

MEASURE READ THE FIRST
TIME—H.R. 4

Mr. MCCONNELL. 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 bill clerk read as follows:

A bill (H.R. 4) to reauthorize programs of the Federal Aviation Administration, and for other purposes.

Mr. MCCONNELL. 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 having been heard, the bill will receive its second reading on the next legislative day.

IMPROVING ACCESS TO BEHAVIORAL
HEALTH INFORMATION
TECHNOLOGY ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 1732 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.
The bill clerk read as follows:

A bill (S. 1732) to amend title XI of the Social Security Act to promote testing of incentive payments for behavioral health providers for adoption and use of certified electronic health record technology.

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

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the Whitehouse amendment, which is at the desk, be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The amendment (No. 2241) was agreed to, as follows:

(Purpose: To improve the bill)

Strike section 2 and insert the following:

**SEC. 2. TESTING OF INCENTIVE PAYMENTS FOR
BEHAVIORAL HEALTH PROVIDERS
FOR ADOPTION AND USE OF CER-
TIFIED ELECTRONIC HEALTH
RECORD TECHNOLOGY.**

Section 1115A(b)(2)(B) of the Social Security Act (42 U.S.C. 1315a(b)(2)(B)) is amended by adding at the end the following new clause:

“(xxv) Providing incentive payments to behavioral health providers for the adoption and use of certified electronic health record technology (as defined in section 1848(o)(4)) to improve the quality and coordination of care through the electronic documentation and exchange of health information. Behavioral health providers may include—

“(I) psychiatric hospitals (as defined in section 1861(f));

“(II) community mental health centers (as defined in section 1861(ff)(3)(B));

“(III) clinical psychologists (as defined in section 1861(ii));

“(IV) clinical social workers (as defined in section 1861(hh)(1)); and

“(V) hospitals, treatment facilities, and mental health or substance use disorder providers that participate in a State plan under title XIX or a waiver of such plan.”.

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

The bill was read the third time.

The bill (S. 1732), as amended, was passed, as follows:

S. 1732

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 Access to Behavioral Health Information Technology Act”.

**SEC. 2. TESTING OF INCENTIVE PAYMENTS FOR
BEHAVIORAL HEALTH PROVIDERS
FOR ADOPTION AND USE OF CER-
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“(V) hospitals, treatment facilities, and mental health or substance use disorder providers that participate in a State plan under title XIX or a waiver of such plan.”.

ORDERS FOR TUESDAY, MAY 8,
2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2:30 p.m., Tuesday, May 8; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed. I further ask that following leader remarks, the Senate proceed to executive session and resume consideration of the Engelhardt nomination; finally, that all time during recess, adjournment, morning business, and leader remarks count postcloture on the Engelhardt nomination.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators CASSIDY and CANTWELL.

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

The Senator from Louisiana.

NOMINATION OF KURT
ENGELHARDT

Mr. CASSIDY. Mr. President, the nomination before us is for the U.S. Court of Appeals for the Fifth Circuit, specifically for Judge Kurt Engelhardt, and I rise today to voice my strong support.

Judge Engelhardt is a Louisiana native, earning both his bachelor's degree and law degree from Louisiana State University. I should note that Judge Engelhardt was a member of the Golden Band from Tigerland as a law student, one of the great college marching bands. He may have missed all of that marching because he took up marathon running a few years ago and has now completed 13 full marathons, including the Boston Marathon and the New York City Marathon. All of this is to say that the man has a personal life that is active and vigorous, but he also has a legal life.

After law school, Judge Engelhardt clerked for Judge Charles Grisbaum of the Louisiana Fifth Circuit Court of Appeals. He then practiced law at Little & Metzger in Metairie before becoming an associate and then partner at Hailey, McNamara, Hall, Larmann & Papale in Metairie.

In 2001, President George W. Bush nominated Judge Engelhardt for a seat on the U.S. District Court for the Eastern District of Louisiana. The Senate confirmed him by a voice vote in December 2001, demonstrating that this body gave him bipartisan support as the quality candidate he was. He has been the chief judge of the Eastern District of Louisiana since 2015.

Judge Engelhardt has been an active member of the New Orleans Chapter of the Federal Bar Association, serving on the board of directors for 10 years and as chapter president in 2011. He has active memberships in the Federal District Judges Association, the Louisiana State Bar Association, the New Orleans Bar Association, the Jefferson Bar Association, and the Fifth Circuit District Judges Association.

In 2004, Judge Engelhardt was appointed by the Supreme Court to serve on the Judicial Conference Committee on Federal-State Jurisdiction for two terms, and he has also served on the Louisiana Supreme Court's Judiciary Commission.

Judge Engelhardt was also very active in serving the New Orleans community, having served on the board of directors of the Cancer Association of Greater New Orleans for more than 20 years.

Judge Engelhardt was confirmed out of the Judiciary Committee on February 8, 2018, on a bipartisan basis. The committee recognizes that confirming good, qualified judges who uphold the Constitution is one of the Senate's top priorities.

Judge Engelhardt is the kind of fair-minded and experienced person we need to serve on the bench. He has served the people of Louisiana well as an article III judge for the past 17 years, and I have no doubt he will continue to serve with the same high standards on the Fifth Circuit Court of Appeals.

I support the nomination of Judge Kurt Engelhardt and urge all of my colleagues to do so as well.

Thank you.

The PRESIDING OFFICER. The Senator from Washington.

REMEMBERING REV. DR. SAMUEL B. MCKINNEY

Ms. CANTWELL. Mr. President, I come to the floor to pay tribute to Rev. Dr. Samuel B. McKinney, a civil rights icon from the Pacific Northwest.

In August of 1963, Martin Luther King, Jr., inspired the Nation from the steps of the Lincoln Memorial here in Washington, DC, boldly proclaiming: "Now is the time to make justice a reality for all of God's children."

Meanwhile, in the basement of Mount Zion Baptist Church in Seattle, WA, Dr. Samuel McKinney was already taking up that cause. He stood before his fellow religious leaders—pastors, rabbis, and priests—and asked them to join him in the struggle for equality and justice for all.

For more than 40 years, he never gave up the fight, advocating for economic and social justice in Seattle, WA, and throughout our Nation. Refusing to yield to deep-seated prejudice and threats of violence, he became known as a visionary civil rights leader, a pillar of Seattle civic life, and a moral consciousness of our community.

Tomorrow, many Washingtonians will come together to celebrate Dr. McKinney's life—to remember his wisdom, his advocacy, his deep and unshakeable belief in justice, his steadfast commitment to his community and his church, his service to our Nation in the U.S. Air Force, and his devotion as a husband, father, and friend.

He was a third-generation Baptist minister. He took up the struggle for justice at an early age. He was inspired by the athletic prowess of Jesse Owens and Joe Louis and by civil rights leaders of our generation.

No influence was more profound than the sermons of his own father. The Rev. Dr. Wade McKinney never shrank from an opportunity to use his pulpit to fight back against racism and segregation, and decades later, from his own pulpit at Mount Zion Baptist Church in Seattle, Dr. Samuel McKinney continued his father's efforts. He repeatedly fought back against injustice in every form, leading civil rights marches in the sixties, protesting school segregation in the seventies, and demonstrating against apartheid in the eighties. He led boycotts against companies that refused to hire Black workers and developed and promoted workforce training programs for people

who were struggling to find employment. He protested unfair education policies and started an accredited preschool and kindergarten program that helped establish the first Black-owned bank in Seattle. He served as an original member of the Seattle Human Rights Commission, helping to pass our city's first Fair Housing Act.

Through his leadership, Dr. McKinney also brought to the national stage the only visit of Dr. Martin Luther King, Jr., to Seattle in 1961, featured in this historic photo. Dr. McKinney also participated in the Selma-to-Montgomery voting rights march in 1965. In 1980, he was arrested for speaking against apartheid at the South African consulate in Seattle. At 86 years old, Dr. McKinney was still fighting back against injustice, speaking at the prayer vigil in Seattle for Trayvon Martin.

Dr. McKinney's legacy lives on through his courageous actions, his visionary leadership, and his quest for justice. But perhaps most of all, his legacy lives on through the extraordinary community that he built at Mount Zion Baptist Church.

It was at Mount Zion that he mentored fellow ministers and imparted inspirational guidance. It was where he baptized newborns, presided over weddings, helped families bury their loved ones, and maintained his steadfast commitment to his parishioners.

At Mount Zion, he raised his two daughters—Dr. Lora-Ellen McKinney and Rhoda McKinney-Jones—along with his wife. They made sacrifices for the community. She, too, was a savvy businesswoman and a strong supporter of education and the arts.

Under Dr. McKinney's leadership, Mount Zion flourished and tripled its membership. His church and its community stand as a true testament to Dr. McKinney's life and what it meant in Seattle. Today, it shows the enduring faith that drove him in all that he did. Dr. McKinney made the fight for justice and equality his lifelong mission.

Another picture shows him with Jesse Jackson, who I believe also came to Seattle at Dr. McKinney's request. Dr. McKinney fought for justice in Seattle and helped to impact our Nation. His leadership and dedication to the community will be sorely missed. As I said, tomorrow, many Washingtonians will be there to commemorate his life, along with his daughters and many of his parishioners—people from Mount Zion.

As we honor and remember Dr. McKinney's lifetime of advocacy, I am reminded of a fitting quote from Dr. Martin Luther King, Jr.: "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy."

In good times and through difficult ones, Reverend McKinney stood on the side of justice, and for that, all of us in the Pacific Northwest are grateful.

Thank you.
I yield the floor.

ADJOURNMENT UNTIL 2:30 P.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2:30 p.m. tomorrow.

Thereupon, the Senate, at 6:24 p.m., adjourned until Tuesday, May 8, 2018, at 2:30 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

ROY KALMAN ALTMAN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE IOAN A. LENARD, RETIRED.

THOMAS P. BARBER, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE JAMES D. WHITTEMORE, RETIRED.

DEPARTMENT OF JUSTICE

KIM GAFFNEY, OF WISCONSIN, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE DALLAS STEPHEN NEVILLE, TERM EXPIRED.

THE JUDICIARY

RICHARD A. HERTLING, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE GEORGE W. MILLER, DECEASED.

DEPARTMENT OF JUSTICE

DENNY WADE KING, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE LOUISE W. KELTON, TERM EXPIRED.

SUSAN LLEWELLYN PAMERLEAU, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE ROBERT R. ALMONTE, TERM EXPIRED.

THE JUDICIARY

A. MARVIN QUATTLEBAUM, JR., OF SOUTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE WILLIAM B. TRAXLER, JR., RETIRING.

DEPARTMENT OF JUSTICE

BARRETT W. RICH, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE JEFFREY THOMAS HOLT, TERM EXPIRED.

THE JUDICIARY

JULIUS NESS RICHARDSON, OF SOUTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE DENNIS W. SHEDD, RETIRED.

RODOLFO ARMANDO RUIZ II, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE WILLIAM J. ZLOCH, RETIRED.

RODNEY SMITH, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE ROBIN S. ROSENBAUM, ELEVATED.

RICHARD J. SULLIVAN, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE RICHARD C. WESLEY, RETIRED.

DEPARTMENT OF JUSTICE

RICHARD E. TAYLOR, JR., OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE RANDY PAUL ELY, RETIRED.

THE JUDICIARY

T. KENT WETHERELL II, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA, VICE JOHN RICHARD SMOAK, RETIRED.

DEPARTMENT OF JUSTICE

NICK WILLARD, OF NEW HAMPSHIRE, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEW HAMPSHIRE FOR THE TERM OF FOUR YEARS, VICE DAVID LYLE CARGILL, JR., TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. SCOTT A. HOWELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE