

2597, a bill to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs, and for other purposes.

S. 2667

At the request of Mr. MCCONNELL, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2667, a bill to amend the Agricultural Marketing Act of 1946 to provide for State and Tribal regulation of hemp production, and for other purposes.

S. 2679

At the request of Mr. TESTER, his name was added as a cosponsor of S. 2679, a bill to provide access to and manage the distribution of excess or surplus property to veteran-owned small businesses.

S. 2723

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 2723, a bill to amend the Food and Nutrition Act of 2008 to require that supplemental nutrition assistance program benefits for children be calculated with reference to the cost of the low-cost food plan, as determined by the Secretary of Agriculture, and for other purposes.

S. 2778

At the request of Mr. CRUZ, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 2778, a bill to amend the Endangered Species Act of 1973 to include a prohibition on the listing of a living nonnative species as a threatened species or an endangered species, and for other purposes.

S. 2789

At the request of Mr. CORNYN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 2789, a bill to prevent substance abuse and reduce demand for illicit narcotics.

S. 2810

At the request of Mr. SANDERS, the name of the Senator from Michigan (Mr. STABENOW) was added as a cosponsor of S. 2810, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, and for other purposes.

S. RES. 386

At the request of Mr. FLAKE, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 386, a resolution urging the Government of the Democratic Republic of the Congo to fulfill its agreement to hold credible elections, comply with constitutional limits on presidential terms, and fulfill its constitutional mandate for a democratic transition of power by taking concrete and measurable steps towards holding elections not later than De-

cember 2018 as outlined in the existing election calendar, and allowing for freedom of expression and association.

S. RES. 502

At the request of Mr. HATCH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 502, a resolution supporting robust relations with the State of Israel bilaterally and in multilateral fora upon seventy years of statehood, and for other purposes.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 519—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN COLORADO V. WILLENBERG

Mr. MCCONNELL (for himself and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 519

Whereas, in the case of *Colorado v. Willenberg*, Case No. 17M1242, pending in Municipal Court in Colorado Springs, Colorado, the defendant has requested the production of testimony from Andrew Merritt, an employee in the office of Senator Cory Gardner;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent current or former Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Andrew Merritt, an employee in the Office of Senator Cory Gardner, is authorized to testify in the case of *Colorado v. Willenberg*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent current and former Members, officers, and employees of the Senate in connection with the production of evidence authorized in section one of this resolution.

Mr. MCCONNELL. Mr. President, on behalf of myself and the distinguished Democratic leader, Mr. SCHUMER, I send to the desk a resolution authorizing the production of testimony and representation by the Senate Legal Counsel, and ask for its immediate consideration.

Mr. MCCONNELL. Mr. President, this resolution concerns a request for testimony in a criminal action pending in Colorado State court. In this action, the defendant is charged with trespass for refusing to leave Senator GARDNER's Colorado Springs office. A forthcoming evidentiary hearing and trial is expected to be scheduled shortly in the

Municipal Court of Colorado Springs, Colorado.

The defendant in this case is seeking testimony from Andrew Merritt, Senator GARDNER's State Director, who was present during some of the events at issue. Senator GARDNER would like to cooperate with this request.

The enclosed resolution would authorize the production of testimony from Mr. Merritt and representation by the Senate Legal Counsel of current and former Members, officers, and employees of the Senate.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2264. Mr. SHELBY (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2372, to amend title 38, United States Code, to provide outer burial receptacles for remains buried in National Parks, and for other purposes; which was ordered to lie on the table.

SA 2265. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2372, supra; which was ordered to lie on the table.

SA 2266. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2372, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

SA 2264. Mr. SHELBY (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2372, to amend title 38, United States Code, to provide outer burial receptacles for remains buried in National Parks, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. \_\_\_\_ . CONCEPTS AND DEFINITIONS.

The authorizations of appropriations added to 38 U.S.C. Chapter 17 by this Act ["VA MISSION Act of 2018"] shall be considered changes in concepts and definitions pursuant to section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 ("BBEDCA"; 2 U.S.C. 901(b)(1)). These changes shall be reflected only in the budget year in each Sequestration Preview Report required by section 254(c) of BBEDCA. For each budget year, the baseline level of new budget authority using up-to-date concepts and definitions shall be equal to the discretionary appropriations that are specified for those authorizations of appropriations in the Budget that the President submits under section 1105 of title 31, United States Code, including those already provided for that fiscal year as advance discretionary new budget authority. Within 15 days of the publication of a final rule in the Federal Register promulgating the regulations pursuant to section 101(c) of this Act ["VA MISSION Act of 2018"], the Office of Management and Budget shall further adjust the fiscal year 2019 discretionary spending limits to reflect the impact of those regulations, as estimated by the Department of Veterans Affairs, on the discretionary appropriations that are specified for those authorizations of appropriations in the Budget that the President submitted for that fiscal year under section 1105 of title 31 United States Code, and shall provide written notification to the Congress of such further adjustments. Not later than 10

days after the date each year on which the President submits the budget request under section 1105 of title 31 United States Code, and also 10 days after the publication of the final rule previously referenced in this section, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a report detailing the estimates of the resources required by the Department for those authorizations of appropriations, as forecast using the Enrollee Health Care Projections Model, or other methodologies used by the Department. For each fiscal year, the Office of Management and Budget shall further adjust the discretionary spending limits in section 251(c) of BBEDCA to reflect the transmittal of any formal and informal supplementals and amendments, as those terms are defined in section 110 of OMB Circular No. A-11, for those authorizations of appropriations and shall provide written notification to the Congress of such further adjustments within 15 days of such transmittal. For each fiscal year, the Final Sequestration Report required by section 254(f) of BBEDCA shall include a further adjustment to reflect the difference between all of the previous adjustments made for that fiscal year pursuant to this section and the new budget authority for those authorizations of appropriations enacted as discretionary appropriations.

**SA 2265.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2372, to amend title 38, United States Code, to provide outer burial receptacles for remains buried in National Parks, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, beginning on line 16, strike "CONDITIONS UNDER WHICH CARE IS AUTHORIZED" and insert "ADDITIONAL CONDITIONS UNDER WHICH CARE IS REQUIRED".

On page 11, line 18, strike "may" and insert "shall".

On page 13, line 3, strike "authorized" and insert "required".

On page 13, beginning on line 21, strike "When the Secretary exercises the authority under paragraph (1), the decision to receive care or services under such paragraph" and insert "The decision to receive care or services under paragraph (1)".

**SA 2266.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2372, to amend title 38, United States Code, to provide outer burial receptacles for remains buried in National Parks, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, after line 25, insert the following:

**SEC. 115. DEPARTMENT OF VETERANS AFFAIRS AS SECONDARY PAYER FOR HEALTH CARE IN CERTAIN CIRCUMSTANCES.**

(a) IN GENERAL.—Subchapter I of chapter 17 is amended by inserting after section 1703D, as added by section 111 of this Act, the following new section:

**"§ 1703F. Department as secondary payer for certain non-Department care**

"If a veteran is covered under a health-plan contract (as defined in section 1729(i) of this title) and receives hospital care or medical services for a non-service-connected disability at a non-Department facility or from a non-Department provider, such health-plan contract shall be primarily responsible for paying for such care or services, to the extent such care or services are covered by such health-plan contract, and the Secretary

shall be secondarily responsible for paying for such care or services."

(b) CLERICAL AMENDMENT.—The table of section for such chapter is amended by inserting after the item relating to section 1703D the following new item:

"1703F. Department as secondary payer for certain non-Department care."

**AUTHORITY FOR COMMITTEES TO MEET**

Mr. THUNE. Mr. President, I have 12 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 BANKING, HOUSING, AND URBAN AFFAIRS**

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, May 22, 2018, at 10 a.m. to conduct a hearing.

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, May 22, 2018, at 10 a.m. to conduct a hearing.

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Tuesday, May 22, 2018, at 10 a.m. to conduct a hearing on pending legislation and the following nominations: Joseph Ryan Gruters, of Florida, to be a Director of the Amtrak Board of Directors, Jennifer L. Homendy, of Virginia, to be a Member of the National Transportation Safety Board, and routine lists in the Coast Guard.

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, May 22, 2018, at 10 a.m. to conduct a hearing entitled "The Healthcare Workforce: Addressing Shortages and Improving Care."

**COMMITTEE ON FOREIGN RELATIONS**

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, May 22, 2018, at 2:15 p.m. to conduct a hearing.

**SELECT COMMITTEE ON INTELLIGENCE**

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, May 22, 2018, at 2:30 p.m. to conduct a closed hearing.

**SUBCOMMITTEE ON CYBERSECURITY**

The Subcommittee on Cybersecurity of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, May 22, 2018, at 2:30 p.m. to conduct a hearing.

**SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES**

The Subcommittee on Emerging Threats and Capabilities of the Com-

mittee on Armed Services is authorized to meet during the session of the Senate on Tuesday, May 22, 2018, at 4:30 p.m. to conduct a hearing.

**SUBCOMMITTEE ON PERSONNEL**

The Subcommittee on Personnel of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, May 22, 2018, at 2:30 p.m. to conduct a hearing.

**SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT**

The Subcommittee on Readiness and Management Support of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, May 22, 2018, at 11 a.m. to conduct a hearing.

**SUBCOMMITTEE ON SEAPOWERS**

The Subcommittee on Seapower of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, May 22, 2018, at 9:30 a.m. to conduct a hearing.

**SUBCOMMITTEE ON STRATEGIC FORCES**

The Subcommittee on Strategic Forces of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, May 22, 2018, at 5:15 p.m. to conduct a hearing.

**ORDER OF PROCEDURE**

Mr. RUBIO. Madam President, I ask unanimous consent that notwithstanding rule XXII, following leader remarks on Wednesday, May 23, the Senate proceed to executive session to consider the Montgomery nomination, as under the previous order, and the Senate vote on the nomination at 3:15 p.m.; further, that following disposition of the nomination, the Senate resume legislative session and all postcloture time on the motion to concur in the House amendment to S. 2372 be considered expired; finally, that following disposition of the motion to concur, the Senate vote on the cloture motions in relation to the McWilliams nominations in the order filed and that if cloture is invoked, the postcloture time run concurrently.

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

ACTION VITIATED AND RETURN OF PAPERS—H.R.

4743

Mr. RUBIO. Madam President, I ask unanimous consent that action with respect to Calendar No. 403, H.R. 4743, be vitiated and the Senate agree to the House request to return the papers on H.R. 4743, and authorize the Secretary of the Senate to return the papers on H.R. 4743 to the House of Representatives.

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

**RECOGNIZING THE IMPORTANCE AND EFFECTIVENESS OF TRAUMA-INFORMED CARE**

Mr. RUBIO. Madam President, I ask unanimous consent that the Committee on Health, Education, Labor,