the Immigration and Nationality Act (8 U.S.C. 1104) is amended by adding at the end the following:

(1) CRIMINAL JUSTICE ACTIVITIES.—Notwithstanding any other provision of law, any Department of Homeland Security, the Secretary of State, the Department of Justice, the Department of Defense, the Department of Energy, the Department of Transportation, the Department of Housing and Urban Development, the Department of the Interior, the Office of the Director of National Intelligence, and any other Federal department or agency, and any department or agency of any State, any political subdivision thereof, or any other entity, may carry out activities that have a criminal justice purpose.

(b) LIASON WITH INTERNAL SECURITY OFFICERS; DATA EXCHANGE.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended by striking subsections (b) and (c) and inserting the following:

(2) ACCESS TO NCIC-III.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to any application, petition, or request for any benefit or relief or any other case or matter under the immigration laws pending with on or filed with the Secretary of Homeland Security or the Attorney General on or after such date of enactment.

SEC. 563. ACCESS TO THE NATIONAL CRIME INFORMATION CENTER INTERSTATE IDENTIFICATION INDEX.

(a) CRIMINAL JUSTICE ACTIVITIES.—Section 104 of the Immigration and Nationality Act (8 U.S.C. 1104) is amended by adding at the end the following:

(1) CRIMINAL JUSTICE ACTIVITIES.—Notwithstanding any other provision of law, any Department of Homeland Security, the Department of State, the Department of Justice, the Department of Defense, the Department of Energy, the Department of Transportation, the Department of Housing and Urban Development, the Department of the Interior, the Office of the Director of National Intelligence, and any other Federal department or agency, and any department or agency of any State, any political subdivision thereof, or any other entity, may carry out activities that have a criminal justice purpose.

(b) LIASON WITH INTERNAL SECURITY OFFICERS; DATA EXCHANGE.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended by striking subsections (b) and (c) and inserting the following:

(2) ACCESS TO NCIC-III.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to any application, petition, or request for any benefit or relief or any other case or matter under the immigration laws pending with on or filed with the Secretary of Homeland Security or the Attorney General on or after such date of enactment.

SEC. 564. APPROPRIATE REMEDIES FOR IMMIGRATION PURPOSES.

(a) LIMITATION ON CLASS ACTIONS.—No court may certify a class under rule 23 of the Federal Rules of Civil Procedure in any civil action that—

1. is filed after the date of enactment of this Act; and

2. pertains to the administration or enforcement of the immigration laws.

(b) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in paragraph (1) shall be discussed and explained in writing in the order granting prospective relief and shall be sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief granted under paragraphs (A) and (B) of subsection (a) shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court finds that such relief meets the requirements described in subparagraphs (A) through (D) of paragraph (1) for the entry of permanent prospective relief; and

(b) EXPIRATION OF PRELIMINARY RELIEF TO BECOME A FINAL ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.

(1) IN GENERAL.—A court shall promptly rule on a motion made by the United States Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws.

2. is filed after the date of enactment of this Act; and

3. pertains to the administration or enforcement of the immigration laws.

(c) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.

(1) IN GENERAL.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made by the United States Government in any civil action pertaining to the administration or enforcement of the immigration laws shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government’s motion.
a. **DIVER** ATON OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government’s motion.

b. **POSTM** OVEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

c. **ORDERS BLOCKING AUTOMATIC STAYS.**—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall—

(1) treated as an order refusing to vacate, modify, dissolve, or otherwise terminate an injunction; and

(2) immediately appealable under section 1292(a)(1) of title 28, United States Code.

d. **SETTLEMENTS.**

(1) **CONSENT DECREES.**—In any civil action pertaining to the administration or enforcement of the immigration laws, the court may not enter, approve, or continue a consent decree that does not comply with the requirements of subsection (b)(1).

(2) **PRIVATE SETTLEMENT AGREEMENTS.**—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with subsection (b)(1).

e. **EXPEDITED PROCEEDINGS.**—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

f. **CONSENT DECREE DEFINED.**—In this section, the term ‘‘consent decree’’—

(1) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(2) does not include private settlement agreements.

SEC. 656. USE OF 1986 IRC LEGALIZATION INFORMATION FOR NATIONAL SECURITY PURPOSES.

(a) **SPECIAL AGRICULTURAL WORKERS.**—Section 219(b)(6) of the Immigration and Nationality Act (8 U.S.C. 1160(b)(6)) is amended—

(1) by striking “Attorney General” each place that term appears and inserting “Secretary”; and

(2) in subparagraph (A), by striking “Justice” and inserting “Homeland Security”; and

(b) **CLERICAL AMENDMENT.**—The table of contents of this section is amended by striking the item relating to section 259b(c) and inserting the following:

(1) **IN GENERAL.**—Chapter 223 of title 18, United States Code, is amended by striking “3513. Signatures relating to immigration matters”.

(2) **TITLE VI—PROHIBITION ON TERRORISTS OBTAINING LAWFUL STATUS IN THE UNITED STATES**

Subtitle A—Prohibition on Adjustment to Lawful Permanent Resident Status

SEC. 601. LAWFUL PERMANENT RESIDENTS AS APPLICANTS FOR ADMISSION.

Section 101(a)(13) of the Immigration and Nationality Act (8 U.S.C. 1115(a)(13)) is amended—

(1) in clause (v), by striking the “or” at the end;

(2) in clause (vi), by striking the period and inserting a comma and “or”;

(3) by adding at the end the following:

“(vii) is described in section 212(a)(3) or section 237(a)(4).”.

SEC. 602. DATE OF ADMISSION FOR PURPOSES OF ADJUSTMENT OF STATUS.

(a) **APPLICANTS FOR ADMISSION.**—Section 101(a)(13) of the Immigration and Nationality Act (8 U.S.C. 1115(a)(13)) is further amended by adding at the end the following:

“(D) Adjustment of status of the alien to that of an alien lawfully admitted for permanent residence under section 245 or any other provision of law is an admission of the alien, notwithstanding subparagraph (A) of this paragraph.”

(b) **ELIGIBILITY TO BE REMOVED FOR A CRIME INVOLVING MORAL TURPITUDE.**—Subclause (I) of section 252(a)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1255a(a)(2)(A)(i)) is amended by striking “date of admission,” inserting “alien’s most recent date of admission;”.

SEC. 603. PRECLUDING ASYLUM AND REFUGEE ADJUSTMENT OF STATUS FOR CERTAIN GROUNDS OF INADMISSIBILITY AND DEPORTABILITY.

(a) **GROUNDS FOR INADMISSIBILITY.**—Section 209(c) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)) is amended by striking “or any other provision of such section (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3))” and inserting “other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3)”.}

(b) **EROS INFORMATION.**—Section 209(c) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)) is amended by striking “other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3)”, and inserting “other than paragraph 2(C) or (G) or subparagraph (A), (B), (C), (E), (F) or (G) of paragraphs (3)”.}

(c) **GROUNDS FOR DEPORTABILITY.**—Section 209 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end the following:

“(D) GROUNDS FOR DEPORTABILITY.—An alien may not adjust status under this section if the alien is deportable under any provision of section 237 except subsections (a)(5) of such section.”.
SEC. 604. REMOVAL OF CONDITION ON LAWFUL PERMANENT RESIDENT STATUS PRIOR TO NATURALIZATION.
Sections 216(e) and 216A(e) of the Immigration and Nationality Act (8 U.S.C. 1186a(e), 1186b(a)(2), as amended), by striking the period at the end and inserting "if the alien has had the conditional basis removed pursuant to this subsection.

SEC. 606. PROHIBITION ON TERRORISTS AND ALIENS WHO POSE A THREAT TO NATIONAL SECURITY OR PUBLIC SAFETY ON ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—Subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended by inserting at the end a new subsection (b) to read as follows:

"(C) ALIENS NOT ELIGIBLE FOR ADJUSTMENT OF STATUS.—Other than an alien having an approved petition for classification as a VAWA self-petitioner, subsection (a) shall not be applicable to—

(1) an alien crewman; 
(2) subject to subsection (k), an alien who is present in the United States; and
(3) any alien who was employed while the application for adjustment of status was filed by an individual who has a judicial proceeding pending against him or her that would result in the individual’s denaturalization under section 409.".

SEC. 609. BARRING PERSECUTORS AND TERRORISTS FROM REGISTRY.
Section 309 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended to read as follows:

"(C) ALIENS NOT ELIGIBLE FOR ADJUSTMENT OF STATUS.—Other than an alien having an approved petition for classification as a VAWA self-petitioner, subsection (a) shall not be applicable to—

(1) an alien crewman; 
(2) subject to subsection (k), an alien who is present in the United States; and
(3) any alien who was employed while the application for adjustment of status was filed by an individual who has a judicial proceeding pending against him or her that would result in the individual’s denaturalization under section 409.".

SEC. 607. TREATMENT OF APPLICATIONS FOR ADJUSTMENT OF STATUS DURING PENDING DENATURALIZATION PROCEEDINGS.
Sections 246 of the Immigration and Nationality Act (8 U.S.C. 1259) and as amended by section 605 is further amended by adding a new subsection (n) to read as follows:

"(n) Treatment of Applications During Pending Denaturalization Proceedings.—No application for adjustment of status may be considered or approved by the Secretary of Homeland Security or Attorney General, and no court shall order the approval of an application for adjustment of status if the approved petition for classification under section 204 that is the underlying basis for the application for adjustment of status was filed by an individual who has a judicial proceeding pending against him or her that would result in the individual’s denaturalization under section 409.".

SEC. 608. EXTENSION OF TIME LIMIT TO PERMIT RESCINDING OF PERMANENT RESIDENT STATUS.
Section 246 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended—

(1) in subsection (a) by—

(A) inserting "(1)" after "(a)"; 
(B) striking "within five years" and inserting "within 10 years"; 
(C) inserting "Attorney General" each place that term appears and inserting "Secretary of Homeland Security"; and

(D) adding at the end following:

"(2) in any removal proceeding involving an alien whose status has been rescinded under this subsection, the determination by the Secretary that the alien was not eligible for adjustment of status is not subject to review or reconsideration during such proceedings.".

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting new subsection (b) to read as follows:

"(b) Nothing in subsection (a) shall require the Secretary of Homeland Security to rescind the alien’s status prior to commencement of proceedings to remove the alien under section 239 of the Act. The Secretary of Homeland Security may commence removal proceedings at any time against any alien who is removing those aliens who adjusted status under section 245 or 249 of the Act or any other provision of law to that of an alien lawfully admitted for permanent residence. The Act contains no statute of limitations with respect to commencement of removal proceedings under section 240. An order of removal issued by an immigration judge shall be sufficient to rescind the alien’s status.".
Subtitle E—Prohibition on Naturalization and United States Citizenship

SEC. 621. BARRING TERRORISTS FROM BECOMING NATURALIZED UNITED STATES CITIZENS.

(a) Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following:

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“(B) understands and is attached to the principles of the Constitution of the United States; or
“(C) is well disposed to, and opposed to, the good order and happiness of the United States; or
“(D) understands and is attached to the principles of the Constitution of the United States; and
“(E) is well disposed to, and opposed to, the good order and happiness of the United States.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to acts that occur on or after such date.

SEC. 627. TREATMENT OF PENDING APPLICATIONS DURING DENATURALIZATION).

(a) Section 202(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended by—

(1) inserting “(1) IN GENERAL.—Except as provided in subsection (b)(2),” before “After’’;

(2) revising the term “After” to read “after’’;

(3) inserting new subsection (b)(2) to read as follows: “(2) Treatment of petitions during denaturalization proceedings. The Secretary shall not adjudicate or approve any petition filed under this section by an individual who has a judicial proceeding pending against him or her that would result in the individual’s denaturalization under section 340 until such proceedings have concluded and, if applicable, the period for appeal has expired or any appeals have been finally decided.

(b) Section 340 of the Immigration and Nationality Act (8 U.S.C. 1451), as amended by section 626, is further amended by inserting new subsection (e) to read as follows: “(e) Withholding of Immigration Benefits During Denaturalization Proceedings. The Secretary shall not accept or approve any application, request for any immigration benefit from an individual against whom there is a judicial proceeding pending that would result in the individual’s denaturalization under this section until such proceedings have concluded and, if applicable, the period for appeal has expired or any appeals have been finally decided.”

SEC. 628. NATURALIZATION DOCUMENT RETENTION.

(a) In GENERAL.—Chapter 2 of title III of the Immigration and Nationality Act (8 U.S.C. 1421 et seq.) is amended by inserting after section 344 the following: “SEC. 345. NATURALIZATION DOCUMENT RETENTION.

“The Secretary shall retain the original paper naturalization application and all supporting paper documents submitted with the application for a period of not less than 7 years for law enforcement and national security investigations and for litigation purposes, regardless of whether such individual is a United States citizen and Immigration Services’ electronic immigration system or stored in any electronic format.”

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 344 the following: “Sec. 345. Naturalization document retention.’’

Title VII—OTHER MATTERS

SEC. 701. OTHER IMMIGRATION AND NATIONALITY ACT AMENDMENTS.

(a) Notice of Alien Certification.—Subsection (a) of section 265 of the Immigration and Nationality Act (8 U.S.C. 1305(a)) is amended to read as follows: “(a) Each alien required to be registered under this Act who is within the United States shall notify the Secretary of Homeland Security of each change of address and other address within ten days from the date of such change and shall furnish such notice in the manner prescribed by the Secretary.’’.

(b) Photographs for Naturalization Certificates.—Section 333 of the Immigration and Nationality Act (8 U.S.C. 1305) is amended by inserting at the end the following: “(c) The Secretary may modify the photograph requirements of the United States at the Secretary’s discretion and as the Secretary may deem necessary to provide for photographs
to be furnished and used in a manner that is efficient, secure, and consistent with the developments in technology.”.

SEC. 702. EXEMPTION FROM THE ADMINISTRATIVE PROCEDURES ACT.

Except where promulgation of regulations is specified in this Act, chapter 5 of title 5, United States Code (commonly known as the “Administrative Procedures Act”), and any other law relating to rulemaking, information collection, or publication in the Federal Register, shall not apply to any action to implement this Act, and the amendments made by this Act, to the extent the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that compliance with such law would impede the expeditious implementation of this Act or the amendments made by this Act.

SEC. 703. EXEMPTION FROM THE PAPERWORK REDUCTION ACT.

Chapter 35 of title 44, United States Code, shall not apply to any action to implement this Act or the amendments made by this Act to the extent the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that compliance with such law would impede the expeditious implementation of this Act or the amendments made by this Act.

SEC. 704. ABILITY TO FILL AND RETAIN DHS POSITIONS IN U.S. TERRITORIES.

Section 530C of Title 28, United States Code, is amended—

(1) in subsection (a) by inserting “or Department of Homeland Security” after “Department of Justice” and inserting “or Secretariat of Homeland Security” after “Attorney General”; 

(2) in subsection (b)—

(A) in paragraph (1) introductory text by inserting “or Secretariat of Homeland Security” after “Attorney General”;

(B) in paragraph (1)(K)(i) by inserting “or within US territories or commonwealths after “outside United States” and “or Secretariat or Homeland Security” after “Attorney General”;

(C) in paragraph (1)(K)(ii) “or Secretariat of Homeland Security” after “Attorney General”;

(D) in paragraph (2) by—

(i) in subparagraph (A) by inserting “for the Immigration and Naturalization Service” and inserting a “.” after “Drug Enforcement Administration” and

(ii) in subparagraph (A) by adding after “.” “Purposes for accountable to the Secretary of Homeland Security;” 

(iii) in subparagraph (B) by striking “and” for the Immigration and Naturalization Service and replacing with “DEPARTMENT OF HOMELAND SECURITY.— Funds available to the Attorney General, . . .” replacing with “DEPARTMENT OF HOMELAND SECURITY.— Funds available to the Secretary of Homeland Security.”

(F) by inserting “or the Secretariat of Homeland Security” after “Attorney General” and striking “and the Immigration and Naturalization Service and replacing with” “DEPARTMENT OF HOMELAND SECURITY.— Funds available to the Secretariat of Homeland Security.”

(G) by inserting “DEPARTMENT OF HOMELAND SECURITY.— Funds available to the Secretariat of Homeland Security.”

SEC. 705. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or any application of such provision or of such amendment to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of this Act and the amendments made by this Act applicable to persons or circumstances shall not be affected.

SEC. 706. FUNDING.

(a) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify—

(1) the appropriation accounts from which the rescission under subsection (a) shall apply; and

(2) the amount of the rescission that shall be applied to each such account.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress and to the Secretary of the Treasury that describes the accounts and amounts determined under subsection (a) for rescission under subsection (a).

(c) EXCEPTIONS.—This subsection shall not apply to unobligated balances of—

(1) the Department;

(2) the Department of Defense; or

(3) the Department of Veterans Affairs.

TITLE VIII—TECHNICAL AMENDMENTS

SEC. 801. REFERENCES TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

TITLE IX—FUNDING, TRANSITIONS, AND CONGRESSIONAL OVERRIDE

SEC. 901. REFERENCES TO THE IMMIGRATION AND NATURALIZATION SERVICE.

(a) The Secretary shall be charged with the administration and enforcement of this Act and all other laws relating to the immigration and naturalization of aliens, except insofar as this Act or such laws relate to the powers, functions, and duties conferred upon the President, Attorney General, the Secretary of Labor, the Secretary of Agriculture, the Secretary of Health and Human Services, the Commissioner of Social Security, the Secretary of State, the officers of the Department of State, or diplomatic or consular officers; however, that a determination and ruling by the Attorney General with respect to all questions of law shall be controlling.

(b) TECHNICAL AND CONFORMING CORRECTIONS.—Subtitle C of title 8, United States Code, is amended by striking the section heading as follows:

1. In section 103 (8 U.S.C. 1103), as amended by paragraph (1), is further amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking “He” and inserting “The Secretary”;

(ii) in paragraph (3), by striking “He” and inserting “The Secretary”;

(iii) in paragraph (4), by striking “He” and inserting “The Secretary”;

(2) by striking “Service or the Department of State” and inserting “the Secretary of State”;

(3) by striking “he” and inserting “The Secretary”;

(4) by striking “he” and inserting “The Secretary”;

(5) by striking “his authority” and inserting “the authority of the Secretary”;

(6) by striking “hims” and inserting “the Secretary”;

(7) in clause (vi), by striking “discretion” and inserting “the discretion of the Secretary”;

(8) by striking “Service” and inserting “the Secretary”;

(9) in paragraph (5)—

(I) by striking “He” and inserting “The Secretary”;

(II) by striking “his discretion,” and inserting “the discretion of the Secretary,” and

(III) by striking “him” and inserting “the Secretary”;

(10) by striking “Serviced” and inserting “Serviced”;

(v) in paragraph (6)—

(I) by striking “He” and inserting “The Secretary”;

(II) by striking “Department” and inserting “agency, department,” and

(III) by striking “Service,” and inserting “Department or upon consular officers with respect to the granting or refusal of visas;”;

(vi) in paragraph (7)—

(I) by striking “He” and inserting “The Secretary”;

(II) by striking “countries,” and inserting “countries”;

(III) by striking “he” and inserting “the Secretary”;

(IV) by striking “his judgment,” and inserting “the judgment of the Secretary;”

(vii) in paragraph (8), by striking “Attorney General” and inserting “Secretary”;

(c) by striking “Attorney General” each place that term appears and inserting “Secretary”;
(ix) in paragraph (11), by striking “Attorney General,” and inserting “Secretary,”; (B) by amending subsection (c) to read as follows: “(c) SECRETARY: APPOINTMENT.—The Secretary shall be a citizen of the United States and shall be appointed by the President, by and with the advice and consent of the Senate. The Secretary shall be charged with any and all responsibilities and authority in the administration of the Department and of this Act. The Secretary may enter into cooperative agreements with State and local law enforcement agencies for the purpose of assisting in the enforcement of the immigration laws;” (C) in subsection (e)— (i) in paragraph (1), by striking “Commissioner” and inserting “Secretary;” (ii) in paragraph (2), by striking “Service” and inserting “U.S. Citizenship and Immigration Services;” (D) in subsection (f)— (i) by striking “Attorney General” and inserting “Secretary;” (ii) by striking “Immigration and Naturalization Service” and inserting “Department;” and (iii) by striking “Secretary,” before “Department;” and (E) in subsection (g)(1), by striking “Immigration Reform, Accountability and Security Enforcement Act of 2002” and inserting “Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135).” (5) CLERICAL AMENDMENT.—The table of contents in the first section is amended by striking the item relating to section 103 and inserting the following: “Sec. 103. Powers and duties.” (6) CLERICAL AMENDMENT.—Section 105.—Section 105(a) is amended (8 U.S.C. 1105(a)) by striking “Commissioner” each place that term appears and inserting “Secretary.” SEC. 801. TECHNICAL AMENDMENTS. (a) SECTION 202.—Section 202(a)(1)(B) (8 U.S.C. 1152(a)(1)(B)) is amended by inserting “Secretary or” after “the authority of” and inserting “Secretary.” (b) Section 203.—Section 203 (8 U.S.C. 1153) is amended— (1) in subsection (b) (2)(B)(i)— (A) in subclause (I)— (i) by striking “Secretary or” before “the Attorney General;” and (ii) by moving such subclause 4 ems to the left; and (B) by moving subclauses (III) and (IV) 4 ems to the left; and (2) in subsection (g)— (A) by striking “Secretary’s” and inserting “Secretary’s”; and (B) by inserting “of State” after “but the Secretary;” (c) Section 204.—Section 204 (8 U.S.C. 1154) is amended— (1) in subsection (a)— (A) in subparagraph (B)— (i) by redesignating the second subclause (I), and inserting 4006(3)(B) of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248), as subclause (II); and (ii) by indenting the left margin of such subclause two ems from the left margin; and (B) in subparagraph (G)(ii), by inserting “of State” after “by the Secretary.” (2) in subsection (c), by inserting “Secretary or” before “the Attorney General” each place that term appears; and (3) in subsection (e), by inserting “to” after “admitted.” (d) Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended— (1) in subsection (a) (2) (A) by inserting the Secretary of Homeland Security or before “Attorney General” in subparagraph (A); (B) by inserting “Secretary of Homeland Security or before “Attorney General” wherever the term appears; (C) in subsection (b)(1), by striking “the Attorney General” and inserting “Secretary of Homeland Security;” (D) in paragraphs (2) and (3) of subsection (c), by inserting “Secretary of Homeland Security or” before “Attorney General;” and (E) in subsection (d)— (A) in paragraph (1), by inserting “Secretary of Homeland Security or” before “the Attorney General;” (B) in paragraph (2), by striking “Attorney General” and inserting “Secretary of Homeland Security;” and (C) in paragraph (3)— (i) by striking “Attorney General” each place that term appears and inserting “Secretary of Homeland Security;” and (ii) by striking “Attorney General’s” and inserting “Secretary’s.” (D) in paragraphs (4) through (6), by inserting “Secretary” before “Attorney General” each place that term appears; (E) in paragraph (g)(1), by striking “Secretary” and inserting “Attorney General” each place that term appears; (F) in paragraph (h), by inserting “Secretary” before “the Attorney General” each place that term appears; (G) in paragraph (i), by inserting “Secretary” before “Attorney General” each place that term appears; (H) in paragraph (j), by inserting “Secretary or” before “the Attorney General” each place that term appears; (I) in paragraph (k), by striking “Secretary,” before “or the Attorney General” each place that term appears; (J) in paragraph (l), in the matter preceding clause (i), by inserting “Secretary” before “or the Attorney General.” (g) Section 213A.—Section 213A (8 U.S.C. 1183A) is amended— (1) in subsection (a)(1), in the matter preceding paragraph (1), by inserting “Secretary,” after “the Attorney General;” and (2) in subsection (b)(1) (B)(ii), by striking “Secretary’s” and inserting “Secretary of Agriculture.” (h) Section 214.—Subparagraph (A) of section 214(c)(9) (8 U.S.C. 1116(c)(9)) is amended, in the matter preceding clause (1), by striking “before.” (i) Section 217.—Section 217 (8 U.S.C. 1187) is amended— (1) in subsection (e)(3)(A), by inserting a comma after “Regulations;” (2) in subsection (f)(2)(A), by striking “section” (c)(2)(C)) and inserting “subsection” (c)(2)(C); and (3) in subsection (h)(3)(A), by striking “the” before “alien” and inserting “an.” (j) Section 218.—Section 218 (8 U.S.C. 1188) is amended— (1) by inserting “of Labor” after “Secretary” each place that term appears, except that this amendment shall not apply to references to the “Secretary of Labor or” to the “Secretary of Agriculture;” (2) in subsection (c)(3)(B)(iii), by striking “Secretary’s” and inserting “Secretary of Labor’s;” and (3) in subsection (g)(4), by striking “Secretary’s” and inserting “Secretary of Agriculture.” (k) Section 219.—Section 219 (8 U.S.C. 1189) is amended— (1) in subsection (a)(1)(B)— (A) by inserting a close parenthetical after “section 212(a)(3)(B);” and (B) by deleting “terrorism;” and (2) in subsection (c)(3)(D), by striking “(2),” and inserting “(2);” and (3) in subsection (d)(4), by inserting “Secretary” of Homeland Security, after “with the”.” (l) Section 222.—Section 222 (8 U.S.C. 1202) is amended— (1) by inserting “or the Secretary” after “Secretary of State” each place that term appears; and
(2) in subsection (f)—
(A) in the matter preceding paragraph (1), by inserting “the Department,” after “Department of State”; and
(B) in each place (2), by striking “Secretary’s” and inserting “their”.
(m) Section 231.—Section 231 (8 U.S.C. 1221) is amended—
(1) in subsection (c)(10), by striking “Attorney General,” and inserting “Secretary;”
(2) in subsection (b), by striking “Attorney General” and inserting “Secretary;”
(3) in subsection (g)—
(A) by striking “of the Attorney General” and inserting “Secretary’s”;
(B) by striking “by the Attorney General” and inserting “by the Secretary;” and
(C) by striking “Commissioner” each place that term appears and inserting “Secretary;”
(4) in subsection (h), by striking “Attorney General” each place that term appears and inserting “Secretary;”
(n) Section 236.—Section 236 (8 U.S.C. 1226) is amended—
(1) in subsection (a)(2)(A), by inserting “the Secretary or” before “the Attorney General” the third place that term appears; and
(2) in subsection (e)—
(A) by striking “review.” and inserting “review, other than administrative review by the Attorney General pursuant to the authority in section 106(c);”
(B) by inserting “the Secretary or” before “Attorney General under”
(c) in each place paragraph (4) of section 238(a) (8 U.S.C. 1225a(4)) is amended by striking “Deputy Attorney General” both places that term appears and inserting “Deputy Secretary for Homeland Security”
(p) Section 237.—Section 237(a) (8 U.S.C. 1227a(a)) is amended—
(1) in the matter preceding paragraph (1), by inserting “following the initiation by the Secretary of removal proceedings” after “upon the order of the Attorney General;”
and
(2) in the heading of subparagraph (E) of paragraph (2), by striking “CHILDREN AND—” and inserting “CHILDREN—”
(q) Section 238.—Section 238 (8 U.S.C. 1228) is amended—
(1) in subsection (a)—
(A) in paragraph (2), by striking “Attorney General” and inserting “Secretary;”
(B) in paragraphs (3) and (4)(A), by inserting “the Secretary” after “Attorney General” each place that term appears;
(2) in subsection (b)—
(A) in paragraph (3) and (4), by striking “Attorney General” each place the term appears and inserting “Secretary of Homeland Security;” and
(B) in paragraph (5) by inserting “or the Secretary” after “Attorney General;”
and
(3) in subsection (d), as so redesignated—
(A) by striking “Commissioner” and “Attorney General” each place those terms appear and inserting “Secretary;”
and
(B) in subparagraph (D)(iv), by striking “Attorney General” and inserting “United States Attorney”
(r) Section 239.—Section 239(a)(1) (8 U.S.C. 1229a(1)) is amended by inserting “and the Secretary” after “Attorney General” each place that term appears
(s) Section 240.—Section 240 (8 U.S.C. 1229a) is amended—
(1) in subsection (b)—
(A) in paragraph (1), by inserting “, with the concurrence of the Secretary with respect to employees of the Department” after “Attorney General;”
and
(B) by striking “Secretary,” by inserting “the Secretary or” before “the Attorney General;” and
(2) in subsection (c)—
(A) in paragraph (2), by inserting “, the Secretary of State, or the Secretary” before “to be confidential”; and
(B) by striking paragraph (7)(C)(ii)(I), by striking the extra comma after the second reference to the term “this title”. Note: Please clarify how to execute this amendment.]
(t) Section 246.—Section 246(b)(8) (8 U.S.C. 1229h(b)) is amended—
(1) in paragraph (3), by striking “Attorney General shall” and inserting “Secretary shall”;
and
(2) in paragraph (4)(A), by striking “Attorney General” and inserting “Secretary;”
(u) Section 248.—Section 248(b) (8 U.S.C. 1229c(c)) is amended—
(1) in paragraphs (1) and (3) of subsection (a), by inserting “or the Secretary” after “Attorney General;”
and
(2) in subsection (c), by inserting “and the Secretary” after “Attorney General.”
(v) Section 241.—Section 241 (8 U.S.C. 1231) is amended—
(1) in subsection (a)(4)(B)(i), by inserting a close parenthetical after “(L);”
and (2) in paragraph (2) of subsection (g)(A), by striking the paragraph heading and inserting “DEPORTATION FACILITIES OF THE DEPARTMENT OF HOMELAND SECURITY;”
(w) by striking “Service,” and inserting “Department;”
(x) by striking “Commissioner” and inserting “Secretary;”
(y) Section 292.—Section 292 (8 U.S.C. 1232) is amended—
(1) in subsection (c)(1)—
(A) by striking “Attorney General” each place that term appears and inserting “Secretary;” and
(B) by striking “Commissioner” each place that term appears and inserting “Secretary;”
(z) Section 294.—Section 294 (8 U.S.C. 1233) is amended—
(1) in the matter preceding paragraph (1), by inserting “, with respect to employees of the Department” after “Secretary,”
and
(2) in paragraph (2), by striking “Attorney General” each place that term appears and inserting “Secretary.”
(aa) Section 295.—Section 295 (8 U.S.C. 1234) is amended—
(1) in subsection (a), the Attorney General is” and inserting “and Attorney General and Secretary are”,
(bb) Section 297.—Section 297 (8 U.S.C. 1232) is amended—
(1) by striking “Commissioner” each place that term appears and inserting “Secretary;”
and
(2) by striking “Attorney General” each place that term appears, except in subsection (e) in the matter preceding paragraph (1), and inserting “Secretary;”
(cc) Section 274.—Section 274(b)(2) (8 U.S.C. 1324b(b)) is amended by striking “Secretary of the Treasury” and inserting “Secretary”.
(dd) Section 274.—Paragraph (2) of section 274(b)(2) (8 U.S.C. 1324b(c)) is amended by striking “Secretary” and inserting “Secretary.”
(ee) Section 254.—Section 254 (8 U.S.C. 1225) is amended—
(1) by striking “or the Secretary” after “status, the Attorney General”;
and
(2) by striking “Secretary” and inserting “Secretary;”
(ff) Section 258.—Section 258 (8 U.S.C. 1225) is amended—
(1) by inserting “Labor” after “Secretary” each place that term appears, except that this amendment shall not apply to references to the Secretary of State, or to subsection (e)(2);
(2) in subsection (d)(2)(A), by striking “at” after “while”; and
(3) in subsection (e)(2), by striking “Secretary” and inserting “the Secretary.”
(gg) Section 256.—Section 256 (8 U.S.C. 1226) is amended—
(1) by inserting “or Labor” after “Secretary” each place that term appears, except that this amendment shall not apply to references to the Secretary of State, or to subsection (e)(2);
(2) in subsection (d)(2)(A), by striking “at” after “while”; and
(3) in subsection (e)(2), by striking “Secretary” and inserting “the Secretary.”
(hh) Section 258.—Section 258 (8 U.S.C. 1228) is amended—
(1) by inserting “Labor” after “Secretary” each place that term appears, except that this amendment shall not apply to references to the Secretary of State, or to subsection (e)(2);
(2) in subsection (d)(2)(A), by striking “at” after “while”; and
(3) in subsection (e)(2), by striking “Secretary” and inserting “the Secretary.”
(ii) Section 272.—Section 272 (8 U.S.C. 1222) is amended—
(1) by striking “Commissioner” each place that term appears and inserting “Secretary;”
and
(2) by striking “Attorney General” each place that term appears, except in subsection (e) in the matter preceding paragraph (1), and inserting “Secretary;”
(jj) Section 274.—Section 274(b)(2) (8 U.S.C. 1324b(b)) is amended by striking “Secretary” and inserting “Secretary of the Treasury”.
(kk) Section 276.—Section 276 (8 U.S.C. 1226) is amended—
(1) in subsection (q)(1)(B), by striking “, in consultation with the Secretary of the Treasury,”
and
(2) in subsection (r)(2), by striking “section 245(i)(3)(B)” and inserting “section 245(i)(3)(B);”
(ll) Section 277.—Section 277 (8 U.S.C. 1227) is amended—
(1) by inserting “of the Secretary” after “status, the Attorney General;”
and
(2) by striking “Commissioner” and inserting “Secretary” each place those terms appear and inserting “Secretary.”
(mm) Section 249.—Section 249 (8 U.S.C. 1259) is amended by inserting “or the Secretary” after “status, the Attorney General;”
(nn) Section 274.—Section 274(d)(2)(A) (8 U.S.C. 1324d(c)(2)(A)) is amended by inserting “or the Secretary” after “subsection (a), the Attorney General;”
(oo) Section 274.—Section 274(d) (8 U.S.C. 1324d) is amended in subsection (a)(2) of section 274(d) (8 U.S.C. 1324d(a)(2)) is amended by striking “Commissioner” and inserting “Secretary.”
(pp) Section 286.—Section 286 (8 U.S.C. 1266) is amended—
(1) in subsection (q)(1)(B), by striking “, in consultation with the Secretary of the Treasury,”
and
(2) in subsection (r)(2), by striking “section 245(i)(3)(B)” and inserting “section 245(i)(3)(B);”
(qq) Section 287.—Section 287 (8 U.S.C. 1226) is amended—
(1) by inserting “5 percent” and inserting “USE OF FEES FOR DUTIES RELATING TO PETITIONS.—Five percent;” and
(4) by striking “paragraph (1) (C) or (D) of section 201i”) and inserting “paragraph (C) or (D) of section 201a(i)”; and
(5) in subsection (v)(2)(A)(i), by adding “or” after the semicolon.

(qq) SECTION 294.—Section 294 (8 U.S.C. 1363a) is amended—
(1) in the undesignated matter following paragraph (a) of subsection (a), by striking “Commissioner, in consultation with the Deputy Attorney General,” and inserting “Secretary”;
and
(2) in subsection (d), by striking “Deputy Attorney General” and inserting “Secretary”.

SEC. 804. TITLE III TECHNICAL AMENDMENTS.

(a) TITLE III.—Title III (8 U.S.C. 1363 et seq.) is amended—
(1) in subsection (d), by inserting “or by the Secretary” after “Attorney General”;
and
(2) in subsection (f)(1), by striking “Immigration, the Attorney General and the Commissioner of Immigration” and inserting “Intelligence and the Secretary”.

(b) SECTION 322.—Paragraph (1) of section 322(a) (8 U.S.C. 1433(a)) is amended—
(1) by inserting “is” before “or,” and
(2) by striking “is” before “a citizen”.

(c) SECTION 342.—
(1) SECTION HEADING.—Section 342 (8 U.S.C. 1453) is amended by striking the section heading and inserting “CANCELLATION OF CERTIFICATES; ACTION NOT TO AFFECT CITIZENSHIP STATUS”.

(b) Clerical Amendment.—The table of contents in the first section is amended by striking the item relating to section 342 and inserting the following:

“Sec. 342. Cancellation of certificates; action not to affect citizenship status.”.

(2) In General.—Section 342 (8 U.S.C. 1453) is amended—
(A) by striking “heretofore issued or made by the Commissioner or a Deputy Commissioner or hereafter made by the Attorney General”; and
(B) by striking “practiced upon, him or the Commissioner or a Deputy Commissioner”.

SEC. 805. TITLE IV TECHNICAL AMENDMENTS.

Clause (1) of section 412(a)(2)(C) (8 U.S.C. 1522a(2)(C)(i)) is amended by striking “in sure” and inserting “ensure”.

SEC. 806. TITLE V TECHNICAL AMENDMENTS.

(a) TITLE V.—Title V (8 U.S.C. 1534) is amended—
(1) in subsection (a)(1)(A), by striking “a” before “removal proceedings”;
(2) in subsection (b), by striking “Attorney General” inserting “Government”; and
(3) in subsection (k)(2), by striking “by”.

(b) SECTION 505.—Section 505 (8 U.S.C. 1536(a)) is amended by inserting “and the Secretary” after “Attorney General”.

SEC. 807. OTHER AMENDMENTS.

(a) Correction of Commissioner of Immigration and Naturalization.—
(1) In General.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) as amended by this Act, is further amended by striking “Department of Justice” each place that term appears and inserting “Department”.

(b) Correction of Department of Justice.—
(1) In General.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by this Act, is further amended by striking “Department of Justice” each place that term appears and inserting “Department”.

(c) Correction of Department of Justice.—
(1) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by this Act, is further amended by striking “Department of Justice” each place that term appears and inserting “Department”.

EXCEPTIONS.—The amendment made by paragraph (1) shall not apply in subsections (d)(3)A and (r)(5)(A) of section 214 (8 U.S.C. 1101f), subsection 274B(c)(1) (8 U.S.C. 1224b(c)(1)), or title V (8 U.S.C. 1351 et seq.).

(d) Correction of Attorney General.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by this Act, is further amended by striking “Attorney General” each place that term appears and inserting “Secretary”, except for in the following:

(1) Any joint references to the “Attorney General and the Secretary of Homeland Security” or “the Secretary of Homeland Security and the Attorney General”.

(2) In section 101(a)(5), (A) and (B) of section 342 (8 U.S.C. 1453(a)) is amended—
(1) by striking “(2)(A) and (r)(5)(A) of section 214 (8 U.S.C. 1101f), subsection 274B(c)(1) (8 U.S.C. 1224b(c)(1)), or title V (8 U.S.C. 1351 et seq.).

SEC. 808. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) Repairs.—
(1) IMMIGRATION AND NATURALIZATION SERVICE.—
(A) In General.—Section 4 of the Act of February 14, 1903 (32 Stat. 826, chapter 552; 8 U.S.C. 1551) is repealed.

(B) 8 U.S.C. 1551.—The language of the compilers set out in section 1551 of title 8 of the United States Code shall be removed from the compilation of such title 8.

(2) COMMISSIONER OF IMMIGRATION AND NATURALIZATION; OFFICE.—

(B) 8 U.S.C. 1552.—The language of the compilers set out in section 1552 of title 8 of the United States Code shall be removed from the compilation of such title 8.

(3) Assistant Commissioners and District Directors; Compensation and Salary Grade.—Title II of the Department of Justice Appropriation Act, 1997 (70 Stat. 307, chapter 414; 8 U.S.C. 1553) is amended in the matter following the heading “Immigration and Naturalization” and under the subheading “SALARIES AND EXPENSES” by striking “That hereafter special immigrant inspectors, not to exceed three, may be detailed for duty in the Bureau at Washington: Provided further,”.

(b) Construction.—Nothing in this title shall be construed to repeal or limit the applicability of sections 462 and 1312 of the Homeland Security Act of 2002 (6 U.S.C. 279 and 552) with respect to any provision of law or matter not specifically addressed by the amendments made by this title.

SEC. 809. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) Correction to the Intelligence Reform and Terrorism Prevention Act of 2001.—Section 5002(b) of the Intelligence Reform and Terrorism Prevention Act of 2001, Pub. L. 107-56, is amended by striking “E. Participated in the commission of severe violations of religious freedom,” and inserting “F. Participated in the commission of severe violations of religious freedom”.

(b) Conforming Amendment to the Child Soldiers Accountability Act of 2008.—Section 202 of the Child Soldiers Accountability Act of 2008, Pub. L. 110-340, is amended by striking “(F) Recruitment or use of child soldiers,” and inserting “(G) Recruitment or use of child soldiers”.

(c) Central Intelligence Agency Act of 1949.—Section 7 of the Central Intelligence
Agency Act of 1949 (50 U.S.C. 3508) is amended by striking ‘‘Commissioner of Immigration’’ and inserting ‘‘Secretary of Homeland Security’’.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 245—CALLING ON THE GOVERNMENT OF IRAN TO RELEASE UNJUSTLY DETAINED UNITED STATES CITIZENS AND LEGAL PERMANENT RESIDENTS, AND FOR OTHER PURPOSES

Mr. CRUZ (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 245

Whereas the Islamic Revolutionary Guard Corps (IRGC) of Iran has taken as hostages several United States citizens, including Siamak Namazi, Baquer Namazi, and Xiyue Wang, as well as United States legal permanent resident alien Nizar Zakka;

Whereas Siamak Namazi was detained on October 15, 2015, falsely accused and convicted on October 18, 2016, for ‘‘collaborating with a hostile government,’’ and has been held for extended periods in solitary confinement and subjected to prolonged interrogation;

Whereas former United Nations Children’s Fund (UNICEF) official Baquer Namazi, the 80-year-old father of Siamak Namazi, was detained on February 22, 2016, falsely charged and sentenced to 10 years in prison for the identical crime as his son;

Whereas former Secretary-General of the United Nations Ban Ki-moon urged authorities in Iran to release Baquer Namazi, whose health is deteriorating, so his family can care for him;

Whereas UNICEF has issued 4 public statements on Baquer Namazi’s behalf;

Whereas Xiyue Wang, a graduate student at Princeton University, was arrested in Iran on or about August 7, 2016, while studying in the late Qajar dynasty as background for his doctoral dissertation, detained by Iran in Evin prison for almost a year, falsely charged with espionage, and sentenced to 10 years in prison;

Whereas Robert Levinson, a United States citizen and retired agent of the Federal Bureau of Investigation, traveled to Kish Island, Iran, and disappeared on March 9, 2007;

Whereas, according to former White House Press Secretary Josh Earnest, the United States Government had ‘‘secured a commitment to try and gather information about Mr. Levinson’s possible whereabouts’’ but has not received any information thereof thus far;

Whereas Nizar Zakka, a United States legal permanent resident alien and Lebanese national, who is also in poor health, was unlawfully detained around September 18, 2015, after speaking at a conference in Iran at the invitation of Iran, and was later falsely charged with being a spy and sentenced to 10 years in the Evin prison in Iran;

Whereas, on April 25, 2017, at the meeting of the Joint Commission overseeing implementation of the Joint Comprehensive Plan of Action, the Department of State reported that the United States delegation had ‘‘raised with the Iranian delegation its serious concerns regarding the cases of U.S. citizens detained and missing in Iran, and called on Iran to immediately release all U.S. citizens so they can be reunited with their families’’; and

Whereas reports indicate that the Government of Iran has sought to condition the release of imprisoned nationals and dual-nationals on receipt of economic or political concessions, a practice banned by the International Convention for the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979, and acceded to by the Government of Iran on November 20, 2006, and other international legal norms: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the Government of Iran to release Siamak Namazi, Baquer Namazi, Xiyue Wang, Nizar Zakka, and any other United States citizens, legal permanent resident alien, or foreign national being unjustly detained in Iran;

(2) urges the President to make the release of United States citizens and legal permanent resident aliens held hostage by the Government of Iran a high priority;

(3) requests that the United States and its allies whose nationals and residents have been detained consider establishing a multinational task force to work to secure the release of the detainees;

(4) urges the Government of Iran to take meaningful steps toward fulfilling its repeated promises to assist in locating and returning Robert Levinson, including immediately providing all available information from all entities of the Government of Iran regarding the disappearance of Robert Levinson to the United States Government;

(5) urges the President to take whatever steps are in the national interest to secure the release of Siamak Namazi, Baquer Namazi, Xiyue Wang, Nizar Zakka, and any other United States citizen, legal permanent resident alien, or foreign national being unjustly detained in Iran; and

(6) urges the President to take whatever steps are in the national interest to determine the whereabouts and secure the return of Robert Levinson.

SENATE RESOLUTION 246—DESIGNATING THE FIRST WEEK IN AUGUST 2017 AS ‘‘WORLD BREAST-FEEDING WEEK’’, AND DESIGNATING AUGUST 2017 AS ‘‘NATIONAL BREASTFEEDING MONTH’’

Mr. MERRICK (for himself and Mr. MARKET) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 246

Whereas the American Academy of Pediatrics recommends that breastfeeding continue for at least 12 months after the birth of a baby and for as long as the mother and baby desire;

Whereas the World Health Organization recommends continued breastfeeding for 2 years or longer after the birth of a baby;

Whereas the World Alliance for Breastfeeding Action has designated the first week of August as ‘‘World Breastfeeding Week’’; and the United States Breastfeeding Committee has designated August as ‘‘National Breastfeeding Month’’;

Whereas National Breastfeeding Month focuses on how data and measurement can be used to build and reinforce the connections between breastfeeding and a broad spectrum of other health topics and initiatives;

Whereas World Breastfeeding Week and National Breastfeeding Month provide important opportunities to address barriers to breastfeeding faced by families across the United States;

Whereas, according to the [2016] Breastfeeding Report Card of the Centers for Disease Control and Prevention, 4 of every 5 mothers, or 81.1 percent of mothers, in the United States start breastfeeding their babies;

Whereas by the end of 6 months after the birth of a baby, breastfeeding rates fall to 51.8 percent, and only 22.3 percent of babies are exclusively breastfed at 6 months of age;

Whereas 2 of every 3 mothers report that they are unable to reach their personal breastfeeding goals;

Whereas there are substantial racial and ethnic disparities in breastfeeding initiation and duration;

Whereas, in 2013, 84.3 percent of non-Hispanic White infants initiated breastfeeding, and compared to—

(1) 66.3 percent of non-Hispanic Black infants; and

(2) 68.3 percent of non-Hispanic American Indian and Alaska Native infants;

Whereas the Healthy People 2020 objectives for breastfeeding are that—

(1) 82 percent of babies are breastfed at some time;

(2) 61 percent of babies continue to be breastfed at 6 months; and

(3) 34 percent of babies continue to be breastfed at 1 year;

Whereas breastfeeding is a proven primary prevention strategy that builds a foundation for life-long health and wellness;

Whereas the evidence of the value of breastfeeding to the health of women and children is scientific, solid, and continually reaffirmed by new research;

Whereas, during the first year of the life of a family, a family-based breastfeeding program follows optimal breastfeeding practices can save between $1,200 and $1,500 in expenses on infant formulas; and

Whereas a 2016 study of maternal and pediatric health outcomes and associated costs based on 2012 breastfeeding rates indicates that if 90 percent of infants were breastfed according to medical recommendations, 3,250 deaths, $3,000,000,000 in medical costs, and $14,200,000,000 in costs relating to premature death would be prevented annually; and

Whereas the great majority of pregnant women and new mothers want to breastfeed but face significant barriers in community, health care, and employment settings: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of August 2017 as ‘‘World Breastfeeding Week’’; and

(2) designates August 2017 as ‘‘National Breastfeeding Month’’;

(3) supports the goals of National Breastfeeding Month; and

(4) supports policies and funding to ensure that all mothers who choose to breastfeed can access a full range of appropriate support from health care institutions, health care insurers, employers, and government entities.

Whereas the World Health Organization recommends that breastfeeding continue for 2 years or longer after the birth of a baby; and

Whereas the World Alliance for Breastfeeding Action has designated the first week of August as ‘‘World Breastfeeding Week’’; and the United States Breastfeeding Committee has designated August as ‘‘National Breastfeeding Month’’;
SENATE RESOLUTION 247—DESIGNATING JULY 29, 2017, AS “PARALYMPIC AND ADAPTIVE SPORT DAY”

Mr. HATCH (for himself, Mr. BENNET, Mr. ISAKSON, and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

Whereas, in 2015, roughly 33,000,000 people in the United States reported living with some type of impairment;

Whereas in 2015, approximately 3,800 veterans in the United States reported living with a service-related disability;

Whereas adaptive sports for individuals with impairments have existed for more than 100 years;

Whereas, after World War II, adaptive sports were widely introduced in order to assist the large number of World War II veterans and civilians that were injured during wartime;

Whereas July 29, 1948, marks the date of the Opening Ceremony of the London 1948 Olympic Games in Stoke Mandeville, United Kingdom, where Dr. Ludwig Guttmann organized the first wheelchair competition for service men injured in World War II (also known as the “Stoke Mandeville Games”);

Whereas the Stoke Mandeville Games, in 2017, has evolved into the Paralympic Games and include athletes with physical, visual, and intellectual impairments;

Whereas the International Paralympic Movement celebrates values such as courage, determination, inspiration, and equality, and works to enable Paralympic athletes to achieve sporting excellence and inspire and excite the world;

Whereas Paralympians in the United States continue to achieve competitive excellence, preserve ideals and values of the International Paralympic Movement, and inspire all people in the United States;

Whereas 18 veterans were members of Team USA at the 2014 Paralympic Winter Games held in Sochi, Russia, and 35 veterans were members of Team USA at the 2016 Paralympic Summer Games held in Rio de Janeiro, Brazil;

Whereas the growth in the Paralympic Games, other adaptive sport competitions, and athletic reconditioning activities such as the Paralympic Military Program plays a fundamental role in the development of service men and women with impairments and veterans who are integrating into civilian life and can enable those individuals to gain a new purpose in life by extending their physical limits during rehabilitation in order to rebuild and recover personal identity, formulate adaptive strategies for life, and achieve athletic excellence;

Whereas a celebration of Paralympic and Adaptive Sport Day will improve communities in the United States and uplift and inspire the Paralympic champions of the future;

Whereas Paralympic and Adaptive Sport Day will encourage the youth in the United States to participate in and support the practical inclusion of all people in sports; and

Whereas Paralympic and Adaptive Sport Day creates a platform of understanding toward individuals with impairments: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 29, 2017, as “Paralympic and Adaptive Sport Day”;

(2) supports the inclusive goals and ideals of the International Paralympic Movement, as well as communities for individuals with impairments to be full contributing participants in society;

(3) acknowledges the extraordinary contribution and sacrifice made by members of the Armed Forces and veterans who have sustained a traumatic injury and impairment while serving the United States;

(4) promotes a more inclusive society for all individuals with impairments through Paralympic and adaptive sports throughout the United States;

(5) promulgates the importance of the International Paralympic Movement, including courage, determination, inspiration, and equality.

SENATE RESOLUTION 248—EXpressing the Sense of the Senate that Flowers Grown in the United States Support the Farmers, Small Businesses, Jobs, and Economy of the United States; That Flower Farming Is an Honorable Vocation; and Designating July as “American Grown Flower Month”

Mrs. FEINSTEIN (for herself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

Whereas flowers speak to the beauty of motherhood on Mother’s Day; and to the spirit of love on Valentine’s Day;

Whereas, flowers are an essential part of other holidays such as Thanksgiving, Christmas, Hanukkah, and Kwanzaa;

Whereas flowers help commemorate the service and sacrifice of our Armed Forces on Memorial Day and Veterans Day; and

Whereas the Senate encourages the cultivation of flowers in the United States by domestic flower farmers: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 29, 2017, as “American Grown Flower Month”;

(2) recognizes that purchasing flowers grown in the United States supports the farmers, small businesses, jobs, and economy of the United States;

(3) recognizes that growing flowers and greens in the United States is a vital part of the agricultural industry of the United States;

(4) recognizes that cultivating flowers domestically enhances the ability of the people of the United States to festively celebrate holidays and special occasions; and

(5) urges all people of the United States to proactively showcase flowers and greens grown in the United States in order to show support for our flower farmers, processors, and distributors as well as agriculture in the United States overall.

SENATE RESOLUTION 249—Designating September 2017 as “National Child Awareness Month” to promote awareness of charities that benefit children and youth-serving organizations throughout the United States and recognizing the efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States

Mrs. FEINSTEIN (for herself and Mr. LANKFORD) submitted the following resolution; which was considered and agreed to:

Whereas millions of children and youth in the United States represent the hopes and the future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of, and increasing support for, organizations that provide education, health care, services, recreation, the arts, sports, and other services will result in the development of character.
in, and the future success of, the children and youth of the United States;

Whereas the month of September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase focus on children and youth throughout the United States;

Whereas the month of September is a time for the American people to highlight, and be mindful of, the needs of children and youth;

Whereas private corporations and businesses have joined hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas on September 2017 as “National Child Awareness Month” would recognize that a long-term commitment to children and youth is in the public interest and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2017 as “National Child Awareness Month”:

(1) to promote awareness of charities that benefit children and youth-serving organizations throughout the United States; and

(2) to foster public awareness of the efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 752. Mr. ALEXANDER (for Mr. MANCHIN) proposed an amendment to the bill S. 581, to include information concerning a patient’s opioid addiction in certain medical records.

SA 753. Mr. JOHNSON (for himself, Mr. DONNELLY, and Mrs. CAPITO) proposed an amendment to the bill S. 204, to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and for other purposes.

SA 754. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2410, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend requirements for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes; which was ordered to lie on the table.

SA 755. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2410, supra; which was ordered to lie on the table.

SA 756. Mr. VAN HOLLERN submitted an amendment intended to be proposed by him to the bill H.R. 2410, supra; which was ordered to lie on the table.

SA 759. Mr. BALDWIN submitted an amendment intended to be proposed by her to the bill H.R. 2410, supra; which was ordered to lie on the table.

SA 760. Mr. WARNER (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 761. Mr. BROWN (for himself and Mr. SCOMACCHIO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 762. Mr. YOUNG submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 763. Mr. ROUND submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 764. Mr. VAN HOLLERN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 765. Mr. YOUNG submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 766. Mr. VAN HOLLERN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 767. Mr. PERDUE proposed an amendment to the bill S. 765, to amend title 18, United States Code, to provide for penalties for the sale or distribution of inoperable or contraband to a member of the Armed Forces.

SA 768. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill S. 88, to authorize appropriations for the fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 769. Mr. CARPER (for Mrs. FISCHER) proposed an amendment to the bill S. 88, to ensure appropriate spectrum planning and interagency coordination to support the Internet of Things.

SA 770. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 771. Ms. MURkowski (for Mr. CARMER) proposed an amendment to the bill S. 1099, to provide for the identification and prevention of improper payments and the identification and correction of errors and omissions in the development of best practices, consistent with Federal and State laws and regulations.

SA 772. Ms. MURkowski (for Mr. YOUNG) proposed an amendment to the bill S. 1142, to require the Secretary of the Treasury to mint commemorative coins in recognition of the 750th anniversary of the American Legion.

SA 773. Ms. MURkowski (for Mr. SULLIVAN) proposed an amendment to the bill S. 765, to reauthorize and amend the Marine dependent Care Act to provide international action to reduce marine debris, and for other purposes.

TEXT OF AMENDMENTS

SA 752. Mr. ALEXANDER (for Mr. MANCHIN) proposed an amendment to the bill S. 581, to include information concerning a patient’s opioid addiction in certain medical records; as follows:

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

(a) BEST PRACTICES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with appropriate stakeholders, including a patient’s health care provider, shall identify or facilitate the development of best practices regarding—

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

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

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

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

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

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

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

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

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

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

SA 753. Mr. JOHNSON (for himself, Mr. DONNELLY, and Mrs. CAPITO) proposed an amendment to the bill S. 204, to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

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

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting after section 215A (21 U.S.C. 360bb-4) the following:
SEC. 561B. INVESTIGATIONAL DRUGS FOR USE BY ELIGIBLE PATIENTS.

(a) Definitions.—For purposes of this section—

(1) the term ‘eligible patient’ means a patient—

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

(B) who has exhausted approved treatment or is otherwise ineligible to participate in a clinical trial involving the eligible investigational drug, as certified by a physician, who—

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

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

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

(2) the term ‘eligible investigational drug’ means an investigational drug (as such term is used in section 351 of the Public Health Service Act); and

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

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

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

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

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

(II) is the subject of an active investigational new drug application under section 505(i) of this Act or section 351(a)(3) of the Public Health Service Act.

(b) Limitation.—If the Secretary makes a determination under paragraph (1)(A), the Secretary shall provide written notice of such determination to the subject of such determination, including such public health justification for such determination, and such notice shall be made part of the administrative record. Such determination shall be delegated below the director of the agency center that is charged with the premarket review of the eligible investigational drug.

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

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

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

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

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

(b) No Liability.—

(1) ALLEGED ACTS OR OMISSIONS.—With respect to any alleged act or omission with respect to an eligible investigational drug provided to an eligible patient pursuant to section 561B of the Federal Food, Drug, and Cosmetic Act, and in compliance with section 380 of the Public Health Service Act, no liability in a cause of action shall lie against—

(A) a sponsor or manufacturer; or

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

(2) Determination Not to Provide Drug.—No liability shall lie against a sponsor or manufacturer, or other individual entity for its determination not to provide access to an eligible investigational drug under section 561B of the Federal Food, Drug, and Cosmetic Act, and in compliance with such section, no liability in a cause of action shall lie against—

(A) a sponsor or manufacturer; or

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

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

SEC. 5. SENSE OF THE SENATE.

It is the sense of the Senate that—

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

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

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

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

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

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

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

SA 754. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2430, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, insert the following:

SEC. 906. BAN ON CHARACTERIZING FLAVORS IN NEWLY DEEMED TOBACCO PRODUCTS.

A product that is a newly deemed tobacco product under the rule entitled “Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Tobacco Prevention and Tobacco Control Act; Restrictions on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products”, published May 10, 2016 (81 Fed. Reg. 28973), or any of component parts of such tobacco product (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, clove, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke.

SA 755. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2430, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, insert the following:

SEC. 906. TOBACCO PRODUCTS.

Notwithstanding any other provision of law, the Commissioner of Food and Drugs may not delay the deadline, set forth in the rule entitled “Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; Restrictions on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products”, published May 10, 2016 (81 Fed. Reg. 28973), or any of component parts of such tobacco product (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, clove, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke.

SEC. 561B involves an informed assumption of risk; and

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

SA 754. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2430, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, insert the following:

SEC. 906. BAN ON CHARACTERIZING FLAVORS IN NEWLY DEEMED TOBACCO PRODUCTS.

A product that is a newly deemed tobacco product under the rule entitled “Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Tobacco Prevention and Tobacco Control Act; Restrictions on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products”, published May 10, 2016 (81 Fed. Reg. 28973), or any of component parts of such tobacco product (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, clove, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke.

SA 755. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2430, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, insert the following:

SEC. 906. TOBACCO PRODUCTS.

Notwithstanding any other provision of law, the Commissioner of Food and Drugs may not delay the deadline, set forth in the rule entitled “Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; Restrictions on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products”, published May 10, 2016 (81 Fed. Reg. 28973), or any of component parts of such tobacco product (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, clove, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke.
SA 756. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 737. TRANSFER TO DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—There is transferred from the Department of Homeland Security to the Department of Defense the authority to operate the National Biodefense Analysis and Countermeasures Center.

(b) TRANSFER OF AMOUNTS.—The Secretary of Homeland Security shall transfer to the Secretary of Defense such amounts as may be necessary to operate the Center for a two-year period.

(c) ROLE OF DEPARTMENT OF DEFENSE AFTER TRANSFER.—After the transfer of authority under subsection (a), the Secretary of Defense shall—

(1) serve as the executive agent and custodian for operations of the Center;

(2) support the activities of the Center, particularly those activities that support Federal government customers;

(3) ensure that the needs of all customers of the Center are met; and

(4) enter into memoranda of understanding with beneficiaries of the Center to ensure equitable cost sharing in the activities of the Center.

(e) ONGOING OPERATIONS.—The Secretary of Homeland Security and the Secretary of Defense shall—

(i) provide such transition planning and assistance in the transfer of authority and the activities of the National Biodefense Analysis and Countermeasures Center as may be necessary to maintain operational readiness and mission effectiveness of the Center;

(ii) ensure that the transfer of authority to Department of Homeland Security and Department of Defense does not diminish or curtail the ongoing operations of the Center.

SEC. 758. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 1606. LAUNCH SUPPORT AND INFRASTRUCTURE MODERNIZATION.

(a) IN GENERAL.—In Appendix T of chapter 3 of title 10 of the United States Code, the policy outlined in section 2273 of title 10, United States Code, the Secretary of the Army shall carry out a program to modernize infrastructure support to support the testing and launch of United States national security space missions from ranges owned or operated by the Federal Government or States.

(b) ELEMENTS.—The program required by this section shall include—

(1) investments in infrastructure to improve operations at ranges in the United States that may benefit all users, to enhance the overall capabilities of those ranges,
improve safety, and to reduce the long-term cost of operations and maintenance;
(2) measures to normalize processes, systems, and products across the ranges described in paragraph (1) to minimize the burden on launch providers; and
(3) improvements in transparency, flexibility, and responsiveness for launch scheduling.

(c) Consultation.—In carrying out the program required by this section, the Secretary should consult with current and anticipated users of ranges in the United States.

(d) Cooperation.—In carrying out this section, the Secretary should consider partnerships and leveraged under section 2275 of title 10, United States Code.

(e) Report.—

(1) Report required.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the plan for the implementation of the launch support and infrastructure modernization program at ranges in the United States.

(2) Elements.—The report required under paragraph (1) shall include—
(A) a description of plans and the resources needed to improve launch support infrastructure, utilities, support equipment, and range operations;
(B) a description of plans to streamline and normalize processes, systems, and products at ranges described in paragraph (1) to ensure consistency for range users; and
(C) recommendations for improving transparency, flexibility, and responsiveness in launch scheduling.

SA 761. Mr. BROWN (for himself and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place, insert the following:

SEC. 3. IMPORTANCE OF HISTORICALLY BLACK AND MINORITY-OWNED UNIVERSITIES, HBCUS, AND MINORITY-SERVING INSTITUTIONS.

(a) Findings.—Congress finds that—
(1) historically Black colleges and universities (HBCUs) and minority-serving institutions play a vital role in educating low-income and underrepresented students in areas of national need;
(2) HBCUs and minority-serving institutions presently are collaborating with the Department of Defense in research and development efforts that contribute to the defense readiness and national security of the Nation;
(3) by their research these institutions are helping to develop the next generation of scientists and engineers who will help lead the Department of Defense in addressing high-priority national security challenges; and
(4) it is important to further engage HBCUs and minority-serving institutions in university research and innovation, especially in prioritizing software development and cyber security by utilizing existing Department of Defense labs, and collaborating with existing programs that help attract and recruit talent programs like the Air Force Minority Leadership Programs, which recruit Americans from diverse background to serve their country through service in our Nation’s military.

(b) Increase.—Funding in Research, Development, Test, and Evaluation, Defense-wide, for Fiscal Years 2016 to 2018, for Basic Research, Historically Black Colleges and Universities/Minority Institutions, Line 006, is hereby increased by $12,000,000.

(c) Offset.—Funding in section 401 for Other Procurement, Army, for Automated Data Processing Equipment, Line 108, is hereby reduced by $12,000,000.

SA 762. Mr. YOUNG submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subsection E of title V, add the following:

SEC. 3. ANNUAL REPORT ON PARTICIPATION IN THE TRANSITION ASSISTANCE PROGRAM FOR MEMBERS OF THE ARMED FORCES.

Section 114 of title 10, United States Code, is amended by adding at the end the following new subsection:

(2) Each report under this subsection shall set forth, for the year covered by such report, the following:
(A) The number of members who were eligible for participation in the program, in aggregate and by component of the armed forces.
(B) The number of members who participated in the program, in aggregate and by component of the armed forces, for each of such purposes.

(3) Each report under this subsection may also include such recommendations for legislative or administrative action as the Secretary of Defense, in consultation with the Secretary of Labor, the Secretary of Veterans Affairs, and the Secretary of Homeland Security, considers appropriate to increase participation of members of the armed forces in each service set forth in paragraph (2).

SA 764. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place, insert the following:

SEC. 3. FACILITIES REDUCTION PROGRAM.

The Secretary of the Army shall consider the following factors when making resource allocations from the Facilities Reduction Program:

(1) The potential risk of contaminated unused facilities to Army readiness and to Army missions.

(2) The cost to maintain and secure unused and obsolete facilities.
by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 2. IMPROVEMENT OF AUTHORITIES ON PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

Subparagraph (C) of section 130(e)(1) of title 10, United States Code, is amended to read as follows:

"(C) relates to—

(1) the airspace above a military installation, airfield, or range;

(2) any area within 500 meters horizontally or vertically of a military aircraft, vessel, or convoy;

(3) any restricted, limited, or exclusion area of a military installation;

(4) any airspace that is prohibited or restricted for military purposes;

(5) any area the presence in which of an unmanned aircraft or unmanned aircraft system could interfere with lawful defense activities, including airfield and military operations and training; or

(6) any area the presence in which of an unmanned aircraft or unmanned aircraft system poses a national security risk through the unauthorized disclosure of sensitive or classified information."

SEC. 765. Mr. VAN HOLEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 3. PENETRATION OF SECURITY PROTOCOLS AND REASONS TO TERRORISM.

From amounts authorized to be appropriated or otherwise made available for the Department of Defense for fiscal year 2018, the Secretary of Defense may provide funds to the National Consortium for the Study of Terrorism and Responses to Terrorism (START) in order to support programs and activities of the National Consortium that contribute to Department of Defense missions and capabilities.

SA 766. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4. PREVENTING OUTSOURCING.

(a) CONSIDERATION OF OUTSOURCING.

(1) In general.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2327 the following new section:


"(a) DISCLOSURE OF OUTSOURCING OF JOBS.—

"(1) IN GENERAL.—The head of an agency shall require a contractor that submits a bid or proposal in response to a solicitation issued by the agency to disclose in that bid or proposal its outsourcing plans.

"(2) Outsourcing Plans.—The head of an agency shall require a contractor to submit outsourcing plans if the contractor, or a subsidiary of the contractor, owns a facility for which there is an outsourcing event during the three-year period ending on the date of the submission of the bid or proposal.

"(3) Outsourcing Event.—For purposes of paragraph (1), the term "outsourcing event" means a plant closing or mass layoff (as defined in section 291(e)(1) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101)) in which the employment loss occurs at any one site as a result of a single outsourcing event.

"(b) CONSIDERATION AUTHORIZED.—(1) Agency contracting officers considering bids or proposals in response to a solicitation issued by the agency may take into account any negative preference of up to 10 percent of the cost of a contract for failing to include in the solicitation a contract that makes a disclosure pursuant to subsection (a).

"(2) Sense of Congress.—It is the sense of Congress that agency contracting officers should, when section 2327a(b)(3) of this title, exclude contractors making a disclosure pursuant to subsection (a) in response to solicitation issued by the agency during the preceding year for which such disclosure was made pursuant to subsection (a) in responsive bids or proposals.

"(3) Annual Report.—The head of each agency shall submit to Congress each year a report on the following:

"(1) The number of solicitations made by the agency during the preceding year for which disclosure was made pursuant to subsection (a) in responsive bids or proposals.

"(2) The number of contracts awarded by the agency during the preceding year for which disclosure was made pursuant to subsection (a) in responsive bids or proposals.

"(4) Clerical Amendment.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by inserting after the item relating to section 2327 the following new item:

"2327a. Contracts: consideration of outsourcing of jobs."
United States obligations under international agreements.

SA 769. Mr. WICKER (for Mrs. FISCHER) proposed an amendment to the bill S. 88, to ensure appropriate spectrum planning and interagency coordination to support the Internet of Things; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Developing Innovation and Growing the Internet of Things Act” or “DIGIT Act”.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) the Internet of Things refers to the growing number of connected and interconnected devices;

(2) estimates indicate that more than 50,000,000,000 devices will be connected to the Internet by 2020;

(3) the Internet of Things has the potential to generate trillions of dollars in new economic activity around the world;

(4) businesses across the United States can develop new services and products, improve operations, simplify logistics, cut costs, and pass savings on to consumers by utilizing the Internet of Things and related innovations;

(5) the United States leads the world in the development of technologies that support the Internet of Things, the United States technology sector is well-positioned to lead in the development of technologies for the Internet of Things;

(6) the United States Government can implement this technology to better deliver services to the public; and

(7) the Senate unanimously passed Senate Resolution 110, 114th Congress, agreed to March 24, 2015, calling for a national strategy for the development of the Internet of Things;

(b) SENSE OF CONGRESS.—It is the sense of Congress that policies governing the Internet of Things should maximize the potential and development of the Internet of Things to benefit all stakeholders, including businesses, governments, and consumers.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(2) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(3) STEERING COMMITTEE.—The term “steering committee” means the steering committee established under section 4(a).

(4) WORKING GROUP.—The term “working group” means the working group convened under section 4(a).

SEC. 4. FEDERAL WORKING GROUP.

(a) IN GENERAL.—The Secretary shall convene a working group of Federal stakeholders for the purpose of providing recommendations and a report to Congress relating to the development of the Internet of Things described in subsection (b).

(b) DUTIES.—The working group shall—

(1) identify any Federal regulations, statutes, grant practices, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development of the Internet of Things;

(2) consider policies or programs that encourage and improve coordination among Federal agencies with jurisdiction over the Internet of Things;

(3) consider any recommendations made by the steering committee and, where appropriate, act to implement those recommendations; and

(4) provide to the House of Representatives, (A) how Federal agencies can benefit from utilizing the Internet of Things;

(b) the use of Internet of Things technology by Federal agencies as of the date on which the working group performs the examination;

(C) the preparedness and ability of Federal agencies to adopt Internet of Things technology in the future; and

(D) any additional security measures that Federal agencies should take to—

(1) safely and securely use the Internet of Things, including measures that ensure the security of critical infrastructure; and

(2) enhance the resiliency of Federal systems against cyber threats to the Internet of Things.

(e) AGENCY REPRESENTATIVES.—In convening the working group, the Secretary shall have discretion to appoint representatives and shall specifically consider seeking representation from—

(A) the National Telecommunications and Information Administration;

(B) the National Institute of Standards and Technology; and

(C) the National Oceanic and Atmospheric Administration;

(D) the Department of Transportation;

(E) the Department of Homeland Security;

(F) the Office of Management and Budget;

(G) the Office of Science and Technology Policy;

(H) the Department of Energy; and

(I) the Federal Energy Regulatory Commission.

(f) REPORT TO CONGRESS.—The working group shall submit to Congress a report that includes any findings or recommendations of the steering committee.

5. INDEPENDENT ADVICE.—

(A) IN GENERAL.—The steering committee shall set the agenda of the steering committee in carrying out the duties of the steering committee under paragraph (2).

(B) SUGGESTIONS.—The working group may suggest topics or items for the steering committee to study, and the steering committee shall take those suggestions into consideration in carrying out the duties of the steering committee.

(C) REPORT.—The steering committee shall ensure that the report submitted under paragraph (4) is the result of the independent judgment of the steering committee.

6. TERMINATION.—The steering committee shall terminate on the date on which the working group submits the report under section (f) unless, on or before that date, the Secretary files a new charter for the steering committee under subsection (e).

7.傳染性.—

(A) the Department of Commerce, including—

(B) rural stakeholders; and

(C) small, medium, and large businesses;

(D) think tanks and academia;

(E) nonprofit organizations and consumer groups;

(F) the Department of Energy; and

(G) the Office of Science and Technology Policy.

8. MEMBERSHIP.—In addition to the members of the steering committee, the steering committee may appoint representatives and shall specifically consider seeking representation from—

(A) information and communications technology manufacturers, suppliers, service providers, and vendors;

(B) small, medium, and large businesses;

(C) think tanks and academia;

(D) nonprofit organizations and consumer groups;

(E) the Department of Commerce, including—

(F) the National Telecommunications and Information Administration;

(G) the National Institute of Standards and Technology; and

(H) the National Oceanic and Atmospheric Administration;

(I) the Department of Transportation;

(J) the Department of Homeland Security;

(K) the Office of Management and Budget;

(L) the Office of Science and Technology Policy;

(M) the Department of Energy; and

(N) the Federal Energy Regulatory Commission.

9. TERMINATION.—The steering committee shall terminate on the date on which the working group submits the report under subsection (f) unless, on or before that date, the Secretary files a new charter for the steering committee under section (c) of the Federal Advisory Committee Act (5 U.S.C. App.).

10. REPORT TO CONGRESS.—

(A) in general.—Not later than 18 months after the date of enactment of this Act, the working group shall submit to Congress a report that includes—

(B) the findings and recommendations of the working group with respect to the duties of the working group under subsection (b);

(C) the report submitted by the steering committee under subsection (e); or

(D) an accounting of any progress made by Federal agencies to implement recommendations made by the working group or the steering committee.

11. COPY OF REPORT.—The working group shall submit a copy of the report described in paragraph (1) to—

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

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

(C) any other committee of Congress, upon request to the working group.
SEC. 5. ASSESSING SPECTRUM NEEDS.
(a) IN GENERAL.—The Commission, in consultation with the National Telecommunications and Information Administration, shall issue a notice of inquiry seeking public comment on the current, and as of the date of enactment of this Act, and future spectrum needs of the Internet of Things.
(b) REQUIREMENTS.—In issuing the notice of inquiry under subsection (a), the Commission shall seek comments that consider and evaluate:
(1) whether adequate spectrum is available to support the growing Internet of Things;
(2) what regulatory barriers may exist to proliferation of a needed spectrum for the Internet of Things; and
(3) what the role of licensed and unlicensed spectrum is and will be in the growth of the Internet of Things.
(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing the comments submitted in response to the notice of inquiry issued under subsection (a).

SA 770. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle E of title X, add the following:

SEC. 8. SUNSET OF AUTHORIZATION FOR USE OF MILITARY FORCE.
(a) SUNSET.—Section 2 of the Authorization for Use of Military Force (Public Law 107–40, 50 Stat. 1541 note) is amended by adding at the end the following new subsection:
"(c) SUNSET.—The authority to use force in this resolution shall expire on the date that is three years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, unless reauthorized or extended by an Act of Congress.".
(b) SENES OF CONGRESS.—It is the sense of Congress that—
(1) the need will remain to defend against specific networks of violent extremists, including al Qaeda and its affiliates, that threaten the United States; and
(2) the President must work with Congress to secure whatever authorities may be required to meet that threat in a manner that complies with the Constitution and the War Powers Resolution (50 U.S.C. 1541 et seq.).

SA 771. Ms. MURKOWSKI (for Mr. CARPER) proposed an amendment to the bill S. 1899, to provide for the identification and prevention of improper payments and the identification of strategic sourcing opportunities by reviewing and analyzing the use of Federal agency charge cards; as follows:
On page 5, beginning on line 6, strike "General Accounting Office of Charge Card Management" and insert "the General Services Administration".

SA 772. Ms. MURKOWSKI (for Mr. YOUNG) proposed an amendment to the bill S. 1182, to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of The American Legion; as follows:
In section 7(d), in the subsection heading, strike "GAO AUDIT" and insert "AUDIT".

SA 773. Ms. MURKOWSKI (for Mr. SULLIVAN) proposed an amendment to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; as follows:
Beginning on page 3, strike line 3 and all that follows through page 3, line 23, and insert the following:
"(2) Assistance.—If the Administrator makes a determination under paragraph (1) that there is a severe marine debris event, the Administrator is authorized to make sums available to be used by the affected State or by the Administrator in cooperation with the affected State—
(A) to assist in the cleanup and response required by the severe marine debris event; or
(B) to conduct such other activity as the Administrator determines is appropriate in response to the severe marine debris event.
".

AUTHORITY FOR COMMITTEES TO MEET

MRS. FISCHER. Mr. President, I have 6 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.
Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:
COMMITTEE ON ENERGY AND NATURAL RESOURCES
Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to hold a hearing on Thursday, August 3, 2017 at 10 a.m. in Room 366 of the Dirksen Senate Office Building.

COMMITTEE ON ENERGY AND NATURAL RESOURCES
Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to hold a hearing on Thursday, August 3, 2017 at 10 a.m. in Room 253 of the Russell Senate Office Building.

The Committee will hold a subcommittee hearing on "Insurance Fraud in America: Current Issues Facing Industry and Consumers."
(3) Research suggests that peace negotia-
tions are more likely to succeed and to re-
sult in durable peace agreements when women participate in the peace process.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—
(1) the meaningful participation of women in conflict prevention and conflict resolution processes helps to promote more inclusive and democratic societies and is critical to the long-term stability of countries and re-
gions;
(2) the political participation, and leader-
ship of women in fragile environments, par-
ticularly during democratic transitions, is critical to sustaining lasting democratic in-
stitutions;
(3) the United States should be a global leader in promoting the meaningful partici-
patation of women in conflict prevention, man-
gement, and resolution, and post-conflict relief and recovery efforts.

SEC. 4. STATEMENT OF POLICY.

It shall be the policy of the United States to promote the meaningful participation of women in all aspects of overseas conflict pre-
vention, management, and resolution, and post-conflict relief and recovery efforts, rein-
forced through diplomatic efforts and pro-
sessional committees and make publicly avail-
ables through the United States Agency for International Develop-
mint, as the case may be, consult with ap-
propriate stakeholders, including local women, youth, ethnic, and religious minori-
ties, and other politically under-represented or marginalized populations, regarding United States policy to—
(1) prevent, mitigate, or resolve violent conflict; and
(2) enhance the success of mediation and negoti-
etion processes by ensuring the mean-
ungful participation of women.

(b) COLLABORATION AND COORDINATION.—The Secretary of State should work with national, regional, and local officials and organiza-
tions to increase the meaningful participation of women in international peacekeeping operations, and should pro-
vide training to female peacekeeping personnel with the substantive knowledge and skills needed to ensure effective physical security and meaningful partici-
patation of women in conflict prevention and peace building.

SEC. 5. UNITED STATES STRATEGY TO PROMOTE THE PARTICIPATION OF WOMEN IN CONFLICT PREVENTION AND PEACE BUILDING.

(a) REQUIREMENT.—Not later than one year after enactment of this Act, and again four years thereafter, the Presi-
dent, in consultation with the heads of the relevant Federal departments and agencies, shall, through the appropriate congress-
ional committees and make publicly available a single government-wide strategy, to be known as the Women, Peace, and Security Strategy, that provides a detailed descrip-
tion of how the United States intends to ful-
fill the policy objectives in section 4. The strategy shall—
(1) support and be aligned with plans devel-
oped by other countries to improve the meaningful participation of women in peace and security processes, conflict prevention, peace building, transitional processes, and decisionmaking institutions; and
(2) include specific and measurable goals, benchmarks, performance metrics, time-
ables, and analytical frameworks and evaluation plans to ensure the accountability and effective-
ness of all policies and initiatives carried out under the strategy.

(b) RESPONSIBILITIES FOR DEPARTMENTS AND AGENCIES.—Each strategy under subsection (a) shall include a specific implementation plan from each of the relevant Federal de-
partments and agencies that describes—
(1) the anticipated contributions of the de-
partment or agency, including technical, fi-
nancial, and in-kind contributions, to imple-
ment the strategy; and
(2) the efforts of the department or agency to ensure that the policies and initiatives carried out pursuant to the strategy are de-
signed to achieve maximum impact and long-term sustainability.

(c) COORDINATION.—The President shall promote the meaningful participation of women in conflict prevention, in coordina-
tion and consultation with international partners, including, as appropriate, multilat-
eral organizations, stakeholders, and other relevant international organizations, par-
ticularly in situations in which the direct engagement of the United States Government is not appropriate or advisable.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) provide technical assistance, training, and logistical support to female negotiators, mediators, peace builders, and stakeholders;
(2) address security-related barriers to the meaningful participation of women;
(3) encourage increased participation of women in existing programs funded by the United States Government that provide training to foreign nationals regarding law enforcement, rule of law, or professional military education;
(4) support appropriate local organizations, especially women’s peace building organiza-
tions;
(5) support the training, education, and mobilization of men and boys as partners in support of the meaningful participation of women;
(6) encourage the development of transi-
tional justice and accountability mecha-

nisms that consider the experiences and perspectives of women and girls; and
(7) expand and apply gender analysis, as appropriate, to improve program design and targeting; and
(8) conduct assessments that include the perspectives of women regarding new initia-
tives in support of peace negotiations, transi-
tional justice and accountability, efforts to counter violent extremism, or security sec-
tor reform.

SEC. 6. TRAINING REQUIREMENTS REGARDING THE PARTICIPATION OF WOMEN IN CONFLICT PREVENTION AND PEACE BUILDING.

(a) FOREIGN SERVICE.—The Secretary of State, in conjunction with the Adminis-
trator of the United States Agency for Inter-

dependent Development, shall ensure that all foreign service officers, including, as appro-
voy members of mediation or negotiation teams, relevant members of the civil service or Foreign Service, and contractors) respon-
sible for or deploying to countries or regions considered to be at risk of, undergoing, or emerging from violent conflict obtain train-
ing, as appropriate, in the following areas, each of which shall include a focus on women and ensuring meaningful participation by women:
(1) Conflict prevention, mitigation, and resolution.
(2) Protecting civilians from violence, ex-
ploration, and trafficking in persons.
(3) International human rights law and interna-
tional humanitarian law.

(b) DEPARTMENT OF DEFENSE.—The Sec-

dary of Defense, as appropriate, in the follow-
ing areas:
(1) Training in conflict prevention, peace pro-
tection, and security initiatives that specifically addresses the importance of meaningful participation by women.
(2) Other considerations and meaningful participation by women, including training regarding—
(A) international human rights law and inter-
national humanitarian law, as relevant; and
(B) protecting civilians from violence, explo-
ation, and trafficking in persons.

SEC. 7. CONSULTATION AND COLLABORATION.

(a) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development may establish guidelines or take other steps to require overseas United States personnel of the Department of State or the United States Agency for International Develop-
ment, as the case may be, consult with ap-
propriate stakeholders, including local women, youth, ethnic, and religious minori-
ties, and other politically under-represented or marginalized populations, regarding United States policy to—
(1) prevent, mitigate, or resolve violent conflict; and
(2) enhance the success of mediation and negoti-
etion processes by ensuring the mean-
ungful participation of women.

(b) COLLABORATION AND COORDINATION.—The Secretary of State shall brief the appropriate congressional committees on existing, enhanced, or newly established training carried out pursuant to section 6.

SEC. 8. REPORTS TO CONGRESS.

(a) BRIEFING.—Not later than 1 year after the date of the first submission of a strategy required under section 5, the Secretary of State, in conjunction with the Adminis-
trator of the United States Agency for Inter-

dependent Development and the Secretary of Defense, shall brief the appropriate congress-
ional committees on existing, enhanced, or newly established training carried out pursuant to section 6.

(b) REPORT ON WOMEN, PEACE, AND SECUR-
ITY STRATEGY.—Not later than 2 years after the date of the submission of each strategy required under section 5, the President shall submit to the appropriate congressional committees a report that—
(1) summarizes and evaluates the imple-
mentation of such strategy and the impact of United States policy and assistance programs, and foreign assistance programs, projects, and activi-
ties to promote the meaningful participa-
tion of women;
(2) describes the nature and extent of the coordination among the relevant Federal de-
partments and agencies on the implementa-
tion of such strategy;
(3) outlines the monitoring and evaluation tools, mechanisms, and common indicators to assess progress made on the policy objec-
tives set forth in section 4; and
(4) describes the existing, enhanced, or newly established training carried out pursuant to section 6.

SEC. 9. DEFINITIONS.

In this Act:
(A) appropriate congressional commit-
tees.—The term ‘appropriate congressional commit-
tees’ means—
(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and
(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Com-
mittee on Appropriations of the House of Representatives.
SEC. 2. DEFINITIONS.

(1) IMPROPER PAYMENT.—The term “improper payment” has the meaning given the term in section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) QUESTIONABLE TRANSACTION.—The term “questionable transaction” means a charge card transaction, from initial card data, that appears to be high risk and may therefore be improper due to non-compliance with applicable law, regulation or policy.

(3) STRATEGIC SOURCING.—The term “strategic sourcing” means analyzing and modifying a Federal agency’s spending patterns to better leverage its purchasing power, reduce costs, and improve overall performance.

SEC. 3. EXPANDED USE OF DATA ANALYTICS.

(a) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, shall develop a strategy to expand the use of data analytics in managing government purchase and travel card programs. These analytics may employ existing General Services Administration capabilities, and may be in conjunction with agencies’ capabilities, for the purpose of—

(1) identifying examples or patterns of questionable transactions and developing enhanced tools and methods for agency use in—

(A) identifying purchase and travel card transactions; and

(B) recovering improper payments made with purchase and travel cards;

(2) identifying potential opportunities for agencies to further leverage administrative process streamlining and cost reduction from purchase and travel card use, including additional agency opportunities for card-based strategic sourcing;

(3) developing a set of purchase and travel card metrics and benchmarks for high-risk activities, which shall assist agencies in identifying potential emphasis areas for their purchase and travel card management and oversight, including those required by the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194); and

(4) developing a plan, which may be based on existing capabilities, to create a library of analytics tools and data sources for use by Federal agencies (including inspectors general of those agencies) for purposes of identifying potential strategic sourcing and other additional opportunities (such as recurring payments, utility payments, and grants payments) for which the charge cards or related payment products could be used as a payment method; and

(3) include other best practices as determined by the Administrator and Director.

(b) ELEMENTS.—The best practices developed under subsection (a) shall—

(1) cover rules, edits, and task order or contract modifications related to charge card-issuing banks;

(2) include the review of accounts payable information and purchase and travel card transaction data of agencies for the purpose of identifying potential strategic sourcing and other additional opportunities (such as recurring payments, utility payments, and grants payments) for which the charge cards or related payment products could be used as a payment method; and

(3) include other best practices as determined by the Administrator and Director.

(c) MEMBERSHIP.—The purchase and travel charge card data management group shall meet regularly as determined by the co-chairs, for a duration of three years, and include those agencies as described in section 2 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194) and others identified by the Administrator and Director.

SEC. 4. GUIDANCE ON IMPROVING INFORMATION SHARING TO CURB IMPROPER PAYMENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services and the interagency charge card data management group established under section 5, shall issue guidance on improving information sharing by government agencies for the purposes of section 3(a)(1).

(b) ELEMENTS.—The guidance issued under subsection (a) shall—

(1) require relevant officials at Federal agencies to identify high-risk activities and communicate that information to the appropriate management levels within the agencies;

(2) require that appropriate officials at Federal agencies review the reports issued by charge card-issuing banks on questionable transaction activity (such as purchase and travel card pre-suspension and suspension reports, delinquency reports, and exception reports), including transactions that occur with high-risk activities, and suspicious timing or amounts of cash withdrawals or advances;

(3) provide for the appropriate sharing of information identified through questionable transaction activity, fraud schemes, and high-risk activities with the General Services Administration and the appropriate officials in Federal agencies;

(4) consider the recommendations made by Inspectors General or the best practices in sections 3 and 4 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194); and

(5) include other requirements determined appropriate by the Director for the purposes of carrying out this Act.

SEC. 5. INTERAGENCY CHARGE CARD DATA MANAGEMENT GROUP.

(a) ESTABLISHMENT.—The Administrator of General Services and the Director of the Office of Management and Budget shall establish a purchase and travel charge card data management group to develop and share best practices for the purposes described in sections 3 and 4.

(b) ELEMENTS.—The best practices developed under subsection (a) shall—

(1) cover rules, edits, and task order or contract modifications related to charge card-issuing banks;

(2) include the review of accounts payable information and purchase and travel card transaction data of agencies for the purpose of identifying potential strategic sourcing and other additional opportunities (such as recurring payments, utility payments, and grants payments) for which the charge cards or related payment products could be used as a payment method; and

(3) include other best practices as determined by the Administrator and Director.

(c) MEMBERSHIP.—The purchase and travel charge card data management group shall meet regularly as determined by the co-chairs, for a duration of three years, and include those agencies as described in section 2 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194) and others identified by the Administrator and Director.

SEC. 6. REPORTING REQUIREMENTS.

(a) GENERAL SERVICES ADMINISTRATION REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator for General Services shall submit a report to Congress on the implementation of this Act, including the metrics used in determining whether the analytic and benchmarking efforts have reduced, or contributed to the reduction of questionable or improper payments as well as improved utilization of card-based payment products.

(b) AGENCY REPORTS AND CONSOLIDATED REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the head of each Federal agency described in section 2 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194) shall submit a report to the Director of the Office of Management and Budget on the agency’s activities to implement this Act.

(c) OFFICE OF MANAGEMENT AND BUDGET REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall submit to Congress a consolidated report of agency activities to implement this Act, which may be included as part of another report submitted to Congress by the Director.

(d) REPORT ON ADDITIONAL SAVINGS OPPORTUNITIES.—Not later than one year after the date of the enactment of this Act, the Administrator of General Services shall submit a report to Congress identifying and exploring further potential savings opportunities for government agencies under the Federal charge card programs. This report may be combined with the report required under subsection (a).
EXPRESSING SUPPORT FOR THE DESIGNATION OF OCTOBER 28, 2017, AS “HONORING THE NATION’S FIRST RESPONDERS DAY”

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 183, S. Con. Res. 15.

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

The senior assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 15) expressing support for the designation of October 28, 2017, as “Honoring the Nation’s First Responders Day.”

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

(The part of the concurrent resolution intended to be stricken is shown in single brackets and the part of the concurrent resolution intended to be inserted is shown in italics.)

S. CON. RES. 15

Whereas first responders include professional and volunteer fire, police, emergency medical technician, and paramedic workers in the United States;

Whereas there are more than 25,300,000 first responders in the United States working to keep communities safe;

Whereas first responders deserve to be recognized for their commitment to safety, defense, and honor; and

Whereas October 28, 2017, would be an appropriate day to establish as “Honoring the Nation’s First Responders Day”:

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the designation of October 28, 2017, as “Honoring the Nation’s First Responders Day”;

(2) honors and recognizes the contributions of first responders; and

(3) encourages the people of the United States to observe Honoring the Nation’s First Responders Day with appropriate ceremonies and activities that promote awareness of the contributions of first responders in the United States.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 192, S. Con. Res. 35.

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

The senior assistant legislative clerk read as follows:

A bill (S. 810) to facilitate construction of a bridge on certain property in Christian County, Missouri, and for other purposes.

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

SECTION 1. RIVERSIDE BRIDGE PROJECT.

(a) In General.—The Riverside Bridge Project is authorized to be carried out notwithstanding—

(1) any agreement entered into under, or re-striiction pursuant to, section 404(b)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)); or

(2) any easement or other Federal restriction pursuant to that Act (42 U.S.C. 5121 et seq.), that requires the covered property to be maintained for open space, recreation, or wetland management.

(b) Conditions.—As a condition of the authorization under subsection (a)—

(1) Christian County, Missouri, or an assignee shall—

(A) carry out the Riverside Bridge Project in a manner that ensures that no flood damage attributable to the Project occurs; and

(B) be liable for any such flood damage that does occur; and

(2) the Federal Government shall not be liable for future flood damage that is caused by the Project.

(c) Disaster Assistance Prohibited.—No future disaster assistance from any Federal source may be provided with respect to the covered property or any improvements thereon.

(d) Definitions.—In this Act, the following definitions apply:

(1) Covered Property.—The term “covered property” means the property—

(A) in Christian County, Missouri; and

(B) conveyed to such County by the Riverside Inn, Inc.; and


Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged and a further consideration of S. 1182 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1182) to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of The American Legion.

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

Ms. MURKOWSKI. I ask unanimous consent that the Young amendment at the desk be considered and agreed to, and the bill, as amended, be considered read a third time.

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

The clerk will report the bill by title.

The amendment (No. 772) was agreed to, as follows:

(Purpose: To improve the bill)

In section 7(d), in the subsection heading, strike “GAO AUDIT” and insert “AUDIT”.

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

Ms. MURKOWSKI. I know of no further debate on the bill.

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

The bill (S. 1182), as amended, was passed, as follows:

S. 1182

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

SECTION 1. SHORT TITLE.

This Act may be cited as “The American Legion 100th Anniversary Commemorative Coin Act”.

SEC. 2. FINDINGS.

The Congress finds that—
(1) on March 15, 1919, The American Legion was founded in Paris, France, by members of the American Expeditionary Force occupying Europe after World War I and concerned about care of their veterans and communities upon their return to the United States;
(2) on September 16, 1919, Congress chartered The American Legion, which quickly grew to become the largest veterans service organization in the United States;
(3) The American Legion conferences in Washington, D.C., in 1922 and 1924 crafted the first United States Flag Code, which was adopted in schools, states, cities and counties enacted in 1922, establishing the proper use, display, and respect for the colors of the United States;
(4) during World War II, The American Legion donated and presented to Congress its case for vastly improved support for medically discharged, disabled veterans, which ultimately became the Servicemen’s Readjustment Act of 1944 (58 Stat. 284; chapter 268), better known as the G.I. Bill of Rights, and was drafted by former American Legion National Commander Harry W. Colmery in Washington, D.C.;
(5) through the leadership and advocacy of The American Legion, the G.I. Bill was enacted in June 1944, which led to monumental changes in the United States society, including the democratization of higher education, home ownership for average people in the United States, better VA hospitals, business and farm loans for veterans, and the ability to appeal conditions of military discharge;
(6) defying those who argued the G.I. Bill would break the Treasury, according to various researchers, the G.I. Bill provided a tremendous return on investment of $7 to the United States economy for every $1 spent on the program, triggering a half-century of prosperity in the United States;
(7) after Hurricane Hugo in 1989, The American Legion established the National Emergency Fund to provide immediate cash relief for veterans who have been affected by natural disasters;
(8) American Legion National Emergency Fund grants after Hurricanes Katrina and Rita in 2005, for instance, exceeded $1,700,000;
(9) The American Legion fought to see the Veterans Administration elected to Cabinet-level status in the Department of Veterans Affairs, ensuring support for veterans would be set at the highest level of the Federal Government, as a priority issue for the President;
(10) after a decades-long struggle to improve the adjudication process for veterans disputed claims decisions, The American Legion helped shape and introduce the Veterans Reassurance Act to create a venue for judicial review of veterans’ appeals;
(11) enacted in those efforts, legislation was passed in 1988 to create the United States Court of Veterans Appeals, today known as the United States Court of Appeals for Veterans Claims;
(12) The American Legion created the American Legacy Scholarship Fund for children of military members killed on active duty or on September 11, 2001;
(13) in 2016, The American Legion’s National Executive Committee amended the original scholarship criteria to include children of veterans with 50 percent or greater VA disability ratings;
(14) President George W. Bush signed into law the Post-9/11 Veterans Educational Assistance Act of 2008 (Public Law 110-380), the Supplemental Appropriations Act, 2008; 122 Stat. 2357), a next-generation G.I. Bill strongly supported by The American Legion and the most comprehensive benefits package since the original G.I. Bill of Rights was enacted in 1944;
(15) in August 2018, The American Legion will begin its centennial recognition at the 100th National Convention in Minneapolis, Minnesota, the site of the first American Legion National Convention; and
(16) in March 2019, the organization will celebrate its 100th birthday in Paris, France, and September 16, 2019, will mark the 100th anniversary of The American Legion’s Federal charter.

SEC. 3. COIN SPECIFICATIONS.
(a) DENOMINATIONS.—In recognition and celebration of the 100th anniversary of The American Legion, the Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue the following coins:
(1) $5 GOLD COINS.—Not more than 50,000 $5 coins, which shall—
   (A) weigh 26.73 grams;
   (B) have a diameter of 1.850 inches; and
   (C) contain not less than 90 percent gold.
(2) $1 SILVER COINS.—Not more than 400,000 $1 coins, which shall—
   (A) weigh 26.73 grams;
   (B) have a diameter of 1.500 inches; and
   (C) contain not less than 90 percent silver.
(3) HALF-DOLLAR COINS.—Not more than 750,000 half-dollars coins which shall—
   (A) weigh 11.34 grams;
   (B) have a diameter of 1.205 inches; and
   (C) be minted to the specifications for half-dollar coins provided in section 5112(b) of title 31, United States Code.
(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5108 of title 31, United States Code.
(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.
(a) IN GENERAL.—The design for the coins minted under this Act shall be emblematic of The American Legion.
(b) DESIGNATIONS AND INScriptions.—On each coin minted under this Act there shall be—
(1) a designation of the denomination of the coin;
(2) an inscription of the year “2019”;
(3) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.
(c) SELECTION.—The design for the coins minted under this Act shall be selected by the Secretary after consultation with—
(1) the Commission of Fine Arts; and
(2) the Joint Committee of The American Legion, as defined in the constitution and bylaws of The American Legion; and
(3) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.
(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.
(b) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2019.

SEC. 6. SALE OF COINS.
(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price based upon the surcharge:
   (1) the face value of the coins;
   (2) the surcharge provided in section 7(a) with respect to such coins; and
   (3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).
(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—
(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act at a discount as follows:
   (A) a surcharge of $35 per coin for the $5 coin.
   (B) a surcharge of $10 per coin for the $1 coin described under section 3(a)(2).
   (C) a surcharge of $5 per coin for the half-dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to The American Legion for costs related to—
(1) promoting the importance of, and caring for, those who have served in uniform, ensuring they receive proper health care and disability benefits earned through military service;
(2) promoting the importance of, and caring for, those who are still serving in the Armed Forces;
(3) promoting the importance of maintaining the patriotic values, morals, culture, and citizenship of the United States; and
(4) promoting the importance of maintaining strong families, assistance for at-risk children, and activities that promote their healthy and wholesome development.

(c) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

(d) AUDIT.—Each recipient described in subsection (b) shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code (as in effect on the date of the enactment of this Act), with regard to the amounts received under subsection (b).

SEC. 8. FINANCIAL ASSURANCES.
The Secretary shall take such actions as may be necessary to ensure that—
(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and
(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins covered by such designation is covered by the provisions of this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

Ms. MURKOWSKI. I ask unanimous consent that the motion to reconsider the previous unanimous consent that the motion to reconsider

SEC. 7. SURCHARGES.
(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:
(1) A surcharge of $35 per coin for the $5 coin.
(2) A surcharge of $10 per coin for the $1 coin described under section 3(a)(2).
(3) A surcharge of $5 per coin for the half-dollar coin.
JAVIER VEGA, JR. MEMORIAL ACT OF 2017

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 1617 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1617) to designate the checkpoint of the United States Border Patrol located on United States Highway 77 North in Sarita, Texas, as the “Javier Vega, Jr. Border Patrol Checkpoint.”

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 1617) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1617

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Javier Vega, Jr. Memorial Act of 2017”.

SEC. 2. FINDINGS.

Congress finds the following:

1. A native of La Feria, Texas, Border Patrol Agent Javier Vega, Jr., served his country first as a member of the United States Marines Corps and then proudly as a border patrol agent in the canine division with his dog, Goldie.

2. Agent Vega was assigned to the Kingsville, Texas, Border Patrol Station as a canine handler and worked primarily at the Sarita Border Patrol Checkpoint.

3. On August 3, 2014, Agent Vega was on a fishing trip with his family near Raymondville, Texas, when 2 criminal aliens attempted to rob and attack them.

4. Agent Vega was shot and killed while attempting to subdue the assailants and protecting his family.

5. Agent Vega is survived by his wife, parents, 3 sons, brother, sister-in-law, niece, and dog, Goldie.

SEC. 3. DESIGNATION.

The checkpoint of the United States Border Patrol located on United States Highway 77 North in Sarita, Texas, shall be known and designated as the “Javier Vega, Jr. Border Patrol Checkpoint”.

SEC. 4. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the checkpoint described in section 3 shall be deemed to be a reference to the “Javier Vega, Jr. Border Patrol Checkpoint”.

REMOVING THE SUNSET PROVISION OF SECTION 203 OF PUBLIC LAW 105–384

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 374, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 374) to remove the sunset provision of section 203 of Public Law 105–384, and for other purposes.

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 374) was ordered to a third reading, was read the third time, and passed.

COMMEMORATING THE 40TH ANNIVERSARY OF THE SILICON VALLEY LEADERSHIP GROUP

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 209 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 209) commemorating the 40th Anniversary of the Silicon Valley Leadership Group, a prominent public policy trade association in Silicon Valley.

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions were agreed to.

The resolutions, with their preambles, are printed in today’s RECORD under “Submitted Resolutions.”

MEASURE READ THE FIRST TIME—S. 1757

Ms. MURKOWSKI. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1757) to strengthen border security, increase resources for enforcement of immigration laws, and for other purposes.

Ms. MURKOWSKI. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

APPOINTMENTS AUTHORITY

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

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

The resolution (S. Res. 230) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of July 24, 2017, under “Submitted Resolutions.”)

RESOLUTIONS SUBMITTED TODAY

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 247, S. Res. 248, and S. Res. 249.

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

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

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

The resolutions were agreed to.

The resolutions, with their preambles, are printed in today’s RECORD under “Submitted Resolutions.”

NATIONAL ESTUARIES WEEK

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 230 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 230) designating the week of September 18 through September 22, 2017, as “National Estuaries Week.”

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

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

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

The resolution (S. Res. 230) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of July 24, 2017, under “Submitted Resolutions.”)
majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

REPORTING AUTHORITY

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that notwithstanding the Senate’s adjournment, committees be authorized to report legislative and executive matters on Friday, August 18, from 10 a.m. to 12 p.m.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

SAVE OUR SEAS ACT OF 2017

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 181, S. 756.

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

The senior assistant legislative clerk read as follows:

A bill (S. 756) to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Sullivan amendment at the desk be considered and agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 773) was agreed to, as follows:

(Purpose: To improve the bill)

Beginning on page 3, strike line 3 and all that follows through page 3, line 23, and insert the following:

"(2) ASSISTANCE.—If the Administrator makes a determination under paragraph (1) that there is a severe marine debris event, the Administrator is authorized to make sums available to be used by the affected State or by the Administrator in cooperation with the affected State—

(A) to assist in the cleanup and response required by the severe marine debris event; or

(B) to conduct such other activity as the Administrator determines is appropriate in response to the severe marine debris event.

(3) FUNDING.—

(A) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under the authority of this subsection shall be—

(i) if the activity is funded wholly by funds made available by an entity, including the government of a foreign country, to the Federal Government for the purpose of responding to a severe marine debris event, 50 percent of the cost of the activity; and

(ii) for any other activity other than an activity funded as described in clause (i), 75 percent of the cost of the activity.

(B) LIMITATION ON ADMINISTRATIVE EXPENSES.—In the case of an activity funded as described in subparagraph (A)(i), not more than 5 percent of the funds made available for the activity may be used by the Administrator for administrative expenses.

SEC. 4. SENSE OF CONGRESS ON INTERNATIONAL ENGAGEMENT TO RESPOND TO MARINE DEBRIS.

It is the sense of Congress that the President should—

(1) support research and development, including through the establishment of a prize competition, of bio-based and other alternative materials that reduce municipal solid waste and its consequences in the ocean;

(2) work with representatives of foreign countries that contribute the most to the global marine debris problem to learn about, and find solutions to, the contributions of such countries to marine debris in the world’s oceans;

(3) carry out studies to determine—

(A) the primary means by which solid waste enters the ocean;

(B) the manner in which waste management infrastructure can be most effective in preventing debris from reaching the oceans;

(C) the long-term economic impacts of marine debris on the national economies of each country set out in paragraph (1) on the global economy; and

(D) the economic benefits of decreasing the amount of marine debris in the oceans;

(4) work with representatives of foreign countries that contribute the most to the global marine debris problem, including land-based sources, to conclude one or more new international agreements that include provisions—

(A) to mitigate the risk of land-based marine debris contributed by such countries reaching an ocean; and

(B) to increase technical assistance and investment in waste management infrastructure, if the President determines appropriate; and

(5) encourage the United States Trade Representative to consider the impact of marine debris in relevant future trade agreements.

SEC. 5. MEMBERSHIP OF THE INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.

Section 5(b) of the Marine Debris Act (33 U.S.C. 1545(b)) is amended—

(1) in paragraph (4), by striking "and掌声" and inserting a semicolon; and

(2) by redesignating paragraph (5) as paragraph (7); and

(3) by inserting after paragraph (4) the following:

"(5) the Department of the Interior; and"

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Marine Debris Act (33 U.S.C. 1548) is amended to read as follows:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for each fiscal year 2018 through 2022—

(1) to the Administrator carrying out sections 3, 5, and 6, $10,000,000, of which no more than 10 percent may be for administrative costs; and

(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out section 4, $2,000,000, of which no more than 10 percent may be used for administrative costs.”.

Ms. MURKOWSKI. Mr. President, I wish to take a brief detour and congratulate my colleague who has been working aggressively as we worked to address the issue of marine debris. This is something on which, as members of the Oceans Caucus, we have been working with Senator SULLIVAN, Senator WHITKER, and so many. I want to acknowledge the good work that has gone into this particular piece of legislation we have just passed.

GLOBAL WAR ON TERRORISM WAR MEMORIAL ACT

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 873, which was received from the House.
The PRESIDING OFFICER. The clerk will report the bill by title. The senior assistant legislative clerk read as follows:

A bill (H.R. 873) to authorize the Global War on Terror Memorial Foundation to establish a National Global War on Terrorism Memorial as a commemorative work in the District of Columbia, and for other purposes.

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

Ms. MUKOWSKI. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 873) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, AUGUST 4, 2017, THROUGH TUESDAY, SEPTEMBER 5, 2017

Ms. MUKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourns to then convene for pro forma sessions only, with no business being conducted, on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Friday, August 4, at 9:45 a.m.; Tuesday, August 8, at 12:30 p.m.; Friday, August 11, at 3:30 p.m.; Tuesday, August 15, at 4:30 p.m.; Friday, August 18, at 10 a.m.; Tuesday, August 22, at 7 a.m.; Friday, August 25, at 11:30 a.m.; Tuesday, August 29, at 2:30 p.m.; Friday, September 1, at 3 p.m. I further ask that when the Senate adjourns on Friday, September 1, it next convenes at 3 p.m., Tuesday, September 5, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each until 5 p.m.; finally, that at 5 p.m., the Senate proceed to executive session under the previous order.

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

Ms. MUKOWSKI. Mr. President, I suggest the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Ms. MUKOWSKI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:01 p.m., adjourned until Friday, August 4, 2017, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES TAX COURT
ELIZABETH ANN COPELAND, OF TEXAS, TO BE A JUDGE FOR THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS. VICE JAMES S. HALSEY, RETIRED.

DEPARTMENT OF STATE
RICHARD DUKES BUCHAN III, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ANDORRA. THOMAS J. BUSHER, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO CUBA. PATRICK J. O'BRIEN, OF NEW YORK, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS. VICE NICHOLAS E. KEENY, JR., RETIRED.

DEPARTMENT OF JUSTICE
SCOTT C. BLADER, OF WISCONSIN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS. VICE JOHN W. VAUDREUIL, RETIRED.

DEPARTMENT OF JUSTICE
MICHAEL B. BRINNAN, OF WISCONSIN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT. VICE PETER H. EVANS, DECEASED.

DEPARTMENT OF JUSTICE
DONALD C. COOGAN, OF RHODE ISLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND. VICE JUDITH J. FRIEDMAN, JR., RETIRED.

DEPARTMENT OF JUSTICE
TERRY A. DONOGHUE, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA. VICE ROBERT G. JAMES, RETIRED.

DEPARTMENT OF JUSTICE
ROBERT M. DUNCAN, JR., OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS. VICE KERRY B. HARVEY, RETIRED.

DEPARTMENT OF JUSTICE
LEONARD STEVEN GRASE, OF NEBRASKA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT. VICE WILLIAM G. MYERS, JR., RETIRED.

DEPARTMENT OF JUSTICE
MICHAEL J. JUNKE, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA. VICE RICHARD BAIR, JR., RETIRED.

DEPARTMENT OF JUSTICE
JOHN R. LAUNCHER, JR., OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS. VICE ZACHARY T. FABRON, RETIRED.

DEPARTMENT OF JUSTICE
J. DOUGLAS OVERBY, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS. VICE MICHAEL J. MOORE, RETIRED.

DEPARTMENT OF JUSTICE
CHARLES K. PEELER, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS. VICE MICHAEL J. KELLENBUSHFIELD, JR., RETIRED.

DEPARTMENT OF JUSTICE
WILLIAM J. POWELL, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF THREE YEARS. VICE MICHAEL J. KELLENBUSHFIELD, JR., RETIRED.

DEPARTMENT OF JUSTICE
CHARLES K. PEELER, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS. VICE MICHAEL J. KELLENBUSHFIELD, JR., RETIRED.

DEPARTMENT OF JUSTICE
DANIEL R. DEY, OF SOUTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA. VICE THOMAS R. PARKER, JR., RETIRED.

DEPARTMENT OF JUSTICE
STEVEN J. RICHARDSON, OF MONTANA, TO BE UNITED STATES DEPUTY ATTORNEY GENERAL.

DEPARTMENT OF JUSTICE
AMY S. WINSOR, OF MONTANA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MONTANA. VICE JAMES G. HOLMES, JR., RETIRED.

DEPARTMENT OF JUSTICE
ALFRED W. BORST, JR., OF WISCONSIN, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF WISCONSIN. VICE LAUREN E. HAMPTON, JR., RETIRED.

DEPARTMENT OF JUSTICE
MICHAEL R. BLAIR, OF MONTANA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MONTANA. VICE JAMES G. HOLMES, JR., RETIRED.

DEPARTMENT OF JUSTICE
PATRICK T. HAYDEN, OF MONTANA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MONTANA. VICE JAMES G. HOLMES, JR., RETIRED.

DEPARTMENT OF JUSTICE
KELLY J. HANNA, OF MONTANA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MONTANA. VICE JAMES G. HOLMES, JR., RETIRED.

DEPARTMENT OF JUSTICE
WILLIAM J. GRIFFIN, OF MONTANA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MONTANA. VICE JAMES G. HOLMES, JR., RETIRED.

DEPARTMENT OF JUSTICE
J. CHRISTOPHER GIANCARLO, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT. VICE MICHAEL E. BURCHFIELD, JR., RETIRED.

DEPARTMENT OF JUSTICE
SUSAN M. GORDON, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.

DEPARTMENT OF STATE
KELLY KNIGHT CRAFT, OF KENTUCKY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO CAMEROON.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 3, 2017:

DEPARTMENT OF COMMERCE
MIRA RADILOVIC RICARDI, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION.
SHANON DAY, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

NATHAN ALEXANDER SALES, OF OHIO, TO BE COORDINATOR OF THE BUDGET FOR THE DEPARTMENT OF THE TREASURY, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE.

GORDON EDWARD GLASS, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH SUDAN.

ROBERT WOOD JOHNSON IV, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF HONG KONG AND MACAU, WITH THE RANK AND STATUS OF AMBASSADOR.

LUCY S. AREAGA, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE PHILIPPINES.

KRISHNA R. URS, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

LEWIS M. ABBEY, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PELOTE.

KAY BAILEY HUTCHISON, OF TEXAS, TO BE UNITED STATES HIGH COMMISSIONER IN THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SAN MARINO.

OVERSEAS PRIVATE INVESTMENT CORPORATION

RAY WASHBURN, OF TEXAS, TO BE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

DEPARTMENT OF STATF

KELLY ECKELS CURRIE, OF GEORGIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE KOREA-TURKISH BUSINESS BOARD FOR A TERM OF TWO YEARS.

LAWRENCE D. MALONEY, OF NEW YORK, TO BE FEDERAL COMMUNICATIONS COMMISSION FOR THE FEDERAL COMMUNICATIONS COMMISSION BOARD FOR A TERM OF FIVE YEARS FROM JULY 1, 2015.

JESSICA ROSENWORCEL, OF CONNECTICUT, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FOUR YEARS.


JEROME M. ALMOND, OF CALIFORNIA, TO BE MEDICAL DIRECTOR OF THE NAVAL MEDICAL CENTERS AND OFFICER IN CHARGE OF THE NATIONAL NAVAL MEDICAL CENTER, WITH THE RANK AND STATUS OF VICE ADMIRAL.

LYLE F. MCCANCE-KATZ, OF RHODE ISLAND, TO BE ADMISSIONS OFFICER AND DIRECTOR OF THE NATIONAL MEDICINE FOR CIVILIAN EMPLOYEES, WITH THE RANK AND STATUS OF REAR ADMIRAL.

LANCE ALLEN ROBERTSON, OF OKLAHOMA, TO BE ASSISTANT SECRETARY FOR AGING, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

PUBLIC HEALTH SERVICE

BRIAN D. QUINTON, OF OHIO, TO BE A \n
SECRETARY OF THE NAVY, WITH THE RANK AND STATUS OF ADMIRAL.

BRENDAN CARR, OF VIRGINIA, TO BE A MEMBER OF THE INTERNATIONAL TELECOMMUNICATIONS UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ALBANIA.

MICHAEL ARTHUR RAYNOR, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE’S DEMOCRATIC REPUBLIC OF ALBANIA.

IN THE ARMY

ARMY NOMINATIONS BEGIN WITH DENNIS ARBOO ALTMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.


ARMY NOMINATIONS BEGIN WITH JULIA R. FISHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGIN WITH KIMBERLY D. MCCORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGIN WITH JOHN D. ALEXANDER AND ENDING WITH MICHAEL E. THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGIN WITH MICHAEL J. ALLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH ERIC W. B. WILHELM AND ENDING WITH PHILIP E. ZAPANTA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH LUTHER J. BERNIE AND ENDING WITH JAMES S. ZMIJSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH SCOTT T. BERG AND ENDING WITH TRESSA D. COCHRAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH JAMES S. ZMIJSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH MICHAEL J. ALLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH ERIC W. HAINES AND ENDING WITH TYLER J. Vanderslice, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH JOHN D. ALEXANDER AND ENDING WITH JAMES S. ZMIJSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH MICHAEL J. ALLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH ERIC W. B. WILHELM AND ENDING WITH PHILIP E. ZAPANTA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

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ARMY NOMINATIONS BEGINNING WITH MICHAEL J. ALLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

NAVY NOMINATION OF CLAIR E. SMITH, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF MORGAN E. MCCLELLAN, TO BE LIEUTENANT COMMANDER.


DEPARTMENT OF EDUCATION

PETER LOUIS OPPENHEIM, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION.
Chamber Action

Routine Proceedings, pages S4781–S4898

Measures Introduced: Twenty-nine bills and five resolutions were introduced, as follows: S. 1732–1760, and S. Res. 245–249. Pages S4827–28

Measures Reported:

S. 1359, to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts. (S. Rept. No. 115–144)

S. 1057, to amend the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 to address harmful algal blooms, with an amendment in the nature of a substitute. (S. Rept. No. 115–145)

S. 870, to amend title XVIII of the Social Security Act to implement Medicare payment policies designed to improve management of chronic disease, streamline care coordination, and improve quality outcomes without adding to the deficit, with an amendment in the nature of a substitute. (S. Rept. No. 115–146)

S. 1393, to streamline the process by which active duty military, reservists, and veterans receive commercial driver’s licenses.

S. 1532, to disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving human trafficking.

S. 1536, to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration’s outreach and education program to include human trafficking prevention activities, with an amendment in the nature of a substitute. Page S4826

Measures Passed:

Jessie’s Law: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. 581, to include information concerning a patient’s opioid addiction in certain medical records, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Alexander (for Manchin) Amendment No. 752, in the nature of a substitute. Page S4787

BENEFIT Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. 1052, to strengthen the use of patient-experience data within the benefit-risk framework for approval of new drugs, and the bill was then passed. Pages S4787–88

Trickett Wendler Right to Try Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. 204, to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Johnson Amendment No. 753, in the nature of a substitute. Pages S4788–89

FDA Reauthorization Act: By 94 yeas to 1 nay (Vote No. 187), Senate passed H.R. 2430, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, after agreeing to the motion to proceed. Pages S4782–87, S4792–93

During consideration of this measure today, Senate also took the following action:

By 96 yeas to 1 nay (Vote No. 185), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. Page S4787

Bob Dole Congressional Gold Medal: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 1616, to award the Congressional Gold Medal to Bob Dole, in recognition for his service to the nation as a soldier, legislator, and statesman, and the bill was then passed. Pages S4804–06

Private Corrado Piccoli Purple Heart Preservation Act: Committee on the Judiciary was discharged from further consideration of S. 765, to amend title 18, United States Code, to provide for penalties for the sale of any Purple Heart awarded to a member
of the Armed Forces, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Perdue Amendment No. 767, in the nature of a substitute.

**MOBILE NOW Act:** Senate passed S. 19, to provide opportunities for broadband investment, after agreeing to the committee amendment in the nature of a substitute.

**Improving Rural Call Quality and Reliability Act:** Senate passed S. 96, to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

**Federal Communications Commission Consolidated Reporting Act:** Senate passed S. 174, to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

**Spoofing Prevention Act:** Senate passed S. 134, to expand the prohibition on misleading or inaccurate caller identification information, after agreeing to the committee amendment in the nature of a substitute.

**Kari’s Law Act:** Senate passed S. 123, to amend the Communications Act of 1934 to require multi-line telephone systems to have a default configuration that permits users to directly initiate a call to 9–1–1 without dialing any additional digit, code, prefix, or post-fix.

**DIGIT Act:** Senate passed S. 88, to ensure appropriate spectrum planning and interagency coordination to support the Internet of Things, after agreeing to the following amendment proposed thereto:

Wicker (for Fischer) Amendment No. 769, in the nature of substitute.

**Women, Peace, and Security Act:** Senate passed S. 1141, to ensure that the United States promotes the meaningful participation of women in mediation and negotiation processes seeking to prevent, mitigate, or resolve violent conflict.

**Saving Federal Dollars Through Better Use of Government Purchase and Travel Cards Act:** Senate passed S. 1099, to provide for the identification and prevention of improper payments and the identification of strategic sourcing opportunities by reviewing and analyzing the use of Federal agency charge cards, after agreeing to the following amendment proposed thereto:

Murkowski (for Carper) Amendment No. 771, to make a technical correction.

**Honoring the Nation's First Responders Day:** Senate agreed to S. Con. Res. 15, expressing support for the designation of October 28, 2017, as “Honoring the Nation’s First Responders Day”, after agreeing to the committee amendment.

**Bridge Construction in Christian County, Missouri:** Senate passed S. 810, to facilitate construction of a bridge on certain property in Christian County, Missouri, after agreeing to the committee amendment in the nature of a substitute.

**The American Legion 100th Anniversary Commemorative Coin Act:** Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 1182, to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of The American Legion, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Murkowski (for Young) Amendment No. 772, of a perfecting nature.

**Javier Vega, Jr. Memorial Act:** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 1617, to designate the checkpoint of the United States Border Patrol located on United States Highway 77 North in Sarita, Texas, as the “Javier Vega, Jr. Border Patrol Checkpoint”, and the bill was then passed.

**Removing the Sunset Provision of Public Law 105–384:** Senate passed H.R. 374, to remove the sunset provision of section 203 of Public Law 105–384.

**Silicon Valley Leadership Group 40th Anniversary:** Committee on the Judiciary was discharged from further consideration of S. Res. 209, commemorating the 40th Anniversary of the Silicon Valley Leadership Group, the preeminent public policy trade association in Silicon Valley, and the resolution was then agreed to.

**National Estuaries Week:** Committee on the Judiciary was discharged from further consideration of S. Res. 230, designating the week of September 16 through September 23, 2017, as “National Estuaries Week”, and the resolution was then agreed to.

**Paralympic and Adaptive Sport Day:** Senate agreed to S. Res. 247, designating July 29, 2017, as “Paralympic and Adaptive Sport Day”.

**'Paralympic and Adaptive Sport Day'':** Senate agreed to S. Res. 247, designating July 29, 2017, as "Paralympic and Adaptive Sport Day".
American Grown Flower Month: Senate agreed to S. Res. 248, expressing the sense of the Senate that flowers grown in the United States support the farmers, small businesses, jobs, and economy of the United States, that flower farming is an honorable vocation, and designating July as “American Grown Flower Month”.

National Child Awareness Month: Senate agreed to S. Res. 249, designating September 2017 as “National Child Awareness Month” to promote awareness of charities that benefit children and youth-serving organizations throughout the United States and recognizing the efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

SOS Act: Senate passed S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, after agreeing to the following amendment proposed thereto:

Murkowski (for Sullivan) Amendment No. 773, relative to severe marine debris events.

Global War on Terrorism War Memorial Act: Senate passed H.R. 873, to authorize the Global War on Terrorism Memorial Foundation to establish the National Global War on Terrorism Memorial as a commemorative work in the District of Columbia.

Washington Metrorail Safety Commission—Agreement: A unanimous consent agreement was reached providing that if the Senate receives H.J. Res. 76, granting the consent and approval of Congress for the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into a compact relating to the establishment of the Washington Metrorail Safety Commission, from the House, and if the text of H.J. Res. 76 is identical to the text at the desk, that the joint resolution be considered passed, the preamble be considered agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

Authority for Committees—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the Senate’s adjournment, committees be authorized to report legislative and executive matters on Friday, August 18, 2017, from 10 a.m. until 12 noon.

Pro Forma Sessions—Agreement: A unanimous-consent agreement was reached providing that the Senate adjourn, to then convene for pro forma sessions only, with no business being conducted on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Friday, August 4, 2017 at 9:45 a.m.; Tuesday, August 8, 2017 at 12:30 p.m.; Friday, August 11, 2017 at 3:30 p.m.; Tuesday, August 15, 2017 at 4:30 p.m.; Friday, August 18, 2017 at 10 a.m.; Tuesday, August 22, 2017 at 7 a.m.; Friday, August 25, 2017 at 11:30 a.m.; Tuesday, August 29, 2017 at 2:30 p.m.; Friday, September 1, 2017 at 3 p.m.; and that when the Senate adjourns on Friday, September 1, 2017, it next convene at 3 p.m., on Tuesday, September 5, 2017.

Kelly Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at 5 p.m., on Tuesday, September 5, 2017, Senate begin consideration of the nomination of Timothy J. Kelly, of the District of Columbia, to be United States District Judge for the District of Columbia; that there be 30 minutes of debate on the nomination, equally divided in the usual form, and that following the use or yielding back of time, Senate vote on confirmation of the nomination, grown without intervening action or debate.

Nominations Confirmed: Senate confirmed the following nominations:

By 79 yeas to 17 nays (Vote No. EX. 186), Dan R. Brouillette, of Texas, to be Deputy Secretary of Energy.

Brooks D. Tucker, of Maryland, to be an Assistant Secretary of Veterans Affairs (Congresional and Legislative Affairs).

Michael P. Allen, of Florida, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

Amanda L. Meredith, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

Joseph L. Toth, of Wisconsin, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

Thomas G. Bowman, of Florida, to be Deputy Secretary of Veterans Affairs.

James Byrne, of Virginia, to be General Counsel, Department of Veterans Affairs.
David Malpass, of New York, to be an Under Secretary of the Treasury.

Brent James McIntosh, of Michigan, to be General Counsel for the Department of the Treasury.

Andrew K. Maloney, of Virginia, to be a Deputy Under Secretary of the Treasury.

David J. Kautter, of Virginia, to be an Assistant Secretary of the Treasury.

Christopher Campbell, of California, to be an Assistant Secretary of the Treasury.

Mira Radielovic Ricardel, of California, to be Under Secretary of Commerce for Export Administration.

Richard Ashooh, of New Hampshire, to be an Assistant Secretary of Commerce.

Neal J. Racklef, of Texas, to be an Assistant Secretary of the Department of Housing and Urban Development.

Anna Maria Farias, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Vishal J. Amin, of Michigan, to be Intellectual Property Enforcement Coordinator, Executive Office of the President.

Stephen Elliott Boyd, of Alabama, to be an Assistant Attorney General.

Beth Ann Williams, of New Jersey, to be an Assistant Attorney General.

John W. Huber, of Utah, to be United States Attorney for the District of Utah for the term of four years.

Justin E. Herdman, of Ohio, to be United States Attorney for the Northern District of Ohio for the term of four years.

John E. Town, of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

Claire M. Grady, of Pennsylvania, to be Under Secretary for Management, Department of Homeland Security.

David P. Pekoske, of Maryland, to be an Assistant Secretary of Homeland Security.

David James Glawe, of Iowa, to be Under Secretary for Intelligence and Analysis, Department of Homeland Security.

Susan M. Gordon, of Virginia, to be Principal Deputy Director of National Intelligence.

Mark Andrew Green, of Wisconsin, to be Administrator of the United States Agency for International Development.

Sharon Day, of Florida, to be Ambassador to the Republic of Costa Rica.

Nathan Alexander Sales, of Ohio, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

George Edward Glass, of Oregon, to be Ambassador to the Portuguese Republic.

Robert Wood Johnson IV, of New York, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland.

Luis E. Arreaga, of Virginia, to be Ambassador to the Republic of Guatemala.

Krishna R. Urs, of Connecticut, to be Ambassador to the Republic of Peru.

Kay Bailey Hutchison, of Texas, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador.

Ray Washburne, of Texas, to be President of the Overseas Private Investment Corporation.

Kelley Eckels Currie, of Georgia, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.


David Steele Bohigian, of Missouri, to be Executive Vice President of the Overseas Private Investment Corporation.

Michael Arthur Raynor, of Maryland, to be Ambassador to the Federal Democratic Republic of Ethiopia.

Maria E. Brewer, of Indiana, to be Ambassador to the Republic of Sierra Leone.

John P. Desrocher, of New York, to be Ambassador to the People’s Democratic Republic of Algeria.

Kelly Knight Craft, of Kentucky, to be Ambassador to Canada.

Carl C. Risch, of Pennsylvania, to be an Assistant Secretary of State (Consular Affairs).

Lewis M. Eisenberg, of Florida, to be Ambassador to the Italian Republic, and to serve concurrently and without additional compensation as Ambassador to the Republic of San Marino.

Robert L. Sumwalt III, of South Carolina, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2021.

Karen Dunn Kelley, of Pennsylvania, to be Under Secretary of Commerce for Economic Affairs.

Elizabeth Erin Walsh, of the District of Columbia, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Michael Platt, Jr., of Arkansas, to be an Assistant Secretary of Commerce.
Mark H. Buzby, of Virginia, to be Administrator of the Maritime Administration.

Peter B. Davidson, of Virginia, to be General Counsel of the Department of Commerce.

Robert L. Sumwalt III, of South Carolina, to be Chairman of the National Transportation Safety Board for a term of two years.

Peter Louis Oppenheim, of Maryland, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

James J. Sullivan, Jr., of Pennsylvania, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2021.

Heather L. MacDougall, of Florida, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2023.

Elinore F. McCance-Katz, of Rhode Island, to be Assistant Secretary for Mental Health and Substance Use, Department of Health and Human Services.

Lance Allen Robertson, of Oklahoma, to be Assistant Secretary for Aging, Department of Health and Human Services.

Jerome M. Adams, of Indiana, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service for a term of four years.

Robert P. Kadlec, of New York, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services.

Jessica Rosenworcel, of Connecticut, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2015.

Brendan Carr, of Virginia, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 2018.

J. Christopher Giancarlo, of New Jersey, to be Chairman of the Commodity Futures Trading Commission.

Brian D. Quintenz, of Ohio, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2020.

Rostin Behnam, of New Jersey, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring June 19, 2021.

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

Neil Chatterjee, of Kentucky, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2021.


1 Air Force nomination in the rank of general.
3 Army nominations in the rank of general.
3 Navy nominations in the rank of admiral.
Routine lists in the Army and Navy.

Nominations Received: Senate received the following nominations:

Elizabeth Ann Copeland, of Texas, to be a Judge of the United States Tax Court for a term of fifteen years.

Patrick J. Urda, of Indiana, to be a Judge of the United States Tax Court for a term of fifteen years.

Richard Duke Buchan III, of Florida, to be Ambassador to the Kingdom of Spain, and to serve concurrently and without additional compensation as Ambassador to Andorra.

Thomas J. Hrushe, of Wisconsin, to be Ambassador to the Republic of South Sudan.

Scott C. Blader, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years.

Michael B. Brennan, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit.

Donald C. Coggins, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

Terry A. Doughty, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Robert M. Duncan, Jr., of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.

Leonard Steven Grasz, of Nebraska, to be United States Circuit Judge for the Eighth Circuit.

Michael Joseph Juneau, of Louisiana, to be United States District Judge for the Western District of Louisiana.

John R. Lausch, Jr., of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years.

J. Douglas Overbey, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Charles E. Peeler, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

William J. Powell, of West Virginia, to be United States Attorney for the Northern District of West Virginia for the term of four years.
A. Marvin Quattlebaum, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

Holly Lou Teeter, of Kansas, to be United States District Judge for the District of Kansas.

Robert Earl Wier, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

Measures Read the First Time: Page S4826

Executive Reports of Committees: Pages S4826–27

Additional Cosponsors: Pages S4828–31

Statements on Introduced Bills/Resolutions: Pages S4831–83

Additional Statements: Pages S4824–26

Amendments Submitted: Pages S4883–89

Authorities for Committees to Meet: Pages S4889–90

Record Votes: Three record votes were taken today. (Total—187) Pages S4787, S4792–93

Adjournment: Senate convened at 10 a.m. and adjourned at 7:01 p.m., until 9:45 a.m. on Friday, August 4, 2017. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S4896.)

Committee Meetings

EXAMINE INSURANCE FRAUD IN AMERICA


WILDLAND FIRES

Committee on Energy and Natural Resources: Committee concluded a hearing to examine Federal and non-federal collaboration, including through the use of technology, to reduce wildland fire risk to communities and enhance firefighting safety and effectiveness, after receiving testimony from Victoria C. Christiansen, Deputy Chief, State and Private Forestry, Forest Service, Department of Agriculture; Bryan Rice, Director, Office of Wildland Fire, Department of the Interior; John Maisch, Alaska Department of Natural Resources, Fairbanks; Steve King, City of Wenatchee Economic Development Director, Wenatchee, Washington; and Mary Ellen Miller, Michigan Tech Research Institute, Ann Arbor.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the nominations of Brenda Burman, of Arizona, to be Commissioner of Reclamation, and Susan Combs, of Texas, and Douglas W. Domenech, of Virginia, both to be an Assistant Secretary, all of the Department of the Interior, and Paul Dabbar, of New York, to be Under Secretary for Science, and Mark Wesley Menezes, of Virginia, to be Under Secretary, both of the Department of Energy.

NOMINATIONS

Committee on Finance: Committee concluded a hearing to examine the nominations of Gilbert B. Kaplan, of the District of Columbia, to be Under Secretary of Commerce for International Trade, and Matthew Bassett, of Tennessee, to be an Assistant Secretary, who was introduced by Senator Boozman, and Robert Charrow, of Maryland, to be General Counsel, both of the Department of Health and Human Services, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

S. 1697, to condition assistance to the West Bank and Gaza on steps by the Palestinian Authority to end violence and terrorism against Israeli citizens and United States Citizens, with amendments; and

The nominations of Michael Arthur Raynor, of Maryland, to be Ambassador to the Federal Democratic Republic of Ethiopia, Maria E. Brewer, of Indiana, to be Ambassador to the Republic of Sierra Leone, John P. Desrocher, of New York, to be Ambassador to the People’s Democratic Republic of Algeria, and Jay Patrick Murray, of Virginia, to be Alternate Representative for Special Political Affairs in the United Nations, with the rank of Ambassador, and to be an Alternate Representative to the Sessions of the General Assembly of the United Nations, during his tenure of service as Alternate Representative for Special Political Affairs in the United Nations, all of the Department of State.
BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of Jeffrey Bossert Clark, of Virginia, to be an Assistant Attorney General, Peter E. Deegan, Jr., to be United States Attorney for the Northern District of Iowa, D. Michael Dunavant, to be United States Attorney for the Western District of Tennessee, Louis V. Franklin, Sr., to be United States Attorney for the Middle District of Alabama, Marc Krickbaum, to be United States Attorney for the Southern District of Iowa, Jessie K. Liu, of Virginia, to be United States Attorney for the District of Columbia, and Richard W. Moore, to be United States Attorney for the Southern District of Alabama, all of the Department of Justice.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet in a Pro Forma session at 1 p.m. on Friday, August 4, 2017.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY,
AUGUST 4, 2017

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.
Next Meeting of the SENATE

9:45 a.m., Friday, August 4

Senate Chamber

Program for Friday: Senate will meet in a pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES

1 p.m., Friday, August 4

House Chamber

Program for Friday: House will meet in a Pro Forma session at 1 p.m.