AMENDMENT NO. 3324

At the request of Mrs. HYDE-SMITH, the names of the Senator from Louisiana (Mr. KENNEDY), the Senator from Virginia (Mr. WARNER), the Senator from Virginia (Mr. KAINE) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 3324 intended to be proposed to H.R. 2, a bill to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2023, and for other purposes.

AMENDMENT NO. 3329

At the request of Ms. CORTEZ MASTO, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 3329 intended to be proposed to H.R. 2, a bill to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2023, and for other purposes.

AMENDMENT NO. 3338

At the request of Mr. CRUZ, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Louisiana (Mr. KENNEDY) and the Senator from Mississippi (Mrs. HYDE-SMITH) were added as cosponsors of amendment No. 3338 intended to be proposed to H.R. 2, a bill to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2023, and for other purposes.

AMENDMENT NO. 3340

At the request of Mr. KENNEDY, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of amendment No. 3340 intended to be proposed to H.R. 2, a bill to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2023, and for other purposes.

AMENDMENT NO. 3341

At the request of Mr. BENNET, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 3341 intended to be proposed to H.R. 2, a bill to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2023, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. BLUMENTHAL):

S. 3155. A bill to ban the use of ortho-phthalate chemicals as food contact substances; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Protect Our Food From Phthalate Contamination Act. This bill would ban chemicals called ortho-phthalates from materials that come in contact with our food, because these phthalates have been found to actually leach into what we eat.

Phthalates have been known to interfere with the body's hormones, leading to a range of health concerns including reproductive harm. These chemicals have also been linked to learning and behavior problems in children and insulin resistance in adolescents and adults.

According to a recent study, individuals who regularly eat out had 30 percent higher phthalate levels. The findings for teenagers are particularly troubling, where testing showed phthalate levels 55 percent higher than people who ate at home. Enjoying a meal out or using packaged food to prepare meals on a busy schedule shouldn't come with the cost of chemical exposure that can cause harm.

We've already banned certain phthalates from children's toys due to serious health concerns, and now we need to remove the exposure through the food we eat. Phthalates can be found throughout the food supply chain, from the plastic gloves worn to handle food to the containers and wrappings used for packaging.

This legislation would specifically ban the type of phthalates, ortho-phthalates, currently being used in some food production and packaging, and require that any substance used as a replacement is also safe. The bill would implement the ban over the course of two years, so that companies have time to phase out these harmful chemicals.

This bill is supported by several health and consumer organizations, including the American Academy of Pediatrics, Breast Cancer Prevention Partners, Earthjustice, Environmental Defense Fund, Environmental Health Strategy Center, Environmental Working Group, and Safer Chemicals, Healthy Families.

I appreciate the support of my colleague, Senator BLUMENTHAL, who is an original cosponsor of the bill. I look forward to working with my colleagues on this important issue. Thank you Mr. President and I yield the floor.

By Ms. COLLINS (for herself, Mr. CARDIN, Mr. WICKER, Mr. KING, and Ms. STABENOW):

S. 3160. A bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under part B of the Medicare program by establishing a minimum payment amount under such part for bone mass measurement; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise today to introduce legislation with my colleague from Maryland, Senator BEN CARDIN, which would increase access to preventive bone density screenings and improve osteoporosis diagnosis and treatment in the process. We are pleased to have Senators WICKER, KING, and STABENOW as cosponsors.

The public health risk of osteoporosis cannot be understated. Today, approximately 54 million Americans either have osteoporosis or low bone mass, which places them at increased risk for osteoporosis. Women are disproportionally affected, accounting for 71 percent of osteoporotic fractures and 75 percent of costs. Osteoporosis is often called ''the silent disease'' because bone loss usually occurs gradually over the years without symptoms.

As the NIH Osteoporosis and Related Bone Disease National Resource Center observes, falls are especially dangerous for people who are unaware that they have low bone density. If the patient and the doctor fail to connect the broken bone to osteoporosis, the chance to make a diagnosis with a bone density test and begin a prevention or treatment program is lost.

Early diagnosis and treatment of osteoporosis are proven to dramatically reduce fracture rates, and appropriate reimbursement for tests that measure bone mass and predict fracture risk are necessary to maintain patient access to care, particularly in rural or underserved areas. Our legislation, the Increasing Access to Osteoporosis Testing for Medicare Beneficiaries Act of 2018, tackles a proven barrier to proper screening by creating a floor reimbursement rate under Medicare for the dual energy X-ray absorptiometry (DXA) test, the ''gold standard'' for osteoporosis diagnosis.

Congress has twice recognized the importance of reversing Medicare cuts to DXA reimbursement in order to maintain patient access, yet the Medicare reimbursement rate for DXA tests administered in a doctor's office has declined from $140 in 2006 to only $42 in 2018—a dramatic 70 percent decline. The National Osteoporosis Foundation has found that declining reimbursement rates have created a 26 percent decline in physicians performing DXA tests since 2008, resulting in a corresponding 22 percent decline in diagnoses since 2009.

Regrettably, as a result of reduced screenings due to declining reimbursements, it is estimated that more than 40,000 additional hip fractures occur each year, resulting in nearly 10,000 additional hip fracture-related deaths. As osteoporosis is already under-diagnosed in the Medicare population, it is clear that we must change this trajectory.

This legislation is endorsed by the American Association of Clinical Endocrinologists, the National Osteoporosis Foundation, and more than forty additional national medical societies and patient advocate organizations. I thank Senator CARDIN for joining me in this effort to increase patient access to osteoporosis screening and diagnosis, while lowering costs and consequences resulting from a lack of diagnosis. I encourage my colleagues to support its adoption.

By Mr. LEAHY (for himself and Mrs. MURRAY):

S. 3162. A bill to provide oversight of the border zone in which Federal agents may conduct vehicle checkpoints and stops and enter private land

without a warrant, and to make technical corrections; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am joining with Senator MURRAY in introducing the Border Zone Reasonableness Restoration Act of 2018. This legislation, if enacted, will establish critical privacy protections for Americans by limiting the unjustifiably wide ''border zone'' within which Department of Homeland Security officers may—without a warrant—stop vehicles and search private land for the purpose of patrolling the border.

The current 100 mile ''border zone'' was established through regulatory fiat. While the Fourth Amendment allows limited exceptions to the warrant requirement at or close to the border, this 100 mile zone is neither limited nor reasonable. It includes marine borders. At present, it encompasses almost two-thirds of the population of the United States. This includes major cities such as New York, Seattle, Chicago, New Orleans, and Los Angeles, even the ''border town'' of Richmond, Virginia, as well as entire states such as Maine, Delaware, and Florida.

The need for this legislation has never been clearer. The Trump administration's aggressive yet wasteful use of immigration enforcement resources has subjected law-abiding citizens to needless and intrusive searches at Customs and Border Protection (CBP) checkpoints far from the border. Not only do these searches produce minimal value to border enforcement, they violate the constitutionally protected privacy of citizens and residents of border regions, including in my home State of Vermont. Recently, CBP agents in Vermont have boarded Greyhound buses in Burlington without a warrant and inquired about the citizenship of passengers. They have targeted international college students for questioning about their legal status. In the nearby States of Maine and New Hampshire, they have shut down interstate highways with immigration checkpoints. In Montana, a CBP agent even stopped an American citizen simply for speaking Spanish.

This should not be a partisan issue. This is about ensuring that every person in this Nation receives the constitutional protections to which they are entitled. Both the American Civil Liberties Union and the Cato Institute have sharply criticized these practices as problematic under the Fourth Amendment. Vermonters have rightly been concerned about these expanded border zone searches. They believe, as I do, that once inside our country the phrase 'show me your papers' does not belong inside the United States of America.

The Border Zone Reasonableness Restoration Act is based on an amendment that Senator MURRAY and I successfully attached to immigration reform legislation in 2013 during the Obama Administration. The 100 mile ''border zone''—and the similar 25 mile zone where many types of warrantless property searches are permitted—predates this current administration, but the actions of this administration have shown just how much we need legislation like this today.

The Fourth Amendment does not stop 100 miles from our land and sea borders. Its protections extend whether in the heart of Kansas or in the middle of Vermont. Ensuring that the protections of the Fourth Amendment are available to everyone within the United States should be important to all of us, regardless of party or ideology. I hope all Senators will support this commonsense measure to ensure the Fourth Amendment is upheld.

By Mr. CORNYN (for himself and Mrs. FEINSTEIN):

S. 3170. A bill to amend title 18, United States Code, to make certain changes to the reporting requirement of certain service providers regarding child sexual exploitation visual depictions, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3170

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 ''CyberTipline Modernization Act of 2018''.

SEC. 2. ALTERATIONS TO REPORTING REQUIREMENTS FOR ELECTRONIC SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.

Section 2258A of title 18, United States Code, is amended—

(1) in the heading, by striking ''**electronic communication service providers and remote computing service providers**'' and inserting ''**providers**'';

(2) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—

''(A) DUTY.—In order to reduce the proliferation of online child sexual exploitation and to prevent the online sexual exploitation of children, a provider—

''(i) shall, as soon as reasonably possible after obtaining actual knowledge of any facts or circumstances described in paragraph (2)(A), take the actions described in subparagraph (B); and

''(ii) may, after obtaining actual knowledge of any facts or circumstances described in paragraph (2)(B), take the actions described in subparagraph (B).

''(B) ACTIONS DESCRIBED.—The actions described in this subparagraph are—

''(i) providing to the CyberTipline of NCMEC, or any successor to the CyberTipline operated by NCMEC, the mailing address, telephone number, facsimile number, electronic mailing address of, and individual point of contact for, such provider; and

''(ii) making a report of such facts or circumstances to the CyberTipline, or any successor to the CyberTipline operated by NCMEC.''; and

(B) by amending paragraph (2) to read as follows:

''(2) FACTS OR CIRCUMSTANCES.—

''(A) APPARENT VIOLATIONS.—The facts or circumstances described in this subparagraph are any facts or circumstances from which there is an apparent violation of section 2251, 2251A, 2252, 2252A, 2252B, or 2260 that involves child pornography.

''(B) IMMINENT VIOLATIONS.—The facts or circumstances described in this subparagraph are any facts or circumstances which indicate a violation of any of the sections described in subparagraph (A) involving child pornography may be planned or imminent.'';

(3) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''To the extent'' and inserting ''In an effort to prevent the future sexual victimization of children, and to the extent'';

(ii) by striking ''an electronic communication service provider or a remote computing service provider'' and inserting ''a provider''; and

(iii) by striking ''may include'' and inserting ''may, at the sole discretion of the provider, include'';

(B) in paragraph (1)—

(i) by inserting ''or plans to violate'' after ''who appears to have violated''; and

(ii) by inserting ''payment information (excluding personally identifiable information),'' after ''uniform resource locator,'';

(C) in paragraph (2)—

(i) by striking ''an electronic communication service provider or a remote computing service provider'' and inserting ''a provider'';

(ii) by striking ''apparent child pornography'' each place it appears and inserting ''content relating to the report''; and

(iii) by striking ''the electronic communication service provider or a remote computing service provider'' and inserting ''the provider'';

(D) by amending paragraph (3) to read as follows:

''(3) GEOGRAPHIC LOCATION INFORMATION.—Information relating to the geographic location of the involved individual or website, which may include the Internet Protocol address or verified address, or, if not reasonably available, at least one form of geographic identifying information, including area code or zip code, provided by the customer or subscriber, or stored or obtained by the provider.'';

(E) in paragraph (4)—

(i) in the heading by striking ''IMAGES'' and inserting ''VISUAL DEPICTIONS'';

(ii) by striking ''image'' and inserting ''visual depiction''; and

(iii) by inserting ''or other content'' after ''apparent child pornography''; and

(F) in paragraph (5)—

(i) by striking ''image'' and inserting ''visual depiction'';

(ii) by inserting ''or other content'' after ''apparent child pornography''; and

(iii) by striking ''images'' and inserting ''visual depictions'';

(4) by amending subsection (c) to read as follows:

''(c) FORWARDING OF REPORT TO LAW ENFORCEMENT.—Pursuant to its clearinghouse role as a private, nonprofit organization, and at the conclusion of its review in furtherance of its nonprofit mission, NCMEC shall make available each report made under subsection (a)(1) to one or more of the following law enforcement agencies:

''(1) Any Federal law enforcement agency that is involved in the investigation of child sexual exploitation, kidnapping, or enticement crimes.

''(2) Any State or local law enforcement agency that is involved in the investigation of child sexual exploitation.

''(3) A foreign law enforcement agency designated by the Attorney General under subsection (d)(3) or a foreign law enforcement

agency that has an established relationship with the Federal Bureau of Investigation, Immigration and Customs Enforcement, or INTERPOL, and is involved in the investigation of child sexual exploitation, kidnapping, or enticement crimes.'';

(5) in subsection (d)—

(A) in paragraph (2), by striking ''shall designate promptly the'' and inserting ''may designate a'';

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''shall promptly'' and inserting ''may''; and

(ii) in subparagraph (A), by striking ''designate the'' and inserting ''designate'';

(C) in paragraph (4)—

(i) by striking ''shall'' and inserting ''may'';

(ii) by striking ''the National Center for Missing and Exploited Children'' and inserting ''NCMEC'';

(iii) by striking ''electronic communication service providers, remote computing service providers'' and inserting ''providers'';

(D) by striking paragraph (5);

(E) by redesignating paragraph (6) as paragraph (5); and

(F) by amending paragraph (5), as so redesignated, to read as follows:

''(5) NOTIFICATION TO PROVIDERS.—

''(A) IN GENERAL.—NCMEC may notify a provider of the information described in subparagraph (B), if—

''(i) a provider notifies NCMEC that the provider is making a report under this section as the result of a request by a foreign law enforcement agency; and

''(ii) NCMEC forwards the report described in clause (i) to—

''(I) the requesting foreign law enforcement agency; or

''(II) another agency in the same country designated by the Attorney General under paragraph (3) or that has an established relationship with the Federal Bureau of Investigation, U.S. Immigration and Customs Enforcement, or INTERPOL and is involved in the investigation of child sexual exploitation, kidnapping, or enticement crimes.

''(B) INFORMATION DESCRIBED.—The information described in this subparagraph is—

''(i) the identity of the foreign law enforcement agency to which the report was forwarded; and

''(ii) the date on which the report was forwarded.

''(C) NOTIFICATION OF INABILITY TO FORWARD REPORT.—If a provider notifies NCMEC that the provider is making a report under this section as the result of a request by a foreign law enforcement agency and NCMEC is unable to forward the report as described in subparagraph (A)(ii), NCMEC shall notify the provider that NCMEC was unable to forward the report.'';

(6) in subsection (e), by striking ''An electronic communication service provider or remote computing service provider'' and inserting ''A provider'';

(7) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking ''an electronic communication service provider or remote computing service provider'' and inserting ''a provider'';

(B) in paragraph (3), by striking ''seek'' and inserting ''search, screen, or scan for'';

(8) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A)(vi), by striking ''an electronic communication service provider or remote computing service provider'' and inserting ''a provider''; and

(ii) by amending subparagraph (B) to read as follows:

''(B) LIMITATION.—Nothing in subparagraph (A)(vi) authorizes a law enforcement agency to provide visual depictions of apparent child pornography to a provider.'';

(B) in paragraph (3)—

(i) in the paragraph heading, by striking ''THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN'' and inserting ''NCMEC'';

(ii) in the matter preceding subparagraph (A)—

(I) by striking ''The National Center for Missing and Exploited Children'' and inserting ''NCMEC'';

(II) by inserting after ''may disclose'' the following: ''by mail, electronic transmission, or other reasonable means,''; and

(III) by striking ''only'' and inserting ''only to'';

(iii) in subparagraph (A)—

(I) by striking '' to any Federal law enforcement agency'' and inserting ''any Federal law enforcement agency''; and

(II) by inserting before the semicolon at the end the following: ''or that is involved in the investigation of child sexual exploitation, kidnapping, or enticement crimes'';

(iv) in subparagraph (B)—

(I) by striking ''to any State'' and inserting ''any State''; and

(II) by striking ''child pornography, child exploitation'' and inserting ''child sexual exploitation'';

(v) in subparagraph (C)—

(I) by striking ''to any foreign law enforcement agency'' and inserting ''any foreign law enforcement agency''; and

(II) by striking ''; and'' and inserting ''or that has an established relationship with the Federal Bureau of Investigation, Immigration and Customs Enforcement, or INTERPOL, and is involved in the investigation of child sexual exploitation, kidnapping, or enticement crimes;'';

(vi) in subparagraph (D)—

(I) by striking ''to an electronic communication service provider or remote computing service provider'' and inserting ''a provider''; and

(II) by striking the period at the end and inserting ''; and''; and

(vii) by adding after subparagraph (D) the following:

''(E) respond to legal process, as necessary.''; and

(C) by adding at the end the following:

''(4) PERMITTED DISCLOSURE BY A PROVIDER.—A provider that submits a report under subsection (a)(1) may disclose by mail, electronic transmission, or other reasonable means, information, including visual depictions contained in the report, in a manner consistent with permitted disclosures under paragraphs (3) through (8) of section 2702(b) only to a law enforcement agency described in subparagraph (A), (B), or (C) of paragraph (3), to NCMEC, or as necessary to respond to legal process.''; and

(9) in subsection (h)—

(A) in paragraph (1)—

(i) by striking ''the notification to an electronic communication service provider or a remote computing service provider by the CyberTipline of receipt of a report'' and inserting ''a completed submission by a provider of a report to the CyberTipline''; and

(ii) by striking '', as if such request was made pursuant to section 2703(f)'' and inserting ''the contents provided in the report for 90 days after the submission to the CyberTipline'';

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(D) in paragraph (2), as so redesignated—

(i) in the heading, by striking ''IMAGES'' and inserting ''CONTENT'';

(ii) by striking ''an electronic communication service provider or a remote computing service'' and inserting ''a provider'';

(iii) by striking ''images'' and inserting ''visual depictions''; and

(iv) by striking ''commingled or interspersed among the images of apparent child pornography within a particular communication or user created folder or directory'' and inserting ''reasonably accessible and may provide context or additional information about the reported material or person''; and

(E) in paragraph (3), as so redesignated, by striking ''An electronic communication service provider or a remote computing service'' and inserting ''A provider''.

SEC. 3. LIMITED LIABILITY FOR PROVIDERS OR DOMAIN NAME REGISTRARS.

Section 2258B of title 18, United States Code, is amended—

(1) in the heading—

(A) by striking ''**electronic communication service providers, remote computing service providers,**'' and inserting ''**providers**''; and

(B) by striking ''**registrar**'' and inserting ''**registrars**'';

(2) in subsection (a)—

(A) by striking ''an electronic communication service provider, remote computing service provider,'' and inserting ''a provider''; and

(B) by striking ''such electronic communication service provider, remote computing service provider,'' and inserting ''such provider'';

(3) in subsection (b), by striking ''electronic communication service provider, remote computing service provider,'' each place it appears and inserting ''provider''; and

(4) in subsection (c)—

(A) by striking ''image'' each place it appears and inserting ''visual depiction'';

(B) in the matter preceding paragraph (1), by striking ''An electronic communication service provider, a remote computing service provider,'' and inserting ''A provider''.

SEC. 4. USE TO COMBAT CHILD PORNOGRAPHY OF TECHNICAL ELEMENTS RELATING TO REPORTS MADE TO CYBERTIPLINE.

Section 2258C of title 18, United States Code, is amended—

(1) in the heading, by striking ''**to images reported to**'' and inserting ''**to reports made to**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''The National Center for Missing and Exploited Children'' and inserting ''NCMEC'';

(ii) by striking ''apparent child pornography image of an identified child'' and inserting ''CyberTipline report'';

(iii) by striking ''an electronic communication service provider or a remote computing service provider'' and inserting ''a provider'';

(iv) by striking ''that electronic communication service provider or remote computing service provider'' and inserting ''that provider''; and

(v) by striking ''further transmission of images'' and inserting ''online sexual exploitation of children'';

(B) in paragraph (2), by striking ''specific image, Internet location of images, and other technological elements that can be used to identify and stop the transmission of child pornography'' and inserting ''specific visual depiction, including an Internet location and any other elements provided in a CyberTipline report that can be used to identify, prevent, curtail, or stop the transmission of child pornography and prevent the online sexual exploitation of children''; and

(C) in paragraph (3), by striking ''actual images'' and inserting ''actual visual depictions of apparent child pornography'';

(3) in subsection (b)—

(A) in the heading, by striking ''**electronic communication service providers and remote computing service providers**'' and inserting ''**providers**'';

(B) by striking ''electronic communication service provider or remote computing service provider'' each place it appears and inserting ''provider'';

(C) by striking ''apparent child pornography image of an identified child from the National Center for Missing and Exploited Children'' and inserting ''CyberTipline report from NCMEC'';

(D) by striking ''shall not relieve that'' and inserting ''shall not relieve the''; and

(E) by striking ''its reporting obligations'' and inserting ''reporting'';

(4) in subsection (c)—

(A) by striking ''electronic communication service providers or remote computing service providers'' and inserting ''providers'';

(B) by striking ''apparent child pornography image of an identified child from the National Center for Missing and Exploited Children'' and inserting ''CyberTipline report from NCMEC''; and

(C) by striking ''further transmission of the images'' and inserting ''online sexual exploitation of children'';

(5) in subsection (d)—

(A) by striking ''The National Center for Missing and Exploited Children shall'' and inserting ''NCMEC may'';

(B) by inserting after ''local law enforcement'' the following: '', and to foreign law enforcement agencies described in section 2258A(c)(3)'';

(C) by striking ''investigation of child pornography'' and inserting ''investigation of child sexual exploitation'';

(D) by striking ''image of an identified child'' and inserting ''visual depiction''; and

(E) by striking ''reported to the National Center for Missing and Exploited Children'' and inserting ''reported to the CyberTipline''; and

(6) in subsection (e)—

(A) by inserting before ''Federal'' the following: ''foreign,'';

(B) by striking ''image of an identified child from the National Center for Missing and Exploited Children under section (d)'' and inserting ''visual depiction from NCMEC under subsection (d)'';

(C) by striking ''child pornography crimes'' and inserting ''child sexual exploitation crimes,''; and

(D) by inserting before the period at the end the following: ''and prevent future sexual victimization of children''.

SEC. 5. LIMITED LIABILITY FOR NCMEC.

Section 2258D of title 18, United States Code, is amended—

(1) in the heading, by striking ''**the National Center for Missing and Exploited Children**'' and inserting ''**NCMEC**'';

(2) in subsection (a)—

(A) by striking ''Except as provided'' and inserting ''Pursuant to its clearinghouse role as a private, nonprofit organization and its mission to help find missing children, reduce online sexual exploitation of children and prevent future victimization, and except as provided'';

(B) by striking ''the National Center for Missing and Exploited Children'' and inserting ''NCMEC'';

(C) by striking ''(42 U.S.C. 5773)'' and inserting ''(34 U.S.C. 11293)'';

(D) by striking ''such center'' each place it appears and inserting ''NCMEC''; and

(E) by striking ''from the effort'' and inserting ''from the efforts'';

(3) in subsection (b)—

(A) by striking ''the National Center for Missing and Exploited Children'' and inserting ''NCMEC'';

(B) by striking ''such center'' and inserting ''NCMEC''; and

(C) by striking ''(42 U.S.C. 5773)'' and inserting ''(34 U.S.C. 11293)''; and

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''The National Center for Missing and Exploited Children'' and inserting ''NCMEC''; and

(B) by striking ''image'' each place it appears and inserting ''visual depiction''.

SEC. 6. DEFINITIONS.

Section 2258E of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (6) the following:

''(7) the term 'provider' means an electronic communication service provider or remote computing service; and

''(8) the term 'NCMEC' means the National Center for Missing & Exploited Children.''.

By Mr. SCHUMER (for himself, Ms. DUCKWORTH, Mr. SANDERS, Mr. KAINE, Mr. MERKLEY, Mr. WYDEN, Mr. BENNET, and Ms. WARREN):

S. 3174. A bill to decriminalize marijuana, and for other purposes; to the Committee on the Judiciary.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3174

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 ''Marijuana Freedom and Opportunity Act''.

SEC. 2. DECRIMINALIZATION OF MARIJUANA.

(a) MARIHUANA REMOVED FROM SCHEDULE OF CONTROLLED SUBSTANCES.—Subsection (c) of schedule I of section 202(c) of the Controlled Substances Act (21 U.S.C. 812) is amended—

(1) by striking ''marihuana''; and

(2) by striking ''tetrahydrocannabinols''.

(b) REMOVAL OF PROHIBITION ON IMPORT AND EXPORT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960) is amended—

(1) in paragraph (1)—

(A) in subparagraph (F), by inserting ''or'' after the semicolon;

(B) by striking subparagraph (G); and

(C) by redesignating subparagraph (H) as subparagraph (G);

(2) in paragraph (2)—

(A) in subparagraph (F), by inserting ''or'' after the semicolon;

(B) by striking subparagraph (G); and

(C) by redesignating subparagraph (H) as subparagraph (G);

(3) in paragraph (3), by striking ''paragraphs (1), (2), and (4)'' and inserting ''paragraphs (1) and (2)'';

(4) by striking paragraph (4); and

(5) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

(c) CONFORMING AMENDMENTS TO CONTROLLED SUBSTANCES ACT.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(1) in section 102(44) (21 U.S.C. 802(44)), by striking ''marihuana,'';

(2) in section 401(b) (21 U.S.C. 841(b))—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (vi), by inserting ''or'' after the semicolon;

(II) by striking (vii); and

(III) by redesignating clause (viii) as clause (vii);

(ii) in subparagraph (B)—

(I) by striking clause (vii); and

(II) by redesignating clause (viii) as clause (vii);

(iii) in subparagraph (C), in the first sentence, by striking ''subparagraphs (A), (B), and (D)'' and inserting ''subparagraphs (A) and (B)'';

(iv) by striking subparagraph (D);

(v) by redesignating subparagraph (E) as subparagraph (D); and

(vi) in subparagraph (D)(i), as so redesignated, by striking ''subparagraphs (C) and (D)'' and inserting ''subparagraph (C)'';

(B) by striking paragraph (4); and

(C) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively;

(3) in section 402(c)(2)(B) (21 U.S.C. 842(c)(2)(B)), by striking '', marihuana,'';

(4) in section 403(d)(1) (21 U.S.C. 843(d)(1)), by striking '', marihuana,'';

(5) in section 418(a) (21 U.S.C. 859(a)), by striking the last sentence;

(6) in section 419(a) (21 U.S.C. 860(a)), by striking the last sentence;

(7) in section 422(d) (21 U.S.C. 863(d))—

(A) in the matter preceding paragraph (1), by striking ''marijuana,''; and

(B) in paragraph (5), by striking '', such as a marihuana cigarette,''; and

(8) in section 516(d) (21 U.S.C. 886(d)), by striking ''section 401(b)(6)'' each place the term appears and inserting ''section 401(b)(5)''.

(d) OTHER CONFORMING AMENDMENTS.—

(1) NATIONAL FOREST SYSTEM DRUG CONTROL ACT OF 1986.—The National Forest System Drug Control Act of 1986 (16 U.S.C. 559b et seq.) is amended—

(A) in section 15002(a) (16 U.S.C. 559b(a)) by striking ''marijuana and other'';

(B) in section 15003(2) (16 U.S.C. 559c(2)) by striking ''marijuana and other''; and

(C) in section 15004(2) (16 U.S.C. 559d(2)) by striking ''marijuana and other''.

(2) INTERCEPTION OF COMMUNICATIONS.—Section 2516 of title 18, United States Code, is amended—

(A) in subsection (1)(e), by striking ''marihuana,''; and

(B) in subsection (2) by striking ''marihuana,''.

SEC. 3. LEVEL THE ECONOMIC PLAYING FIELD.

(a) ESTIMATE.—On an annual basis, the Secretary of the Treasury shall make a reasonable estimate of total tax revenue generated by the marijuana industry for the previous 12-month period.

(b) TRANSFER.—The Secretary of the Treasury shall transfer from the general fund of the Treasury to the trust fund established under subsection (c) the greater of—

(1) an amount equal to 10 percent of the amount estimated under subsection (a); and

(2) $10,000,000.

(c) TRUST FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the Marijuana Opportunity Trust Fund, which shall consist of amounts transferred under subsection (b).

(2) USE OF AMOUNTS.—Amounts in the trust fund established under paragraph (1) shall be made available to the Administrator of the Small Business Administration to provide loans under section 7(m) of the Small Business Act (15 U.S.C. 636(m)) to assist—

(A) small business concerns owned and controlled by women, as defined in section 3 of

that Act (15 U.S.C. 632), that operate in the marijuana industry; and

(B) small business concerns owned and controlled by socially and economically disadvantaged individuals, as defined in section 8(d)(3)(C) of that Act (15 U.S.C. 637(d)(3)(C)), that operate in the marijuana industry.

SEC. 4. HIGHWAY SAFETY RESEARCH.

(a) STUDY; DEVELOPMENT.—The Administrator of the National Highway Traffic Safety Administration (referred to in this section as the ''Administrator'') shall—

(1) carry out a study of the impact of driving under the influence of tetrahydrocannabinol on highway safety; and

(2) develop enhanced strategies and procedures to reliably determine the impairment of a driver under the influence of tetrahydrocannabinol.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section $50,000,000 for each of fiscal years 2019 through 2023.

SEC. 5. PUBLIC HEALTH RESEARCH.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Director of the National Institutes of Health and the Commissioner of Food and Drugs, shall conduct research on the impacts of marijuana, including—

(1) effects of tetrahydrocannabinol on the human brain;

(2) efficacy of medicinal marijuana as a treatment for specific diseases and conditions; and

(3) identification of additional medical benefits and uses of cannabis.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services, $100,000,000 for each of fiscal years 2019 through 2023, for purposes of carrying out the activities described in subsection (a).

SEC. 6. PROTECT KIDS.

The Alcohol and Tobacco Tax and Trade Bureau of the Department of the Treasury shall promulgate regulations that—

(1) require restrictions on the advertising and promotion of products related to marijuana, if the Secretary determines that such regulation would be appropriate for the protection of the public health, taking into account—

(A) the risks and benefits to the population of individuals age 18 and under, including users and nonusers of marijuana products;

(B) the increased or decreased likelihood that existing users of marijuana products who are age 18 and under will stop using such products; and

(C) the increased or decreased likelihood that those age 18 and under who do not use marijuana products will start using such products; and

(2) impose restrictions on the advertising and promotion of products related to marijuana consistent with and to the full extent permitted by the First Amendment to the Constitution of the United States.

SEC. 7. GRANTS FOR EXPUNGEMENT OF MARIJUANA CONVICTIONS.

There is authorized to be appropriated to the Attorney General to award grants to States and units of local government for the purpose of administering, expanding, or developing expungement or sealing programs for convictions of possession of marijuana $20,000,000 for each of fiscal years 2019 through 2023 with not less than 50 percent of those funds being directed to cover the cost of public defenders or legal aid providers.

SEC. 8. RULE OF CONSTRUCTION.

Nothing in this Act, or an amendment made by this Act, may be construed to modify the authority of the Federal Government to prevent marijuana trafficking from States that have legalized marijuana to those that have not.

By Mr. MCCONNELL:

S. 3176. A bill to establish the Mill Springs Battlefield National Monument in the State of Kentucky as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3176

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 ''Mill Springs Battlefield National Monument Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term ''Map'' means the map entitled ''Mill Springs Battlefield National Monument, Nancy, Kentucky'', numbered 297/145513, and dated June 2018.

(2) MONUMENT.—The term ''Monument'' means the Mill Springs Battlefield National Monument established by section 3(a)(1).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 3. ESTABLISHMENT OF MILL SPRINGS BATTLEFIELD NATIONAL MONUMENT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to paragraph (2), there is established as a unit of the National Park System, the Mill Springs Battlefield National Monument in the State of Kentucky, to preserve, protect, and interpret for the benefit of present and future generations—

(A) the nationally significant historic resources of the Mill Springs Battlefield; and

(B) the role of the Mill Springs Battlefield in the Civil War.

(2) DETERMINATION BY THE SECRETARY.—The Monument shall not be established until the date on which the Secretary determines that a sufficient quantity of land or interests in land has been acquired to constitute a manageable park unit.

(3) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under paragraph (2), the Secretary shall publish in the Federal Register notice of the establishment of the Monument.

(4) BOUNDARY.—The boundary of the Monument shall be as generally depicted on the Map.

(5) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(6) ACQUISITION AUTHORITY.—The Secretary may only acquire land or an interest in land located within the boundary of the Monument by—

(A) donation;

(B) purchase with donated funds; or

(C) exchange.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Monument in accordance with—

(A) this Act; and

(B) the laws generally applicable to units of the National Park System, including—

(i) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code; and

(ii) chapter 3201 of title 54, United States Code.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to prepare a general management plan for the Monument, the Secretary shall prepare the general management plan in accordance with section 100502 of title 54, United States Code.

(B) SUBMISSION TO CONGRESS.—On completion of the general management plan, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate the general management plan.

(c) PRIVATE PROPERTY PROTECTION.—Nothing in this Act affects the land use rights of private property owners within or adjacent to the Monument.

(d) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this Act, the establishment of the Monument, or the management of the Monument creates a buffer zone outside the Monument.

(2) ACTIVITY OR USE OUTSIDE MONUMENT.—The fact that an activity or use can be seen, heard, or detected from within the Monument shall not preclude the conduct of the activity or use outside the Monument.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 558—DESIGNATING JULY 30, 2018, AS ''NATIONAL WHISTLEBLOWER APPRECIATION DAY''

Mr. GRASSLEY (for himself, Mr. WYDEN, Ms. BALDWIN, Mr. CARPER, Mr. MARKEY, Mr. JOHNSON, Mr. TILLIS, Mrs. MCCASKILL, Mr. PETERS, Mr. BOOZMAN, Mrs. ERNST, and Mrs. FISCHER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 558

Whereas, in 1777, before the passage of the Bill of Rights, 10 sailors and marines blew the whistle on fraud and misconduct that was harmful to the United States;

Whereas the Founding Fathers unanimously supported the whistleblowers in words and deeds, including by releasing government records and providing monetary assistance for the reasonable legal expenses necessary to prevent retaliation against the whistleblowers;

Whereas, on July 30, 1778, in demonstration of their full support for whistleblowers, the members of the Continental Congress unanimously enacted the first whistleblower legislation in the United States that read: ''*Resolved,* That it is the duty of all persons in the service of the United States, as well as all other the inhabitants thereof, to give the earliest information to Congress or other proper authority of any misconduct, frauds or misdemeanors committed by any officers or persons in the service of these states, which may come to their knowledge'' (legislation of July 30, 1778, reprinted in Journals of the Continental Congress, 1774–1789, ed. Worthington C. Ford et al. (Washington, DC, 1904–37), 11:732);

Whereas whistleblowers risk their careers, jobs, and reputations by reporting waste, fraud, and abuse to the proper authorities;

Whereas, in providing the proper authorities with lawful disclosures, whistleblowers save the taxpayers of the United States billions of dollars each year and serve the public interest by ensuring that the United States remains an ethical and safe place; and