

SA 3796. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of

Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. (a)(1) The amount appropriated by title I of this division under the heading "National Guard Personnel, Air Force" is hereby increased by \$450,000.

(2) The amount appropriated by title II of this division under the heading "Operation and Maintenance, Air National Guard" is hereby increased by \$50,000.

(b)(1) The amount appropriated by title I of this division under the heading "National Guard Personnel, Army" is hereby decreased by \$450,000.

(2) The amount appropriated by title II of this division under the heading "Operation and Maintenance, Army National Guard" is hereby decreased by \$50,000.

SA 3797. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATION ON MILITARY ASSISTANCE TO BURMA.

(a) IN GENERAL.—Except as provided under subsection (b), the President may not furnish any security assistance or to engage in any military-to-military programs with the armed forces of Burma, including training or observation or participation in regional exercises, until the Secretary of State, in consultation with the Secretary of Defense, provides a report to the appropriate congressional committees that the Burmese military has demonstrated significant progress in abiding by international human rights standards and is undertaking meaningful and significant security sector reform, including transparency and accountability to prevent future abuses, as determined by applying the following criteria:

(1) The military adheres to international human rights standards and pledges to stop future human rights violations.

(2) The military supports efforts to carry out meaningful and comprehensive investigations of credible reports of abuses and is taking steps to hold accountable those in the Burmese military responsible for human rights violations.

(3) The military supports efforts to carry out meaningful and comprehensive investigations of reports of conflict-related sexual and gender-based violence and is taking steps to hold accountable those in the Burmese military who failed to prevent, respond to, investigate, and prosecute violence against women, sexual violence, or other gender-based violence.

(4) The Government of Burma, including the military, allows immediate and unfettered humanitarian access to communities in areas affected by conflict, including Rohingya communities in Rakhine State.

(5) The Government of Burma, including the military, cooperates with the United Nations High Commissioner for Refugees and other relevant United Nations agencies to ensure the protection of displaced persons and the safe and voluntary return of Rohingya refugees and internally displaced persons.

(6) The Government of Burma, including the military, takes observable steps toward

the implementation of the recommendations of the Advisory Commission on Rakhine State.

(b) EXCEPTIONS.—

(1) CERTAIN EXISTING AUTHORITIES.—The Department of Defense may continue to conduct consultations based on the authorities under section 1253 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 22 U.S.C. 2151 note).

(2) HOSPITALITY.—The United States Agency for International Development and the Department of State may provide assistance authorized by part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to support ethnic armed groups and the Burmese military for the purpose of supporting research, dialogues, meetings, and other activities related to the Union Peace Conference, Political Dialogues, and related processes, in furtherance of inclusive, sustainable reconciliation.

(c) MILITARY REFORM.—The certification required under subsection (a) shall include a written justification in classified and unclassified form describing the Burmese military's efforts to implement reforms, end impunity for human rights violations, and increase transparency and accountability.

(d) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to authorize Department of Defense assistance to the Government of Burma except as provided in this section.

(e) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State and the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, on the strategy and plans for military-to-military engagement between the United States Armed Forces and the military of Burma.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A description and assessment of the Government of Burma's strategy for security sector reform, including as it relates to an end to involvement in the illicit trade in jade and other natural resources, reforms to end corruption and illicit drug trafficking, and constitutional reforms to ensure civilian control of the Government.

(B) A list of ongoing military activities conducted by the United States Government with the Government of Burma, and a description of the United States strategy for future military-to-military engagements between the United States and Burma's military forces, including the military of Burma, the Burma Police Force, and armed ethnic groups.

(C) An assessment of the progress of the military of Burma towards developing a framework to implement human rights reforms, including—

(i) cooperation with civilian authorities to investigate and prosecute cases of human rights violations;

(ii) steps taken to demonstrate respect for internationally-recognized human rights standards and implementation of and adherence to the laws of war; and

(iii) a description of the elements of the military-to-military engagement between the United States and Burma that promote such implementation.

(D) An assessment of progress on the peaceful settlement of armed conflicts between the Government of Burma and ethnic minority groups, including actions taken by the military of Burma to adhere to ceasefire agreements, allow for safe and voluntary returns of displaced persons to their villages of

origin, and withdraw forces from conflict zones.

(E) An assessment of the Burmese's military recruitment and use of children as soldiers.

(F) An assessment of the Burmese's military's use of violence against women, sexual violence, or other gender-based violence as a tool of terror, war, or ethnic cleansing.

(G) An assessment whether the Burmese military supplied arms and training to minority groups in Rakhine State, which were used in a systematic campaign of ethnic cleansing of the Rohingya.

(f) CIVILIAN CHANNELS.—Any program initiated under this section shall use appropriate civilian government channels with the democratically elected Government of Burma.

(g) REGULAR CONSULTATIONS.—Any new program or activity in Burma initiated under this section shall be subject to prior consultation with the appropriate congressional committees.

(h) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" 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 Committee on Appropriations of the House of Representatives.

SA 3798. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. (a) Congress makes the following findings:

(1) The Saudi-led coalition air strike on a bus on August 9, 2018, in the Saada Province of Yemen reportedly killed 51 people, 40 of which were children, and injured dozens more.

(2) That air strike represents one of more than 17,000 total air strikes conducted by the Saudi-led coalition since March 2015. The United Nations Refugee Agency (UNHCR) assesses that, from December 2017 to May 2018, Saudi-led coalition air strikes accounted for 80 percent of the civilian deaths in the 5 Yemeni governorates most affected by the fighting.

(b) No funds appropriated or otherwise made available by this Act may be made available for authorized in-flight refueling of Saudi or Saudi-led coalition non-United States aircraft conducting missions in Yemen pursuant to section 2342 of title 10, United States Code, or any other applicable statutory authority unless—

(1) the Government of Saudi Arabia or the government of a Saudi-led coalition member provides the Secretary of Defense advance notification of the intended target in Yemen; and

(2) the Secretary of Defense certifies to the appropriate committees of Congress with a high degree of confidence that the Saudi or Saudi-led coalition mission in Yemen exercises the proportionate use of force and discriminates between military and non-military targets, in accordance with international humanitarian law and the laws of armed conflict.

(c) In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 3799. Mr. MERKLEY (for himself, Mr. VAN HOLLEN, and Ms. DUCKWORTH) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this Act or any other Act may be used—

(1) to prevent a Member of Congress from entering, for the purpose of conducting oversight, any facility located in the United States at which alien minors are housed or otherwise detained;

(2) to require any Member of Congress to coordinate through a Congressional entity for their entry into, for the purpose of conducting oversight, any facility described in paragraph (1); or

(3) to make any temporary modification at a facility described in paragraph (1) that in any way alters what is observed by a visiting Member of Congress, compared to what would be observed in the absence of such modification.

SA 3800. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B insert the following:

SEC. _____. There are appropriated, in addition to any other amounts made available under this title, \$100,000,000 for the block grants for substance abuse prevention and treatment under subpart II of part B of title XIX of the PHS Act.

SA 3801. Mr. DURBIN (for himself, Ms. WARREN, Mr. WHITEHOUSE, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) **UNDUE HARDSHIP.**—No funds made available in this or any other Act may be used to contest a claim, or to pay any contractor of the Federal Government that contests a claim, that is made—

(1) in any proceeding under section 523(a)(8) of title 11, United States Code, that excepting a debt from discharge would constitute an undue hardship; and

(2) by a debtor who—

(A) has been determined by the Secretary of Veterans Affairs to be unemployable due to a service-connected disability; or

(B) is a family caregiver of an eligible veteran pursuant to section 1720G of title 38, United States Code.

(b) **OFFSET.**—Notwithstanding any other provision of this Act, the total amount appropriated under the heading “PROGRAM ADMINISTRATION” under the heading “DEPARTMENTAL MANAGEMENT” for the Department of Education is hereby reduced by \$1,000,000.

SA 3802. Mr. DURBIN (for himself, Ms. WARREN, Mr. WHITEHOUSE, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) **UNDUE HARDSHIP.**—No funds made available in this or any other Act may be used to contest a claim, or to pay any contractor of the Federal Government that contests a claim, that is made—

(1) in any proceeding under section 523(a)(8) of title 11, United States Code, that excepting a debt from discharge would constitute an undue hardship; and

(2) by a debtor who—

(A) is receiving benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) or title XVI of that Act (42 U.S.C. 1381 et seq.) on the basis of disability;

(B) has been determined by the Secretary of Veterans Affairs to be unemployable due to a service-connected disability;

(C) is a family caregiver of an eligible veteran pursuant to section 1720G of title 38, United States Code;

(D) is a member of a household that has a gross income that is less than 200 percent of the poverty line, and provides for the care and support of an elderly, disabled, or chronically ill member of the household of the debtor or member of the immediate family of the debtor;

(E) is a member of a household that has a gross income that is less than 200 percent of the poverty line, and the income of the debtor is solely derived from benefit payments under section 202 of the Social Security Act (42 U.S.C. 402); or

(F) during the 5-year period preceding the filing of the petition (exclusive of any applicable suspension of the repayment period), was not enrolled in an education program and had a gross income that was less than 200 percent of the poverty line during each year during that period.

(b) **DEFINITION.**—In this section, the term “poverty line” means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a household of the size involved.

(c) **85/15 RULE.**—Notwithstanding any other provision of law, for fiscal years 2019 through 2028, no funds made available in this or any other Act shall be provided, directly or indirectly, to any proprietary institution of higher education (as defined in section 102(b) of the Higher Education Act of 1965 (20 U.S.C. 1002(b))) that derives less than 15 percent of the institution’s revenue from sources other than Federal financial assistance provided under this or any other Act or any other Federal law, through a grant, contract, subsidy, loan, guarantee, insurance, or other means, including Federal financial assistance that is disbursed or delivered to an institution or on behalf of a student or to a student to be used to attend the institution, except that such assistance shall not include

any monthly housing stipend provided under the Post-9/11 Educational Assistance Program under chapter 33 of title 38, United States Code.

SA 3803. Mrs. GILLIBRAND (for herself, Mr. ROUNDS, Mr. SCHUMER, Mr. MANCHIN, Mrs. CAPITO, Mr. GARDNER, Mr. BENNETT, and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. Of the funds appropriated or otherwise made available by title II of this division under the headings “Operation and Maintenance, Air National Guard” and “Operation and Maintenance, Air Force”, not more than a total of \$45,000,000 shall be available to the Secretary of the Air Force for payments to a local water authority located in the vicinity of an Air Force or Air National Guard base (including a base not Federally-owned) for the treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid in drinking water from the wells owned and operated by the local water authority or privately owned wells undertaken to attain the Environmental Protection Agency Lifetime Health Advisory level for such acids: *Provided*, That the applicable Lifetime Health Advisory shall be the one in effect on the date of the enactment of this Act: *Provided further*, That the local water authority must have requested such a payment from the Air Force or National Guard Bureau before March 1, 2019, or the Air Force or National Guard Bureau must have become aware of such a treatment plan before that date, for payment under this section to occur: *Provided further*, That the elevated levels of such acids in the water must have been the result of activities conducted by or paid for by the Department of the Air Force for payment under this section to occur: *Provided further*, That such funds may be expended without regard to existing contractual provisions in agreements between the Department of the Air Force or the National Guard Bureau, as the case may be, and the State in which the base is located relating to environmental response actions or indemnification: *Provided further*, That, in order to be eligible for payment under this section, such treatment must have taken place after May 25, 2016, and the local water authority must waive all claims for treatment expenses incurred before such date: *Provided further*, That any payment under this section may not exceed the actual cost of such treatment resulting from the activities conducted by or paid for by the Department of the Air Force: *Provided further*, That the Secretary of the Air Force may enter into such agreements with the local water authority as may be necessary to implement this section.

SA 3804. Ms. CANTWELL (for herself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III of division B, insert the following:

SEC. _____. (a) It is the sense of the Senate that dedicated funding for coding courses in kindergarten through grade 12 education should be a top priority.

(b) In carrying out grant programs under the Carl D. Perkins Career and Technical Education Act of 2006 that allow grant funds to be used for coding programs, the Secretary of Education shall prioritize applications from rural or underserved areas.

SA 3805. Mr. NELSON (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) The Secretary of Health and Human Services shall seek to enter into a contract with the National Academy of Sciences under which the National Academy of Sciences conducts a study on amyotrophic lateral sclerosis and, not later than 1 year after the date of enactment of this Act, submits a report on such study to Congress.

(b) The report under this section shall—

(1) address—

(A) the nationwide state of research on amyotrophic lateral sclerosis, including the state of research and development of assistive technologies and drug treatments for such disease;

(B) key gaps in research on amyotrophic lateral sclerosis;

(C) the nationwide state of medical and care services for individuals with amyotrophic lateral sclerosis;

(D) key gaps in access to medical and care services for individuals with amyotrophic lateral sclerosis; and

(E) the higher incidence of amyotrophic lateral sclerosis in both active duty military and veterans causing them to be more than twice as likely to be diagnosed with the disease; and

(2) include recommendations to Congress for advancing research as well as access to medical and care services with respect to amyotrophic lateral sclerosis.

SA 3806. Mr. NELSON submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE RECOMMENDATIONS FOR LOWERING PRESCRIPTION DRUG COSTS FOR STATE MEDICAID PROGRAMS, MEDICARE BENEFICIARIES, AND LOW-INCOME, NON-ELDERLY INDIVIDUALS WHO WOULD BE ELIGIBLE FOR MEDICAID IF THEIR STATE OF RESIDENCE EXPANDED ITS MEDICAID PROGRAM TO PROVIDE COVERAGE TO INDIVIDUALS WITH INCOMES OF UP TO 133 PERCENT OF THE FEDERAL POVERTY LEVEL

SEC. _____. Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report providing recommendations for lowering prescription drug costs for—

(1) State Medicaid programs under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(2) individuals who—

(A) are described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)(VIII)); and

(B) do not have access to affordable, comprehensive prescription drug coverage because they reside in a State that has elected not to provide medical assistance under the State Medicaid program to individuals described in such section; and

(3) individuals who are enrolled in the Medicare program under any part of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

SA 3807. Mr. WARNER (for himself and Mr. Kaine) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. (a) TRAINING REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that appropriate Department of Defense personnel are provided training on whole of Government approaches to national security challenges.

(2) COORDINATION.—In providing training under this section, the Secretary shall consult with the heads of other appropriate departments and agencies of the United States Government in order to ensure that such training promotes cross-agency and multi-sector learning, collaboration and problem-solving.

(b) ELEMENTS.—The training under this section shall include and emphasize the following:

(1) Integration and synchronization of policy across the executive branch.

(2) An understanding of the role of Congress, State and local governments, community organizations, academia, foreign governments, non-governmental organizations, and the private sector in influencing and executing whole-of-Government solutions.

(3) Operating in an interagency environment.

(4) Table-top role playing exercises and mentorship programs designed to enable participants to gain a greater understanding of interagency partnerships and means of operating successfully in a whole of Government environment.

(c) PROVISION OF TRAINING.—

(1) TRAINING BY COHORT.—Training shall be provided under this section to cohorts comprised of a mix of military and civilian personnel from across the Department and the Armed Forces and, with the approval of the head of the department or agency concerned, from other departments and agencies of the United States Government.

(2) PROVIDERS OF TRAINING.—The entities providing training under this section shall include military staff and war colleges, the National Defense University, and accredited public institutions of higher education that provide whole of Government curricula and are located amid areas of high concentration of military and civilian national security personnel.

SA 3808. Mr. GARDNER (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes;

which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. None of the amounts appropriated or otherwise made available this Act, whether division A or B of this Act, or by any other Act, may be obligated or expended for the following:

(1) Assistance to the Government of El Salvador.

(2) Activities with the Government of El Salvador.

SA 3809. Mr. CRUZ (for himself, Mr. INHOFE, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this division may be obligated or expended to implement the Arms Trade Treaty until the resolution of ratification of the Treaty is approved by the Senate.

SA 3810. Mr. HELLER (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III of division B, insert the following:

SEC. _____. Using funds appropriated under the heading “PROGRAM ADMINISTRATION” under the heading “DEPARTMENTAL MANAGEMENT” under the heading “DEPARTMENT OF EDUCATION”, and not later than 180 days after the date of enactment of this Act, the Secretary of Education shall submit, to the Committee on Appropriations, the Committee on Commerce, Science, and Transportation, and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Appropriations, the Committee on Science, Space, and Technology, and the Committee on Education and the Workforce of the House of Representatives, a report on how the Department of Education is coordinating with the National Aeronautics and Space Administration and the National Science Foundation to promote science, technology, engineering, and mathematics programs that benefit students in grades pre-kindergarten through 12.

SA 3811. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. _____. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Appropriations and the Committee on Armed Services of the Senate and the

Committee on Appropriations and the Committee on Armed Services of the House of Representatives a report that contains an assessment of how increases in fees and copayments for specialty care under the TRICARE program impacts access to mental health services by members of the Armed Forces and veterans.

SA 3812. Mrs. HYDE-SMITH (for herself and Mr. REED) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

Section 115 of title I of division B is amended by striking “shall be applied in fiscal year 2019 by substituting ‘seven’ for ‘six’” and inserting “is amended by striking ‘six’ and inserting ‘seven’”.

SA 3813. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. ____ . AUTHORITY TO NEGOTIATE FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

(a) IN GENERAL.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SA 3814. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of divisions B, insert the following:

SEC. ____ . GRANTS FOR TRAINING AND SUPPORT SERVICES FOR FAMILIES AND CAREGIVERS OF PEOPLE LIVING WITH ALZHEIMER'S DISEASE OR A RELATED DEMENTIA.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

“SEC. 330N. GRANTS FOR TRAINING AND SUPPORT SERVICES FOR FAMILIES AND CAREGIVERS OF PEOPLE LIVING WITH ALZHEIMER'S DISEASE OR A RELATED DEMENTIA.

“(a) DEFINITIONS.—In this section:

“(1) AREA AGENCY ON AGING.—The term ‘area agency on aging’ has the meaning given the term in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

“(2) MEDICALLY UNDERSERVED COMMUNITY.—The term ‘medically underserved community’ has the meaning given the term in section 799B.

“(b) GRANTS.—The Secretary may award grants to public or nonprofit private health care providers described in subsection (c) for the purpose of expanding training and support services for families and caregivers of people living with Alzheimer's disease or a related dementia if such health care providers—

“(1) meet the conditions for receiving grants under subsection (d); and

“(2) submit an application to the Secretary in such form, in such manner, and containing such agreements, assurances, and information as the Secretary may reasonably require.

“(c) RECIPIENTS OF GRANTS.—The public or nonprofit private health care providers described in this subsection shall include—

“(1) health care organizations;

“(2) community health centers;

“(3) nursing homes;

“(4) senior centers;

“(5) area agencies on aging;

“(6) community-based organizations;

“(7) organizations providing support services for families and caregivers of patients with younger-onset Alzheimer's disease or a related dementia; and

“(8) State, local, and tribal public health agencies and social service agencies.

“(d) CONDITIONS FOR RECEIVING GRANTS.—To be eligible to receive a grant awarded under subsection (b), a public or nonprofit health care provider described in subsection (c) shall agree—

“(1) to employ a comprehensive approach to caring for patients with Alzheimer's disease or a related dementia that integrates treatment of such patients with training and support services for the families and caregivers of such patients;

“(2) in any program to be funded by a grant awarded under subsection (b), that services will be provided in the languages most appropriate for, and with consideration for the cultural backgrounds of, the individuals for whom the services are provided; and

“(3) to provide outreach activities to inform the public of the services of the program, and to provide information on Alzheimer's disease and related dementias to the public.

“(e) COORDINATION.—The Secretary shall coordinate with the Director of the Office on Women's Health and the Director of the Office of Minority Health in order to ensure that women, minorities, and patients who live in medically underserved communities are able to benefit from the training and support services funded through grants awarded under subsection (b).

“(f) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2018 through 2023.

“(2) ALLOCATION FOR MEDICALLY UNDERSERVED COMMUNITIES.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than 10 percent for grants awarded under subsection (b) to public or nonprofit private health care providers that primarily serve medically underserved communities and meet the requirements under this section.”.

SA 3815. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . (a) Paragraph (3) of section 529(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(C) CERTAIN CAREER TRAINING EXPENSES.—

“(i) IN GENERAL.—In the case of an individual who is enrolled in or attending a program to obtain a recognized postsecondary

credential or occupational license, the term ‘qualified higher education expenses’ includes expenses similar to the expenses described in subparagraph (A) which are required for such program.

“(ii) PROGRAM TO OBTAIN A RECOGNIZED POSTSECONDARY CREDENTIAL.—For purposes of this subparagraph—

“(I) the term ‘recognized postsecondary credential’ has the meaning given the term in section 3(52) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102(52)), and

“(II) when used with respect to obtaining such a credential, the term ‘program’ means only a program which is included, and is offered by a provider which is included, on the list described in section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d)).”.

(b) The amendment made by this section shall apply to expenses paid or incurred in taxable years beginning after the date of the enactment of this Act.

SA 3816. Ms. KLOBUCHAR (for herself and Mr. SASSE) submitted an amendment intended to be proposed by her to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . COVERDELL LIFELONG LEARNING ACCOUNTS.

(a) IN GENERAL.—

(1) RENAMING OF COVERDELL EDUCATION SAVINGS ACCOUNTS.—Section 530 of the Internal Revenue Code of 1986 is amended—

(A) by striking “Coverdell education savings account” each place it appears and inserting “Coverdell lifelong learning account”; and

(B) by striking “COVERDELL EDUCATION SAVINGS ACCOUNTS” in the heading and inserting “COVERDELL LIFELONG LEARNING ACCOUNTS”.

(2) CONFORMING AMENDMENTS.—

(A) Section 26(b)(2)(E) of the Internal Revenue Code of 1986 is amended by striking “Coverdell education savings accounts” and inserting “Coverdell lifelong learning accounts”.

(B) Section 72(e)(9) of such Code is amended—

(i) by striking “Coverdell education savings account” and inserting “Coverdell lifelong learning account”; and

(ii) by striking “COVERDELL EDUCATION SAVINGS ACCOUNT” in the heading and inserting “COVERDELL LIFELONG LEARNING ACCOUNT”.

(C) Section 135(c)(2)(C) of such Code is amended—

(i) by striking “Coverdell education savings account” and inserting “Coverdell lifelong learning account”; and

(ii) by striking “COVERDELL EDUCATION SAVINGS ACCOUNT” in the heading and inserting “COVERDELL LIFELONG LEARNING ACCOUNT”.

(D) Section 408A(e)(2)(A)(ii) of such Code is amended by striking “Coverdell education savings account” and inserting “Coverdell lifelong learning account”.

(E) Section 529(c) of such Code is amended—

(i) by striking “COVERDELL EDUCATION SAVINGS ACCOUNTS” in the heading of paragraph (3)(B)(vi) and inserting “COVERDELL LIFELONG LEARNING ACCOUNT”; and

(ii) by striking “an Coverdell education savings account” in paragraph (6) and inserting “a Coverdell lifelong learning account”.

(F) Section 877A(e)(2) of such Code is amended by striking “Coverdell education

savings account” and inserting “Coverdell lifelong learning account”.

(G) Section 4973 of such Code is amended—

(i) by striking “Coverdell education savings account” each place it appears in subsections (a)(4) and (e)(2)(A) and inserting “Coverdell lifelong learning account”;

(ii) by striking “Coverdell education savings accounts” in subsection (e)(1) and inserting “Coverdell lifelong learning accounts”; and

(iii) by striking “COVERDELL EDUCATION SAVINGS ACCOUNTS” in the heading of subsection (e) and inserting “COVERDELL LIFELONG LEARNING ACCOUNTS”.

(H) Section 4975 of such Code is amended—

(i) by striking “Coverdell education savings account” each place it appears in subsections (c)(5) and (e)(1)(F) and inserting “Coverdell lifelong learning account”; and

(ii) by striking “COVERDELL EDUCATION SAVINGS ACCOUNTS” in the heading of subsection (c)(5) and inserting “COVERDELL LIFELONG LEARNING ACCOUNTS”.

(I) Section 6693(a)(2)(F) of such Code is amended by striking “Coverdell education savings accounts” and inserting “Coverdell lifelong learning accounts”.

(J) The table of sections for part VIII of subchapter F of chapter 1 of such Code is amended by striking “Coverdell education savings accounts” and inserting “Coverdell lifelong learning accounts”.

(3) TREATMENT OF EXISTING ACCOUNTS.—For purposes of section 530(b)(1) of the Internal Revenue Code of 1986, any account established before January 1, 2018, and designated as a Coverdell education savings account shall be deemed to have been designated as a Coverdell lifelong learning account.

(b) EXPANDED USE OF ACCOUNTS.—

(1) ELIGIBLE EXPENSES.—

(A) IN GENERAL.—Section 530(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of clause (i), by striking the period at the end of clause (ii) and inserting “, and”, and by adding at the end the following new clause:

“(iii) qualified educational or skill development expenses (as defined in paragraph (5)).”

(B) QUALIFIED EDUCATIONAL OR SKILL DEVELOPMENT EXPENSES.—Section 530(b) of such Code is amended by adding at the end the following new paragraph:

“(5) QUALIFIED EDUCATIONAL OR SKILL DEVELOPMENT EXPENSES.—The term ‘qualified educational or skill development expenses’ means—

“(A) expenses paid or incurred—

“(i) after the beneficiary attains age 16, and

“(ii) for participation or enrollment of the beneficiary in services or activities that are—

“(I) training services described in section 134(c)(3)(D) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(3)(D)) that are offered by a provider included on the list of eligible providers of training services described in section 122 of such Act (29 U.S.C. 3152),

“(II) career and technical education activities defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302) that are offered through an eligible institution (as defined in such section),

“(III) career services described in clauses (iii), (iv), and (xi) of section 134(c)(2)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(2)(A)) that are provided by providers eligible under section 134(c)(2)(C) of such Act,

“(IV) youth activities described in section 129(c)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164(c)(2)) that are provided by eligible providers of youth work-

force investment activities under section 123 of such Act, or

“(V) adult education and literacy activities, as defined in section 203 of the Adult Education and Family Literacy Act (29 U.S.C. 3272), that are provided by eligible providers of adult education and literacy activities under section 231 of such Act (29 U.S.C. 3321),

“(B) expenses for transportation required for or provided by any of the services or activities described in subparagraph (A),

“(C) expenses for testing necessary for enrollment in, or certification in connection with, services or activities described in subparagraph (A), or

“(D) expenses for the purchase of any computer technology or equipment (as defined in section 170(e)(6)(F)(i)) or Internet access and related services, if such technology, equipment, or services are to be used by the beneficiary for services or activities described in subparagraph (A) during any of the years the beneficiary is participating in or enrolled in any of the services or activities described in subparagraph (A).”

(c) MODIFICATION OF RULES RELATING TO AGE RESTRICTIONS AND CONTRIBUTIONS.—

(1) \$10,000 ACCOUNT LIMIT AFTER AGE 30.—

(A) IN GENERAL.—Subparagraph (E) of section 530(b)(1) of the Internal Revenue Code of 1986 is amended by inserting “in excess of \$10,000” after “any balance to the credit of the designated beneficiary”.

(B) CONTRIBUTION LIMIT.—Paragraph (1) of section 530(b)(1) of such Code is amended by striking “or” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, or”, and by adding at the end the following new clause:

“(iv) in the case of a beneficiary who is over the age of 30, if such contribution would result in the balance of the account exceeding \$10,000.”

(2) INCREASED AGE LIMIT FOR CONTRIBUTIONS.—Clause (ii) of section 530(b)(1)(A) of the Internal Revenue Code of 1986 is amended by striking “age 18” and inserting “age 70”.

(3) INCREASED CONTRIBUTION LIMITATION FOR INDIVIDUALS OVER AGE 30.—

(A) IN GENERAL.—Section 530(b)(1)(A)(iii) of the Internal Revenue Code of 1986 is amended by inserting “(\$4,000 in the case of an account the designated beneficiary of which has attained age of 30 before the end of the taxable year)” after “\$2,000”.

(B) CONFORMING AMENDMENT.—Section 4973(e)(1)(A) of such Code is amended by striking “\$2,000” and inserting “the limitation applicable under section 530(b)(1)(A)(iii)”.

(4) NO CHANGE IN BENEFICIARY AFTER AGE 30.—Paragraph (6) of section 530(d) of the Internal Revenue Code of 1986 is amended by striking “shall not be treated as a distribution for purposes of paragraph (1) if the new beneficiary” and inserting “shall not be treated as a distribution for purposes of paragraph (1) if—

“(A) the old beneficiary has not attained age 30 before the date of the change in beneficiary, and

“(B) the new beneficiary”.

(d) CREDIT FOR EMPLOYER CONTRIBUTIONS.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 45T. EMPLOYEE EDUCATIONAL SKILLS AND DEVELOPMENT EXPENSES.

“(a) GENERAL RULE.—For purposes of section 38, the employee educational skills and development contribution credit determined under this section for any taxable year is 25 percent of the nonelective contributions made by the taxpayer during the taxable year to a Coverdell lifelong learning account (as defined in section 530(b)) the designated

beneficiary of which is an employee of the taxpayer.

“(b) SPECIAL RULES AND DEFINITIONS.—For purposes of this section—

“(1) EMPLOYEE.—

“(A) CERTAIN EMPLOYEES EXCLUDED.—The term ‘employee’ shall not include—

“(i) an employee within the meaning of section 401(c)(1),

“(ii) any 2-percent shareholder (as defined in section 1372(b)) of an S corporation,

“(iii) any 5-percent owner (as defined in section 416(i)(1)(B)(i)) of taxpayer, or

“(iv) any individual who bears any of the relationships described in subparagraphs (A) through (G) of section 152(d)(2) to, or is a dependent described in section 152(d)(2)(H) of, an individual described in clause (i), (ii), or (iii).

“(B) LEASED EMPLOYEES.—The term ‘employee’ shall include a leased employee within the meaning of section 414(n).

“(2) NONELECTIVE CONTRIBUTION.—The term ‘nonelective contribution’ means an employer contribution other than an employer contribution pursuant to a salary reduction arrangement.

“(3) AGGREGATION AND OTHER RULES MADE APPLICABLE.—

“(A) AGGREGATION RULES.—All employers treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer for purposes of this section.

“(B) OTHER RULES.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.”

(2) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of such Code is amended by striking “plus” at the end of paragraph (31), by striking the period at the end of paragraph (32) and inserting “, plus”, and by adding at the end the following new paragraph:

“(33) the employee educational skills and development contribution credit determined under section 45T(a).”

(3) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 45T. Employee educational skills and development expenses.”

(e) ALLOWANCE OF DEDUCTION FOR BENEFICIARY.—

(1) IN GENERAL.—Part VIII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 224 as section 225 and by inserting after section 223 the following new section:

“SEC. 224. COVERDELL LIFELONG LEARNING ACCOUNT CONTRIBUTIONS.

“(a) IN GENERAL.—In the case of an individual who—

“(1) is the designated beneficiary of a Coverdell lifelong learning account (as defined in section 530(b)(1)), and

“(2) has attained the age of 18 before the close of the taxable year,

there shall be allowed as a deduction an amount equal to the contributions for the taxable year by or on behalf of such individual to the account described in paragraph (1).

“(b) RECONTRIBUTED AMOUNTS.—No deduction shall be allowed under this section with respect to a rollover contribution described in section 530(d)(5).”

(2) INCREASE IN ADDITIONAL TAX.—

(A) INCREASE.—

(i) IN GENERAL.—Section 530(d)(4)(A) of the Internal Revenue Code of 1986 is amended by striking “10 percent” and inserting “20 percent”.

(ii) CONFORMING AMENDMENT.—Section 529(c)(6) of such Code is amended by inserting

“, except that ‘10 percent’ shall be substituted for ‘20 percent’ in subparagraph (A) thereof” before the period at the end of the first sentence.

(B) MODIFICATION OF TAX TREATMENT OF DEDUCTIBLE CONTRIBUTIONS.—Paragraph (1) of section 530(d) is amended to read as follows:

“(1) INCLUSION IN GROSS INCOME.—

“(A) IN GENERAL.—Any distribution shall be includible in the gross income of the distributee as follows:

“(i) So much of the distribution as is equal to or less than the deductible amount shall be fully included in gross income.

“(ii) So much of the distribution which exceeds the deductible amount shall be included in gross income in the manner as provided in section 72 (determined by applying such section without regard to any amounts to which clause (i) applies).

“(B) DEDUCTIBLE AMOUNT.—For purposes of this paragraph, the term ‘deductible amount’ means the excess of—

“(i) the sum of contributions to the account for which a deduction was allowed under section 224 in such year and any preceding taxable year, over

“(ii) the amount of distributions to which subparagraph (A)(i) applied in any preceding taxable year.”.

(3) CLERICAL AMENDMENT.—The table of sections for part VIII of subchapter B of chapter 1 of such Code is amended by redesignating the item relating to section 224 as relating to section 225 and by inserting after the item relating to section 223 the following new item:

“Sec. 224. Coverdell lifelong learning account contributions.”.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on January 1, 2018.

(2) ELIGIBLE EXPENSES.—The amendments made by subsection (b) shall apply to distributions made after December 31, 2018.

(3) CONTRIBUTIONS.—The amendments made by paragraphs (1)(B) and (2) of subsection (c) shall apply to contributions made after December 31, 2018.

(4) EMPLOYER CONTRIBUTION CREDIT AND BENEFICIARY DEDUCTIONS.—The amendments made by subsections (d) and (e) shall apply to taxable years beginning after December 31, 2018.

SA 3817. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section: **“SEC. 25E. EXPENSES FOR ELDERCARE.**

“(a) ALLOWANCE OF CREDIT.—

“(1) IN GENERAL.—In the case of an individual for which there are 1 or more qualifying individuals with respect to such individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable percentage of the eldercare expenses paid by such individual during the taxable year.

“(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term ‘applicable percentage’ means 20 percent, reduced (but not below zero) by 1 percentage point for

each \$4,000 (or fraction thereof) by which the taxpayer’s adjusted gross income for the taxable year exceeds \$120,000.

“(b) DEFINITIONS.—For purposes of this section—

“(1) QUALIFYING INDIVIDUAL.—The term ‘qualifying individual’ means an individual—

“(A) who has attained age 65,

“(B) who requires assistance with activities of daily living, and

“(C) who is, with respect to the taxpayer or the taxpayer’s spouse—

“(i) the father or mother or an ancestor of such father or mother,

“(ii) the father-in-law or mother-in-law or an ancestor of such father-in-law or mother-in-law,

“(iii) the stepfather or stepmother or an ancestor of such stepfather or stepmother, or

“(iv) any other person who, for the taxable year, has the same principal place of abode as the taxpayer and is a member of the household of the taxpayer.

“(2) ELDERCARE EXPENSES.—

“(A) IN GENERAL.—The term ‘eldercare expenses’ means the following amounts paid for expenses relating to the care of a qualifying individual:

“(i) Medical care (as defined in section 213(d)(1), without regard to subparagraph D thereof).

“(ii) Lodging away from home in accordance with section 213(d)(2).

“(iii) Adult day care.

“(iv) Custodial care.

“(v) Respite care.

“(vi) Assistive technologies and devices (including remote health monitoring).

“(vii) Environmental modifications (including home modifications).

“(viii) Counseling or training for a caregiver.

“(B) DEFINITIONS.—For purposes of subparagraph (A)—

“(i) ADULT DAY CARE.—The term ‘adult day care’ means care provided for adults with functional or cognitive impairments through a structured, community-based group program which provides health, social, and other related support services on a less than 24-hour basis.

“(ii) CUSTODIAL CARE.—The term ‘custodial care’ means reasonable personal care services provided to assist with daily living which do not require the skills of qualified technical or professional personnel.

“(iii) RESPITE CARE.—The term ‘respite care’ means planned or emergency care intended to provide temporary relief to a caregiver.

“(C) CARE CENTERS.—

“(i) IN GENERAL.—Eldercare expenses described in subparagraph (A) which are incurred for services provided outside the taxpayer’s household by a care center shall be taken into account only if such center complies with all applicable laws and regulations of a State or unit of local government.

“(ii) CARE CENTER.—For purposes of this subparagraph, the term ‘care center’ means any facility which—

“(I) provides care for more than 6 individuals, and

“(II) receives a fee, payment, or grant for providing services for any of the individuals (regardless of whether such facility is operated for profit).

“(c) DOLLAR LIMITATION.—

“(1) IN GENERAL.—The amount of the eldercare expenses incurred during any taxable year which may be taken into account under subsection (a) shall not exceed \$6,000.

“(2) COORDINATION WITH DEPENDENT CARE ASSISTANCE EXCLUSION.—The dollar amount in paragraph (1) shall be reduced by the aggregate amount excluded from gross income under section 129 for the taxable year, if any.

“(d) SPECIAL RULES.—For purposes of this section—

“(1) PAYMENTS TO RELATED INDIVIDUALS.—No credit shall be allowed under subsection (a) for any amount paid to an individual with respect to whom, for the taxable year, a deduction under section 151(c) is allowable either to the taxpayer or the taxpayer’s spouse. For purposes of this paragraph, the term ‘taxable year’ means the taxable year of the taxpayer in which the service is performed.

“(2) IDENTIFYING INFORMATION REQUIRED WITH RESPECT TO SERVICE PROVIDER.—No credit shall be allowed under subsection (a) for any amount paid to any person unless—

“(A) the name, address, and taxpayer identification number of such person are included on the return claiming the credit, or

“(B) if such person is an organization described in section 501(c)(3) and exempt from tax under section 501(a), the name and address of such person are included on the return claiming the credit.

In the case of a failure to provide the information required under the preceding sentence, the preceding sentence shall not apply if it is shown that the taxpayer exercised due diligence in attempting to provide the information so required.

“(3) IDENTIFYING INFORMATION REQUIRED WITH RESPECT TO QUALIFYING INDIVIDUALS.—

No credit shall be allowed under subsection (a) with respect to any qualifying individual unless the taxpayer identification number of such individual is included on the return claiming the credit.

“(e) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under subsection (a) for any amount with respect to which a credit is allowed under section 21.

“(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.”.

(b) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Expenses for eldercare.”.

(c)(1) Section 213(e) of the Internal Revenue Code of 1986 is amended—

(A) by inserting “or section 25E” after “section 21”, and

(B) by inserting “AND ELDERS” after “CERTAIN DEPENDENTS” in the heading.

(2) Section 6213(g)(2) of such Code is amended—

(A) by inserting “, section 25E (relating to expenses for care of elders),” after “(relating to expenses for household and dependent care services necessary for gainful employment)” in subparagraph (H), and

(B) by inserting “, 25E” after “24” in subparagraph (L).

(d) The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 3818. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

SAFE AND AFFORDABLE DRUGS FROM CANADA
SEC. ____.

Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

“SEC. 810. IMPORTATION BY INDIVIDUALS OF PRESCRIPTION DRUGS FROM CANADA.

“(a) IN GENERAL.—Notwithstanding any other provision of this Act, not later than 185 days after the date of enactment of this section, the Secretary shall promulgate regulations permitting individuals to safely import into the United States a prescription drug described in subsection (b).

“(b) PRESCRIPTION DRUG.—A prescription drug described in this subsection—

“(1) is a prescription drug that—

“(A) is purchased from an approved Canadian pharmacy;

“(B) is dispensed by a pharmacist licensed to practice pharmacy and dispense prescription drugs in Canada;

“(C) is purchased for personal use by the individual, not for resale, in quantities that do not exceed a 90-day supply;

“(D) is filled using a valid prescription issued by a physician licensed to practice in a State in the United States; and

“(E) has the same active ingredient or ingredients, route of administration, dosage form, and strength as a prescription drug approved by the Secretary under chapter V; and

“(2) does not include—

“(A) a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

“(B) a biological product (as defined in section 351 of the Public Health Service Act (42 U.S.C. 262));

“(C) an infused drug (including a peritoneal dialysis solution);

“(D) an intravenously injected drug;

“(E) a drug that is inhaled during surgery;

“(F) a parenteral drug;

“(G) a drug manufactured through one or more biotechnology processes, including—

“(i) a therapeutic DNA plasmid product;

“(ii) a therapeutic synthetic peptide product of not more than 40 amino acids;

“(iii) a monoclonal antibody product for in vivo use; and

“(iv) a therapeutic recombinant DNA-derived product;

“(H) a drug required to be refrigerated at any time during manufacturing, packing, processing, or holding; or

“(I) a photoreactive drug.

“(c) APPROVED CANADIAN PHARMACY.—

“(1) IN GENERAL.—In this section, an approved Canadian pharmacy is a pharmacy that—

“(A) is located in Canada; and

“(B) that the Secretary certifies—

“(i) is licensed to operate and dispense prescription drugs to individuals in Canada; and

“(ii) meets the criteria under paragraph (3).

“(2) PUBLICATION OF APPROVED CANADIAN PHARMACIES.—The Secretary shall publish on the Internet Web site of the Food and Drug Administration a list of approved Canadian pharmacies, including the Internet Web site address of each such approved Canadian pharmacy, from which individuals may purchase prescription drugs in accordance with subsection (a).

“(3) ADDITIONAL CRITERIA.—To be an approved Canadian pharmacy, the Secretary shall certify that the pharmacy—

“(A) has been in existence for a period of at least 5 years preceding the date of such certification and has a purpose other than to participate in the program established under this section;

“(B) operates in accordance with pharmacy standards set forth by the provincial pharmacy rules and regulations enacted in Canada;

“(C) has processes established by the pharmacy, or participates in another established process, to certify that the physical premises

and data reporting procedures and licenses are in compliance with all applicable laws and regulations, and has implemented policies designed to monitor ongoing compliance with such laws and regulations;

“(D) conducts or commits to participate in ongoing and comprehensive quality assurance programs and implements such quality assurance measures, including blind testing, to ensure the veracity and reliability of the findings of the quality assurance program;

“(E) agrees that laboratories approved by the Secretary shall be used to conduct product testing to determine the safety and efficacy of sample pharmaceutical products;

“(F) has established, or will establish or participate in, a process for resolving grievances and will be held accountable for violations of established guidelines and rules;

“(G) does not resell products from online pharmacies located outside Canada to customers in the United States; and

“(H) meets any other criteria established by the Secretary.”.

SA 3819. Mr. WHITEHOUSE (for himself, Mr. CRAPO, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. _____. Of the amounts appropriated or otherwise made available in this division for the congressionally directed medical research programs, \$10,000,000 shall be used to carry out a pancreatic cancer research program.

SA 3820. Mr. REED (for himself, Ms. MURKOWSKI, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III of division B, insert the following:

“SEC. _____. (a) The Comptroller General of the United States shall conduct a study on the condition of the public school facilities of the United States and their adequacy to support a 21st century education.

“(b) In conducting the study under subsection (a), the Comptroller General shall study the following factors:

“(1) Structural integrity.

“(2) Plumbing.

“(3) Heating, ventilation, and air conditioning systems.

“(4) Compliance with fire and safety codes.

“(5) Compliance with Federal laws, including the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

“(6) Lighting.

“(7) Indoor air quality.

“(8) Environmental conditions, such as exposure to asbestos, lead, and mold.

“(9) Physical security.

“(10) Sufficient space for instruction.

“(c) The Comptroller General shall include in the study under subsection (a) information on the ability of States and local educational agencies to pay for necessary repairs, renovation, and construction of public school facilities that are not in adequate condition, including plans to finance the work within the next 10 years.

“(d) Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations and the Committee on Education and the Workforce of the House of Representatives, the findings of the study under this section.”.

SA 3821. Mr. UDALL (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this title for the Office of Refugee Resettlement may be obligated or expended for facilities or contractors of the Office if the Director of the Office fails to—

(1) report to the Director of the Federal Bureau of Investigation with respect to incidents of physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child in the custody of the Office or other Federal agencies and subsequent investigations of such incidents under the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.);

(2) track and report such incidents to Congress annually; or

(3) provide children in the custody of the Office with access to private areas to place telephone calls with complaints of abuse or harassment.

SA 3822. Mr. UDALL (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. _____. The Director of the Office of Refugee Resettlement shall provide at each temporary facility of the Office that houses unaccompanied alien children the full range of services and the same level of care as are required for permanent facilities that house such children.

SA 3823. Mr. UDALL (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. _____. Of the amount appropriated in this division under the heading “General Departmental Management”, under the heading “Office of the Secretary”, the Secretary of Health and Human Services shall utilize \$1,100,000 for the continuation of cooperative agreements for members of the U.S. Mexico Border Health Commission, which include the Border States of Texas, New Mexico, California and Arizona.

SA 3824. Mr. UDALL (for himself, Mrs. CAPITO, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading “AGING AND DISABILITY SERVICES PROGRAMS (INCLUDING TRANSFER OF FUNDS)” under the heading “ADMINISTRATION FOR COMMUNITY LIVING” in title II of division B, strike the colon the first place it appears and insert “(and an additional amount of \$5,000,000): *Provided*, That the additional amount of \$5,000,000 made available under this heading shall be for making (under section 411 of the OAA and consistent with the requirements of the non-displacement and related grievance procedures of subtitle F of title I of the National and Community Service Act of 1990 and with the Nationwide Program for National and State Background Checks described in section 6201 of the Patient Protection and Affordable Care Act) grants to public agencies and private nonprofit agencies for placing volunteers in communities to assist older individuals and individuals with disabilities in living independently in their homes, or to support family caregivers who are facilitating that independent living.”.

SA 3825. Ms. CORTEZ MASTO (for herself and Mrs. ERNST) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. ____ . STUDY ON TRAUMATIC BRAIN INJURY.

(a) **STUDY.**—The Comptroller General of the United States, in meaningful consultation with experts on the intersections of domestic violence, disabilities, trauma, and mental health, shall conduct a study to evaluate the status of—

(1) research on the relationship between intimate partner violence and traumatic brain injury experienced by victims; and

(2) public awareness and education campaigns related to the effects of intimate partner violence on victims’ brain health and its connection to traumatic brain injury experienced by victims.

(b) **CONTENT.**—The study conducted under subsection (a) shall include—

(1) a review on the outcomes of any previous research, the status of existing research activities, and efforts to address knowledge gaps across agencies of the Federal Government; and

(2) recommendations to—

(A) encourage increased research to address existing knowledge gaps relating to the relationship between intimate partner violence and traumatic brain injury experienced by victims;

(B) increase awareness of the effects of intimate partner violence on the brain health of victims for health care and other treatment providers;

(C) increase victim service providers’ awareness of the effects of intimate partner violence on victims’ brain health, enhance their capacity to identify victims with traumatic brain injuries and provide services that support victims’ healing and recovery; and

(D) increase awareness of the links between intimate partner violence and the brain health of victims’ for the general public.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Appropriations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Committee on Appropriations of the House of Representatives a report on the study conducted under subsection (a).

SA 3826. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

REPORT ON ASTHMA CONTROL ACTIVITIES

SEC. ____ . Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on asthma control activities conducted by the Department of Health and Human Services that includes information on—

(1) how States may employ Medicaid funding to support asthma control activities in various settings, including home-based and residential settings;

(2) public health and population level approaches to addressing environmental exposures;

(3) how the health care and housing sectors can work together on interventions to improve asthma care and reduce asthma morbidity; and

(4) what the Department of Health and Human Services is doing to expand access to State asthma housing and home-based related initiatives, including what research related to such initiatives the Department is funding, and what resources to support such initiatives are made available through all programs of the Department, including programs administered by the Centers for Disease Control and Prevention and the National Institutes of Health.

SA 3827. Mr. CASEY (for himself and Mr. YOUNG) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. ____ . (a) In addition to amounts appropriated under the heading “Children and Families Services Programs” under the heading “Administration for Children and Families”, there is appropriated \$10,000,000 for purposes of carrying out title I of the Child Abuse Prevention and Treatment Act.

(b) The amounts made available for necessary administrative expenses under the heading “Children and Families Services Programs” under the heading “Administration for Children and Families” is hereby reduced by \$10,000,000.

SA 3828. Mr. MENENDEZ (for himself, Mr. COONS, Mr. CARPER, Mr.

WHITEHOUSE, Mr. REED, and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. ____ . Notwithstanding the final rule of the Centers for Medicare and Medicaid Services entitled “Medicare Program: Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long Term Care Hospital Prospective Payment System and Policy Changes and Fiscal Year 2019 Rates; Quality Reporting Requirements for Specific Providers; Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs (Promoting Interoperability Programs) Requirements for Eligible Hospitals, Critical Access Hospitals, and Eligible Professionals; Medicare Cost Reporting Requirements; and Physician Certification and Recertification of Claims” or any other provision of law, none of the funds appropriated or otherwise made available by this division for the Centers for Medicare & Medicaid Services may be used to terminate the imputed floor policy under section 412.64(h) of title 42, Code of Federal Regulations (including the policy under clause (vi) of such section), as in effect with respect to discharges during fiscal year 2018, to discharges occurring on or after October 1, 2018. The Secretary of Health and Human Services shall implement the preceding sentence in a budget-neutral manner under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)).

SA 3829. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III of division B, insert the following:

SEC. ____ . For the purposes of calculating the maximum Federal Pell Grant award under section 401(b)(2)(A)(i) of the Higher Education Act of 1965 for an award year subsequent to the 2019–2020 award year, the last enacted appropriation Act shall be the Consolidated Appropriations Act, 2018: *Provided*, That nothing in this section shall be interpreted as precluding a future appropriations Act from increasing the maximum award above such level for future award years.

SA 3830. Mr. LEAHY (for Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. ____ . Of the amount appropriated or otherwise made available by title IV of this division under the heading “Research, Development, Test and Evaluation, Navy”, up to \$2,000,000 may be available for research on a practical means of reducing fighter aircraft engine noise (both near and far noise impacts) at the source while maintaining operational performance.

SA 3831. Mr. LEAHY (for Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. Of the amount appropriated or otherwise made available by title II of this division under the heading "Operation and Maintenance, Defense-Wide", up to \$20,000,000 may be available for the Department of Defense Family Advocacy Program to do the following:

(1) To address allegations of juvenile problematic sexual behavior occurring on military installations, including to ensure that the Program has the resources necessary to ensure a consistent, standardized response to allegations of juvenile problematic sexual behavior across the Department of Defense (including the appropriate level of staff and training resources).

(2) To maintain a centralized database with information on reported incidents of juvenile problematic sexual behavior.

SA 3832. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. The amount expended by the Department of Defense from amounts appropriated or otherwise made available by this division for preparations for or the conduct of any particular parade may not exceed \$15,000,000.

SA 3833. Mr. FLAKE (for himself, Mr. MCCAIN, and Mrs. ERNST) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. The amount appropriated by title II of this division under the heading "Shipbuilding and Conversion, Navy" is hereby reduced by \$475,000,000, with the amount of the reduction applied against amounts available under that heading for the Littoral Combat Ship.

SA 3834. Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. _____. None of the funds made available by this Act may be used to support the

construction of fast food (as defined in the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341)) restaurants.

SA 3835. Mr. FLAKE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. None of the amounts appropriated or otherwise made available by this Act may be obligated or expended for the development of a beerbot or other robot bartender.

SA 3836. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place under the heading "Salaries and Expenses" under the heading "National Mediation Board" in title IV of division B, strike "\$13,800,000." and insert "\$13,800,000: *Provided*, That the National Mediation Board shall prepare and submit a report, not later than 60 days after the date of enactment of this Act, to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate on any concurrent postponement election under the jurisdiction of the National Mediation Board and the rationale for the postponement."

SA 3837. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III of division B, insert the following:

SEC. _____. (a) Section 113(4)(A)(ii) of the Strengthening Career and Technical Education for the 21st Century Act (Public Law 115-224) is amended by striking subclause (II).

(b) Section 114(d)(1)(B)(vi) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2324(d)(1)(B)(vi)) is amended to read as follows:

"(vi) other individuals and qualified intermediaries with relevant expertise, which shall include individuals with expertise in addressing inequities in access to, and in opportunities for, academic and technical skill attainment and in programs dealing with gender and racial or ethnic disparities;"

SA 3838. Ms. HIRONO (for herself, Mr. WHITEHOUSE, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending Sep-

tember 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading "STUDENT FINANCIAL ASSISTANCE" in title III of division B, strike the first period and insert "": *Provided further*, That none of the funds made available under this title may be used to modify any regulation (as in effect on the date of enactment of this Act) if the modification would increase the cost of the Federal Pell Grant program carried out under subpart 1 of part A of title IV of the HEA, by \$1,000,000,000."

SA 3839. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of division B, insert the following:

SEC. _____. STUDY ON FIRST RESPONDER HEALTH IMPACTS.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Director of the Centers for Disease Control and Prevention and the Director of the Agency for Toxic Substances and Disease Registry, and, as appropriate, the Director of the National Institute of Environmental Health Sciences, and in consultation with the Secretary of Defense shall conduct a study of the health implications for firefighters, police officers, and other first responders of exposure to per- and polyfluoroalkyl substances occurring during training or when fighting fires, including exposure that occurs as a result of the use of firefighting protective equipment containing per- and polyfluoroalkyl substances.

(2) **RECOMMENDATIONS AND REPORTS.**—The Secretary shall—

(A) not later than one year after the date of the enactment of this Act, and annually thereafter until submission of the report under subparagraph (B)(ii), submit to the appropriate congressional committees a report on the progress of the study under paragraph (1); and

(B) not later than 3 years after the date of enactment of this Act—

(i) complete the study under paragraph (1); and

(ii) submit a report, including any appropriate recommendations, to the appropriate congressional committees on the results of such study.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this Act, \$5,000,000 for fiscal year 2019.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—For purposes of this section, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, the Committee on Environment and Public Works, the Committee on Veterans' Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Veterans' Affairs, and the Committee on Homeland Security of the House of Representatives.

SA 3840. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. The Firefighter Cancer Registry Act of 2018 (Public Law 115-194) is amended—

(1) by inserting “, police officers, and other first responders” after “firefighters” each place the term appears;

(2) by inserting “police officer, or other first responder” after “firefighter” each place the term appears; and

(3) in section 2—

(A) in subsection (d)(3), by inserting “local law enforcement agencies, State associations of police chiefs, and emergency medical technician agencies and associations,” after “State departments of homeland security,”; and

(B) in subsection (e)(4), by inserting “, law enforcement,” after “national fire”.

SA 3841. Mrs. MCCASKILL (for herself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. _____. The Secretary of Defense shall use amounts appropriated or otherwise made available to the Department of Defense under this division to provide testing for elevated blood lead levels at military treatment facilities for babies during their 12-month and 24-month wellness checks or annual physical examinations.

SA 3842. Mr. MERKLEY (for himself, Mr. UDALL, Mr. BOOKER, and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the matter under the heading “CHILDREN AND FAMILIES SERVICES PROGRAMS” under the heading “ADMINISTRATION FOR CHILDREN AND FAMILIES” in title II of division B, insert “: *Provided further*, That \$10,000,000 of the amounts made available under this heading shall be for carrying out the Assets for Independence Act”.

SA 3843. Mr. MERKLEY (for himself, Ms. DUCKWORTH, Mr. BOOKER, Mr. MENENDEZ, Mr. KAINE, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B insert the following:

SEC. _____. There are appropriated, in addition to any other amounts made available under the heading “Health Workforce” under the heading “Health Resources and Services Administration”, \$17,000,000 for purposes of carrying out title VIII of the PHS Act.

SA 3844. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting such tax liability, provided that the applicable Federal agency—

(1) is aware of the unpaid Federal tax liability;

(2) has considered suspension or debarment of the corporation; and

(3) has made a determination that such suspension or debarment is necessary to protect the interests of the Federal Government.

SA 3845. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. None of the amounts appropriated or otherwise made available by this division may be used to deactivate or realign, or prepare for the deactivation or realignment of, Strike Fighter Squadron 101 (otherwise known as VFA 101) at Eglin Air Force Base, Florida.

SA 3846. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. Of the amounts appropriated or otherwise made available by title II of this division under the heading “Operation and Maintenance, Defense-Wide”, up to \$48,242,000 may be available for the Maritime Security Initiative for purposes of addressing budget priorities in the Indo-PACOM Maritime Partnership in connection with building partner capacity to contribute to maritime security and domain awareness.

SA 3847. Mr. RUBIO submitted an amendment intended to be proposed to

amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. 8 _____. None of the funds appropriated or otherwise made available by this Act may be used to conduct a lease sale for oil or gas in an area described in section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432), including any area east of the Military Mission Line (as defined in section 102 of that Act) in the Gulf of Mexico.

SA 3848. Mr. RUBIO (for himself and Mr. NELSON) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. Of the amounts appropriated or otherwise made available by title II of this division under the heading “Operation and Maintenance, Navy”, up to \$5,000,000 may be available for planning and design activities in connection with the implementation of future homeporting decisions based on strategic dispersal objectives in the 2018 Strategic Laydown.

SA 3849. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. Of the amounts appropriated or otherwise made available by title II of this division under the heading “Operation and Maintenance, Navy”, up to \$5,000,000 may be available for the maintenance and use of the Saturation Fly Away Diving System (SATFADS) of the Navy.

SA 3850. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. Amounts appropriated or otherwise made available by title III of this division under the heading “Aircraft Procurement, Air Force” may be available to the Secretary of the Air Force for one or more contracts, beginning with the fiscal year 2019 program year, to convert not more than 34 F-22 fighter aircraft of the Air Force from Block 20 configuration to Block 35 configuration.

SA 3851. Mr. RUBIO submitted an amendment intended to be proposed to

amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III of division B, insert the following:

SEC. _____. None of the funds made available under this Act shall be used by any State educational agency or local educational agency (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) to develop or implement a discipline policy that—

(1) discourages schools from reporting any disciplinary action to law enforcement agencies; or

(2) discourages law enforcement agencies from arresting an individual for—

(A) any misdemeanor domestic violence offense;

(B) harassing, stalking, or threatening an intimate partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury;

(C) any criminal offense for which the maximum term of imprisonment is more than 1 year;

(D) any criminal offense relating to being a fugitive from justice;

(E) unlawful possession of a firearm; or

(F) exhibiting verbal or physical threatening behavior towards others, including—

(i) acts of violence resulting from expulsion from school;

(ii) threats involving firearms or other weapons; or

(iii) other actions resulting in a reasonable fear of bodily injury.

SA 3852. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. _____. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SA 3853. Mr. RUBIO (for himself and Mr. NELSON) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 201, line 2, strike the period and insert the following “: *Provided*, that of the funds made available under this heading, \$1,000,000 shall be available to enhance harmful algal bloom exposure activities, including surveillance, mitigation, and event response efforts, with a priority given to geographic locations subject to a state of emergency designation related to toxic algae blooms within the past 12 months.”.

SA 3854. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr.

SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. _____. (a) None of the funds appropriated or otherwise made available in this Act may be used by a Federal agency for which amounts are appropriated in this Act to acquire telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation or a high-impact or moderate-impact information system, as defined for security categorization in the National Institute of Standards and Technology's (in this section referred to as “NIST”) Federal Information Processing Standard Publication 199, “Standards for Security Categorization of Federal Information and Information Systems”, unless the agency has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST to inform acquisition decisions for high-impact and moderate-impact information systems within the Federal Government;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the Federal Bureau of Investigation and other appropriate Federal agencies; and

(3) in consultation with the Federal Bureau of Investigation or other appropriate Federal agency, conducted an assessment of any risk of cyber espionage or sabotage associated with the acquisition of such system, including any risk associated with such system being produced, manufactured, or assembled by one or more entities identified by the United States Government as posing a cyber threat, including those that may be owned, directed, or subsidized by the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or the Russian Federation.

(b)(1) None of the funds appropriated or otherwise made available in this Act may be used to acquire a high-impact or moderate-impact information system reviewed and assessed under subsection (a) unless the head of the assessing entity described in subsection (a) has—

(A) developed, in consultation with NIST and supply chain risk management experts, a mitigation strategy for any identified risks;

(B) determined, in consultation with NIST and the Federal Bureau of Investigation, that the acquisition of such system is in the vital national security interest of the United States; and

(C) reported that determination to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives in a manner that identifies the system intended for acquisition and includes a detailed description of the mitigation strategies identified in (1).

(2) The report required by paragraph (1)(C) shall be submitted in unclassified form but may include a classified annex.

SA 3855. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. _____. (a) Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense, in consultation with the Director of National Intelligence, shall certify to the congressional defense committees and the congressional intelligence committees that there are no known devices, components, subcomponents, or software embedded within or with access to any operational or business data or voice network of the Department of Defense, including intranets, that are produced by Huawei Technologies Company, ZTE Corporation, any subsidiary or affiliate of such entity, or any other Chinese telecommunication or technology entity.

(b) If it is not possible to make a certification under subsection (a), the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit to the congressional defense committees a report detailing all instances of known devices, components, subcomponents, or software embedded within or with access to any operational or business data or voice network of the Department of Defense, including intranets, that are produced by Huawei Technologies Company, ZTE Corporation, any subsidiary or affiliate of such entity, or any other Chinese telecommunication or technology entity, and including a plan to excise such devices, components, subcomponents, or software within 30 days of the report.

(c)(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit to the congressional defense committees and the congressional intelligence committees a report on the following:

(A) The threat that incorporating devices, components, subcomponents, or software produced by Chinese telecommunication or technology entities into operational or business data and voice networks of the Department of Defense poses to the national security of the United States.

(B) The extent to which Chinese telecommunications equipment and components are embedded within operational or business data and voice networks of the Department of Defense, and how many Chinese telecommunications technology components have been removed during the two-year period preceding the report.

(C) The prevalence of Chinese-origin telecommunications equipment available for sale on military installations of the United States.

(D) The privacy and security threats posed to members of the Armed Forces and their families by the use of Chinese-origin telecommunications devices, components, subcomponents, and software, including mobile phones, fitness monitors with tracking capabilities, routers, and other household components.

(2) The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

SA 3856. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Director of National Intelligence, submit to

the congressional defense committees a report on the implications for the national security of the United States, and for stability in the region concerned, of continuing instability in each of the following:

- (1) Nicaragua.
- (2) Venezuela.

(b) The report required by subsection (a) shall include the following:

(1) A description and assessment of the manner in which the political, economic, and humanitarian crisis in each of Nicaragua and Venezuela affects the national security of the United States, United States interests in the Western Hemisphere, and stability in the region concerned.

(2) A description and assessment of various policy options for the United States to mitigate any adverse effects described pursuant to paragraph (1).

(3) A description and assessment of various policy options for enhancement of the security partnership between the United States and Costa Rica (in the case of Nicaragua), the United States and Colombia (in the case of Venezuela), and between the United States and other strategic allies in the region concerned.

(4) A description and assessment of the adequacy of the posture of the Department of Defense and the Armed Forces to address continuing or worsening instability in each of Nicaragua and Venezuela.

(5) A description of the financial and other support, if any, required by the United States Southern Command to address continuing or worsening instability in each of Nicaragua and Venezuela.

(c) The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 3857. Mr. ISAKSON (for himself, Mrs. MCCASKILL, Mr. WARNER, Mr. PAUL, Mr. CORNYN, Mrs. GILLIBRAND, and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. (a) Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall, in consultation with the Secretary of Defense and the Secretaries of the military departments, submit to the appropriate committees of Congress a report on the monitoring, compliance, and remediation by the Department of Defense of lead in military housing, including the lead exposure monitoring protocols of the Department for military housing.

(b) The report required by subsection (a) shall include the following:

(1) A description and assessment of the effectiveness of the Department and its lead exposure monitoring protocols in monitoring lead exposure in military housing.

(2) A description and assessment of the compliance of military housing with applicable lead exposure limitations.

(3) A description and assessment of the remediation efforts of the Department with respect to lead in military housing.

(4) Such recommendations as the Comptroller General considers appropriate for the expansion of blood testing for lead among children who have lived in military housing.

(c) In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the House of Representatives.

SA 3858. Mr. CASSIDY (for himself, Mr. KING, and Ms. HEITKAMP) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. _____. Not later than 1 year after the date of enactment of this Act, and using funds appropriated under this division, the Director of the NIH shall conduct a comprehensive study and submit to Congress a report that—

(1) includes a portfolio analysis of current funding levels of the NIH related to mental health and substance use disorder; and

(2) identifies the process by which the NIH set funding priorities for mental health and substance use disorder programs, including how NIH takes into account newly developed public health needs, disease burden, emerging scientific opportunities, and scientific progress.

SA 3859. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 199, line 11, strike “activity” and insert “activity, including contracts or payments to outside vendors”.

SA 3860. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. **SENSE OF SENATE ON RESEARCH REGARDING BLAST EXPOSURE ON THE CELLULAR LEVEL OF THE BRAIN.**

It is the sense of the Senate that—

(1) further research is necessary regarding blast exposure on the cellular level of the brain;

(2) such research is needed to develop blast protection requirements for helmets and other personal protective equipment; and

(3) the Department of Defense should increase ongoing efforts, to the maximum extent possible, to develop a predictive traumatic brain injury model for blast, in order to better understand the cellular response to blast impulses and the interaction of the human brain and protective equipment related to blast exposure.

SA 3861. Mr. COTTON submitted an amendment intended to be proposed to

amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. It is the sense of the Senate that—

(1) the impending cut of \$71,000,000,000 to the national defense budget for fiscal year 2020 would have a disastrous impact on military readiness and would force the Department of Defense to choose between abandoning investments in weapon systems and making significant cuts to military personnel;

(2) to avert this disaster, Congress must immediately begin negotiating budget levels for national defense for fiscal years 2020 and 2021 that provide funding levels necessary to maintain technological advancements as well as current troop levels;

(3) the longer Congress waits to give budget certainty to the Department for fiscal years 2020 and 2021, the more taxpayer money will be wasted through delays on strategic decisions and critical programs; and

(4) Secretary of Defense James Mattis rightfully condemned these destructive cuts when he testified before Congress that “[n]o enemy in the field has done more to harm the warfighting readiness of our military than sequestration”.

SA 3862. Mr. NELSON (for himself, Mr. RUBIO, Mr. BLUMENTHAL, and Mr. DONNELLY) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

In title III of division B, under the heading “Safe Schools and Citizenship Education”, strike “(‘Project SERV’) program:” and insert “(‘Project Serve’) program and not more than \$10,000,000 may be for a demonstration program to test and evaluate innovative partnerships between institutions of higher education and high-needs State or local educational agencies to train school counselors, social workers, psychologists, or other mental health professionals qualified to provide school-based mental health services, with the goal of expanding the pipeline of these workers into low-income public elementary schools and secondary schools in order to address the shortages of mental health service professionals in such schools:”.

SA 3863. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this division may be used to integrate, or facilitate the integration of, the S-400 air and missile defense system into the Integrated Air and Missile Defence System of the North Atlantic Treaty Organization (NATO).

SA 3864. Mr. PETERS (for himself, Mr. GARDNER, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B insert the following:

SEC. _____. Not later than 1 year after the date of enactment of this Act, the National Institute of Environmental Health Sciences shall provide the Committees on Appropriations of the House of Representatives and the Senate the results and status of research assessing the toxicological effects of short-chain and other alternative perfluoroalkyl and polyfluoroalkyl substances (PFAS).

SA 3865. Mr. MANCHIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING REPRESENTATION BY SENATE LEGAL COUNSEL IN TEXAS V. UNITED STATES.

(a) FINDINGS.—Congress finds the following:

(1) Texas, Wisconsin, Alabama, Arkansas, Arizona, Florida, Georgia, Indiana, Kansas, Louisiana, Paul LePage (Governor of Maine), Mississippi (by and through Governor Phil Bryant), Missouri, Nebraska, North Dakota, South Carolina, South Dakota, Tennessee, Utah, and West Virginia have filed suit in the United States District Court for the Northern District of Texas, arguing that the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119), is unconstitutional and should be enjoined, by asserting that the Act's requirement to maintain minimum essential coverage (commonly known as the "individual responsibility provision") in section 5000A(a) of the Internal Revenue Code of 1986, is unconstitutional following the amendment of that provision by the Act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018 (Public Law 115-97) (commonly known as the "Tax Cuts and Jobs Act").

(2) These State and individual plaintiffs also seek to strike down the entire Patient Protection and Affordable Care Act as not severable from the individual responsibility provision.

(3) On June 7, 2018, the Department of Justice refused to defend the constitutionality of the amended individual responsibility provision, despite the well-established duty of the Department to defend Federal statutes where reasonable arguments can be made in their defense.

(4) The Department of Justice not only refused to defend the amended individual responsibility provision, but it affirmatively argued that this provision is unconstitutional and that the provisions of the Patient Protection and Affordable Care Act guaranteeing issuance of insurance coverage regardless of health status or pre-existing conditions (commonly known as the "guaranteed issue provision"), sections 2702, 2704, and 2705(a) of the Public Health Service Act

(42 U.S.C. 300gg-1, 300gg-3, 300gg-4(a)), and prohibiting discriminatory premium rates (commonly known as the "community rating provision"), sections 2701 and 2705(b) of the Public Health Service Act (42 U.S.C. 300gg(a)(1), 300gg-4(b)) must now be struck down as not severable from the individual responsibility provision.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate Legal Counsel should be authorized to represent the Senate in *Texas v. United States*, No. 4:18-cv-00167-O (N.D. Tex.), including seeking to—

(1) intervene as a party in the matter; and
(2) defend all provisions of the Patient Protection and Affordable Care Act, the amendments made by that Act to other provisions of law, and any amendments to such provisions, including the provisions ensuring affordable health coverage for those with pre-existing conditions.

SA 3866. Ms. DUCKWORTH (for herself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 225, line 22, by striking the period and inserting "": *Provided further*, That, in order to use funds made available under this heading, the Secretary shall prepare and submit to Congress, not later than September 24, 2018, a report specifying the process used by the Office of Refugee Resettlement in granting requests for congressional oversight visits to any facility in the United States in which unaccompanied alien children are housed or detained as a result of the policy described in the memorandum of the Attorney General entitled "Zero-Tolerance for Offenses Under 8 U.S.C. § 1325(a)" dated April 6, 2018."

SA 3867. Mr. MERKLEY (for himself, Mr. TESTER, Mr. CRAPO, Mr. DAINES, Mr. WYDEN, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 154, line 16, strike the period and insert "": *Provided further*, That, of the amount made available under this heading, not less than \$180,000,000 shall be used, during the period of July 1, 2019, through June 30, 2020, for the administration of Civilian Conservation Centers by the Secretary of Agriculture under section 147(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3197(d)): *Provided further*, That the Secretary, prior to July 1, 2019, shall prepare and submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report that includes—

"(1) a copy of the interagency agreement between the Secretary of Labor and the Secretary of Agriculture relating to the Civilian Conservation Centers;

"(2) a list of all active Civilian Conservation Centers and contractors administering such Centers; and

"(3) a cumulative record of the funding provided to Civilian Conservation Centers during the 10 years preceding the date of the report, including, for each Civilian Conservation Center—

"(A) the funds allocated to the Civilian Conservation Center;

"(B) the number of enrollment slots maintained, disaggregated by gender and by residential or nonresidential training type;

"(C) the career technical training offerings available;

"(D) the staffing levels and staffing patterns at the Civilian Conservation Center; and

"(E) the number of Career Technical Skills Training slots available."

SA 3868. Mr. JONES submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the following:

(1) Planned transfers or relocations of simulators for KC-135 aircraft and KC-46 aircraft in fiscal year 2019.

(2) The metrics used to evaluate transfers or relocations of simulators for KC-135 aircraft and KC-46 aircraft that occurred in fiscal years 2014 through 2018, and that will occur in fiscal year 2019.

(3) The costs incurred by the Department of the Air Force in carrying out the transfers or relocations described in paragraph (2) that occurred before the date of the submittal of the report.

SA 3869. Mr. CASEY (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) None of the funds made available by this Act or from any unobligated balances available from prior fiscal years may be used by the Social Security Administration for the purposes of reinstating reconsideration of an initial disability determination by the Disability Determination Services of Alabama, Alaska, Colorado, Louisiana, Michigan, Missouri, New Hampshire, New York, Pennsylvania, or California (Los Angeles North and Los Angeles West Branches).

(b)(1) Not later than 180 days after the date of the enactment of this Act, the Commissioner of Social Security shall submit to the applicable committees a detailed plan to—

(A) improve the reconsideration level of review for disability determinations; and

(B) decrease case processing time for initial disability determinations and appeals.

(2) For purposes of developing the plan described in paragraph (1), the Commissioner of Social Security shall include information and input from—

(A) the Chairman of the Administrative Conference of the United States;

(B) disability advocates and stakeholders through a National Disability Forum, as well as other outreach methods;

(C) data collected from the 1997 Disability Redesign Prototype model, including the elimination of the reconsideration step of the administrative review process for disability determinations in the 10 prototype States; and

(D) scholarly experts as well as peer-reviewed disability or administrative review studies published by academic or non-profit research institutions.

(3) For purposes of paragraph (1), the term “applicable committees” means the Committee on Ways and Means of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, and the Committee on Finance of the Senate.

(c) For purposes of this section, the term “initial disability determination” means a determination made by a State Disability Determination Services office in regards to whether an individual is disabled for purposes of any benefits under title II or XVI of the Social Security Act based on such individual’s status as disabled.

SA 3870. Mr. PETERS (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. _____. Not later than 180 days after the date of enactment of this Act, the Administrator of the Substance Abuse and Mental Health Services Administration shall submit to Congress a report on agency activities related to medication-assisted treatment. The report submitted by the Administrator under this section shall include a description of how the agency is taking steps to overcome barriers to medication-assisted treatment for adolescents and young adults.

SA 3871. Mr. DONNELLY (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division B, insert the following:

SEC. _____. ELIGIBILITY OF WORKERS WHOSE JOBS ARE ELIMINATED THROUGH AUTOMATION FOR TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Section 222(a)(2) of the Trade Act of 1974 (19 U.S.C. 2272(a)(2)) is amended—

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

(2) in subparagraph (B)(ii), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(C)(i) there has been a shift in production of articles or supply of services by such workers’ firm from utilizing the workers to methods or systems primarily utilizing automation; and

“(ii) the shift described in clause (i) contributed importantly to such workers’ separation or threat of separation.”.

(b) AUTOMATION DEFINED.—Section 222(c) of the Trade Act of 1974 (19 U.S.C. 2272(c)) is amended—

(1) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(2) by inserting before paragraph (2), as redesignated by paragraph (1), the following:

“(1) AUTOMATION.—The term ‘automation’ means using technology to produce a good or service previously produced by human work.”.

(c) SPECIFICATION OF BASIS FOR ELIGIBILITY.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended by adding at the end the following:

“(f) SPECIFICATION OF BASIS FOR ELIGIBILITY.—When the Secretary certifies a group of workers under this section as eligible to apply for adjustment assistance, the Secretary shall specify in the certification the basis for the eligibility of the group under subsection (a).”.

(d) CONFORMING AMENDMENTS.—Subsections (b) and (c) of section 222 of the Trade Act of 1974 (19 U.S.C. 2272) are amended by striking “subsection (a)” each place it appears and inserting “subparagraph (A) or (B) of subsection (a)(2)”.

(e) REGULATIONS; RECOMMENDATIONS.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Labor shall—

(1) prescribe regulations to carry out the amendments made by this section; and

(2) submit to Congress a report that includes recommendations for any changes to law necessary to carry out the amendments made by this section, including any changes to section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)).

(f) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect on the date that is 2 years after the date of the enactment of this Act; and

(2) apply with respect to petitions for certifications of eligibility filed under section 221 of the Trade Act of 1974 (19 U.S.C. 2271) on or after the date described in paragraph (1).

SEC. _____. INDEPENDENT ADVISORY COMMISSION ON LABOR AUTOMATION.

(a) ESTABLISHMENT.—The Secretary of Labor shall establish an independent advisory commission on labor automation to advise the Secretary on matters relating to jobs and occupations at risk of elimination as a result of automation.

(b) MEMBERSHIP.—The Secretary shall ensure that membership on the advisory commission established under subsection (a) includes individuals with expertise in labor, individuals with expertise in technology, and individuals with expertise in business.

(c) ANNUAL REPORT.—Not less frequently than annually, the advisory commission established under subsection (a) shall submit to the Secretary and make available to the public a report describing jobs and occupations at risk of elimination as a result of automation that includes—

(1) an identification of the States most affected by that risk; and

(2) recommendations for collaboration with State workforce agencies to identify and address that risk.

(d) AUTOMATION DEFINED.—In this section, the term “automation” means using technology to produce a good or service previously produced by human work.

SA 3872. Mr. NELSON submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III of division B, insert the following:

SEC. _____. (a) Section 455(f) of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) DEFERMENT FOR BORROWERS RECEIVING CANCER TREATMENT.—

“(A) EFFECT ON PRINCIPAL AND INTEREST.—A borrower of a loan made under this part who meets the requirements of subparagraph (B) shall be eligible for a deferment, during which periodic installments of principal need not be paid, and interest shall not accrue.

“(B) ELIGIBILITY.—A borrower of a loan made under this part shall be eligible for a deferment during—

“(i) any period in which such borrower is receiving treatment for cancer; and

“(ii) the 6 months after such period.

“(C) APPLICABILITY.—This paragraph shall apply with respect to loans—

“(i) made on or after the date of the enactment of this paragraph; or

“(ii) in repayment on the date of the enactment of this paragraph.”.

(b) Section 427(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(C)) is amended—

(1) in clause (ii), by striking “; or” and inserting a semicolon;

(2) in clause (iii), by inserting “or” after the semicolon; and

(3) by inserting after clause (iii) the following:

“(iv) in which the borrower is receiving treatment for cancer and the 6 months after such period;”.

(c) Section 428(b)(1)(M) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)) is amended—

(1) in clause (iii), by striking “or (II); or” and inserting “or (II);”;

(2) in clause (iv), by inserting “or” after the semicolon; and

(3) by adding at the end the following:

“(v) during which the borrower is receiving treatment for cancer and the 6 months after such period;”.

(d) Section 464(c)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (iv), by striking “; or” and inserting a semicolon;

(B) in clause (v), by inserting “or” after the semicolon; and

(C) by inserting after clause (v) the following:

“(vi) during which the borrower is receiving treatment for cancer and the 6 months after such period;”.

(e) Section 428H(e)(2) of the Higher Education Act of 1965 (20 U.S.C. 1078-8(e)(2)) is amended—

(1) in subparagraph (A), by striking “Interest” and inserting, “Except as provided in subparagraph (C), interest”; and

(2) by adding at the end the following:

“(C) Interest shall not accrue on a loan deferred under section 428(b)(1)(M)(v) or 427(a)(2)(C)(iv).”.

(f) The amendments made by this section shall apply with respect to loans—

(1) made on or after the date of the enactment of this Act; or

(2) in repayment on the date of the enactment of this Act.

SA 3873. Ms. KLOBUCHAR (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____

SEC. ____ . CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) In 1984, the Drug Price Competition and Patent Term Restoration Act (Public Law 98-417) (referred to in this Act as the “1984 Act”), was enacted with the intent of facilitating the early entry of generic drugs while preserving incentives for innovation.

(2) Prescription drugs make up approximately 10 percent of the national health care spending.

(3) Initially, the 1984 Act was successful in facilitating generic competition to the benefit of consumers and health care payers, although 88 percent of all prescriptions dispensed in the United States are generic drugs, they account for only 28 percent of all expenditures.

(4) Generic drugs cost substantially less than brand name drugs, with discounts off the brand price averaging 80 to 85 percent.

(5) Federal dollars currently account for over 40 percent of the \$325,000,000,000 spent on retail prescription drugs, and this share is expected to rise to 47 percent by 2025.

(6)(A) In recent years, the intent of the 1984 Act has been subverted by certain settlement agreements in which brand name companies transfer value to their potential generic competitors to settle claims that the generic company is infringing the branded company’s patents.

(B) These “reverse payment” settlement agreements—

(i) allow a branded company to share its monopoly profits with the generic company as a way to protect the branded company’s monopoly; and

(ii) have unduly delayed the marketing of low-cost generic drugs contrary to free competition, the interests of consumers, and the principles underlying antitrust law.

(C) Because of the price disparity between brand name and generic drugs, such agreements are more profitable for both the brand and generic manufacturers than competition and will become increasingly common unless prohibited.

(D) These agreements result in consumers losing the benefits that the 1984 Act was intended to provide.

(b) PURPOSES.—The purposes of this title are—

(1) to enhance competition in the pharmaceutical market by stopping anticompetitive agreements between brand name and generic drug manufacturers that limit, delay, or otherwise prevent competition from generic drugs; and

(2) to support the purpose and intent of antitrust law by prohibiting anticompetitive practices in the pharmaceutical industry that harm consumers.

SEC. ____ . UNLAWFUL COMPENSATION FOR DELAY.

(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 44 et seq.) is amended by inserting after section 26 (15 U.S.C. 57c–2) the following:

“SEC. 27. PRESERVING ACCESS TO AFFORDABLE GENERICS.

“(a) IN GENERAL.—

“(1) ENFORCEMENT PROCEEDING.—The Commission may initiate a proceeding to enforce the provisions of this section against the parties to any agreement resolving or settling, on a final or interim basis, a patent infringement claim, in connection with the sale of a drug product.

“(2) PRESUMPTION AND VIOLATION.—

“(A) IN GENERAL.—Subject to subparagraph (B), in such a proceeding, an agreement shall

be presumed to have anticompetitive effects and shall be a violation of this section if—

“(i) an ANDA filer receives anything of value, including an exclusive license; and

“(ii) the ANDA filer agrees to limit or forego research, development, manufacturing, marketing, or sales of the ANDA product for any period of time.

“(B) EXCEPTION.—Subparagraph (A) shall not apply if the parties to such agreement demonstrate by clear and convincing evidence that—

“(i) the value described in subparagraph (A)(i) is compensation solely for other goods or services that the ANDA filer has promised to provide; or

“(ii) the procompetitive benefits of the agreement outweigh the anticompetitive effects of the agreement.

“(b) LIMITATIONS.—In determining whether the settling parties have met their burden under subsection (a)(2)(B), the fact finder shall not presume—

“(1) that entry would not have occurred until the expiration of the relevant patent or statutory exclusivity; or

“(2) that the agreement’s provision for entry of the ANDA product prior to the expiration of the relevant patent or statutory exclusivity means that the agreement is procompetitive.

“(c) EXCLUSIONS.—Nothing in this section shall prohibit a resolution or settlement of a patent infringement claim in which the consideration granted by the NDA holder to the ANDA filer as part of the resolution or settlement includes only one or more of the following:

“(1) The right to market the ANDA product in the United States prior to the expiration of—

“(A) any patent that is the basis for the patent infringement claim; or

“(B) any patent right or other statutory exclusivity that would prevent the marketing of such drug.

“(2) A payment for reasonable litigation expenses not to exceed \$7,500,000.

“(3) A covenant not to sue on any claim that the ANDA product infringes a United States patent.

“(d) ENFORCEMENT.—

“(1) ENFORCEMENT.—A violation of this section shall be treated as a violation of section 5.

“(2) JUDICIAL REVIEW.—

“(A) IN GENERAL.—Any party that is subject to a final order of the Commission, issued in an administrative adjudicative proceeding under the authority of subsection (a)(1), may, within 30 days of the issuance of such order, petition for review of such order in—

“(i) the United States Court of Appeals for the District of Columbia Circuit;

“(ii) the United States Court of Appeals for the circuit in which the ultimate parent entity, as defined in section 801.1(a)(3) of title 16, Code of Federal Regulations, or any successor thereto, of the NDA holder is incorporated as of the date that the NDA is filed with the Commissioner of Food and Drugs; or

“(iii) the United States Court of Appeals for the circuit in which the ultimate parent entity of the ANDA filer is incorporated as of the date that the ANDA is filed with the Commissioner of Food and Drugs.

“(B) TREATMENT OF FINDINGS.—In a proceeding for judicial review of a final order of the Commission, the findings of the Commission as to the facts, if supported by evidence, shall be conclusive.

“(e) ANTITRUST LAWS.—Nothing in this section shall modify, impair, limit, or supersede the applicability of the antitrust laws as defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), and of sec-

tion 5 of this Act to the extent that section 5 applies to unfair methods of competition. Nothing in this section shall modify, impair, limit, or supersede the right of an ANDA filer to assert claims or counterclaims against any person, under the antitrust laws or other laws relating to unfair competition.

“(f) PENALTIES.—

“(1) FORFEITURE.—Each party that violates or assists in the violation of this section shall forfeit and pay to the United States a civil penalty sufficient to deter violations of this section, but in no event greater than 3 times the value received by the party that is reasonably attributable to the violation of this section. If no such value has been received by the NDA holder, the penalty to the NDA holder shall be sufficient to deter violations, but in no event greater than 3 times the value given to the ANDA filer reasonably attributable to the violation of this section. Such penalty shall accrue to the United States and may be recovered in a civil action brought by the Commission, in its own name by any of its attorneys designated by it for such purpose, in a district court of the United States against any party that violates this section. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate.

“(2) CEASE AND DESIST.—

“(A) IN GENERAL.—If the Commission has issued a cease and desist order with respect to a party in an administrative adjudicative proceeding under the authority of subsection (a)(1), an action brought pursuant to paragraph (1) may be commenced against such party at any time before the expiration of 1 year after such order becomes final pursuant to section 5(g).

“(B) EXCEPTION.—In an action under subparagraph (A), the findings of the Commission as to the material facts in the administrative adjudicative proceeding with respect to the violation of this section by a party shall be conclusive unless—

“(i) the terms of such cease and desist order expressly provide that the Commission’s findings shall not be conclusive; or

“(ii) the order became final by reason of section 5(g)(1), in which case such finding shall be conclusive if supported by evidence.

“(3) CIVIL PENALTY.—In determining the amount of the civil penalty described in this section, the court shall take into account—

“(A) the nature, circumstances, extent, and gravity of the violation;

“(B) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, any effect on the ability to continue doing business, profits earned by the NDA holder, compensation received by the ANDA filer, and the amount of commerce affected; and

“(C) other matters that justice requires.

“(4) REMEDIES IN ADDITION.—Remedies provided in this subsection are in addition to, and not in lieu of, any other remedy provided by Federal law. Nothing in this paragraph shall be construed to affect any authority of the Commission under any other provision of law.

“(g) DEFINITIONS.—In this section:

“(1) AGREEMENT.—The term ‘agreement’ means anything that would constitute an agreement under section 1 of the Sherman Act (15 U.S.C. 1) or section 5 of this Act.

“(2) AGREEMENT RESOLVING OR SETTLING A PATENT INFRINGEMENT CLAIM.—The term ‘agreement resolving or settling a patent infringement claim’ includes any agreement that is entered into within 30 days of the resolution or the settlement of the claim, or any other agreement that is contingent upon, provides a contingent condition for, or

is otherwise related to the resolution or settlement of the claim.

“(3) **ANDA.**—The term ‘ANDA’ means an abbreviated new drug application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) or a new drug application filed under section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(2)).

“(4) **ANDA FILER.**—The term ‘ANDA filer’ means a party that owns or controls an ANDA filed with the Commission of Food and Drugs or has the exclusive rights under such ANDA to distribute the ANDA product.

“(5) **ANDA PRODUCT.**—The term ‘ANDA product’ means the product to be manufactured under the ANDA that is the subject of the patent infringement claim.

“(6) **DRUG PRODUCT.**—The term ‘drug product’ has the meaning given such term in section 314.3(b) of title 21, Code of Federal Regulations (or any successor regulation).

“(7) **NDA.**—The term ‘NDA’ means a new drug application filed under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).

“(8) **NDA HOLDER.**—The term ‘NDA holder’ means—

“(A) the holder of an approved NDA application for a drug product;

“(B) a person owning or controlling enforcement of the patent listed in the Approved Drug Products With Therapeutic Equivalence Evaluations (commonly known as the ‘FDA Orange Book’) in connection with the NDA; or

“(C) the predecessors, subsidiaries, divisions, groups, and affiliates controlled by, controlling, or under common control with any of the entities described in subparagraphs (A) and (B) (such control to be presumed by direct or indirect share ownership of 50 percent or greater), as well as the licensees, licensors, successors, and assigns of each of the entities.

“(9) **PARTY.**—The term ‘party’ means any person, partnership, corporation, or other legal entity.

“(10) **PATENT INFRINGEMENT.**—The term ‘patent infringement’ means infringement of any patent or of any filed patent application, extension, reissue, renewal, division, continuation, continuation in part, reexamination, patent term restoration, patents of addition, and extensions thereof.

“(11) **PATENT INFRINGEMENT CLAIM.**—The term ‘patent infringement claim’ means any allegation made to an ANDA filer, whether or not included in a complaint filed with a court of law, that its ANDA or ANDA product may infringe any patent held by, or exclusively licensed to, the NDA holder of the drug product.

“(12) **STATUTORY EXCLUSIVITY.**—The term ‘statutory exclusivity’ means those prohibitions on the approval of drug applications under clauses (ii) through (iv) of section 505(c)(3)(E) (5- and 3-year data exclusivity), section 527 (orphan drug exclusivity), or section 505A (pediatric exclusivity) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c)(3)(E), 360cc, 355a).”

(b) **EFFECTIVE DATE.**—Section 27 of the Federal Trade Commission Act, as added by this section, shall apply to all agreements described in section 27(a)(1) of that Act entered into after June 17, 2013. Section 27(f) of the Federal Trade Commission Act, as added by this section, shall apply to agreements entered into on or after the date of enactment of this Act.

SEC. ____ . NOTICE AND CERTIFICATION OF AGREEMENTS.

(a) **NOTICE OF ALL AGREEMENTS.**—Section 1112(c)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (21 U.S.C. 355 note) is amended by—

(1) striking “the Commission the” and inserting the following: “the Commission—

“(A) the”;

(2) striking the period and inserting “; and”; and

(3) inserting at the end the following:

“(B) any other agreement the parties enter into within 30 days of entering into an agreement covered by subsection (a) or (b).”

(b) **CERTIFICATION OF AGREEMENTS.**—Section 1112 of such Act is amended by adding at the end the following:

“(d) **CERTIFICATION.**—The Chief Executive Officer or the company official responsible for negotiating any agreement under subsection (a) or (b) that is required to be filed under subsection (c) shall execute and file with the Assistant Attorney General and the Commission a certification as follows: ‘I declare that the following is true, correct, and complete to the best of my knowledge: The materials filed with the Federal Trade Commission and the Department of Justice under section 1112 of subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, with respect to the agreement referenced in this certification—

“(1) represent the complete, final, and exclusive agreement between the parties;

“(2) include any ancillary agreements that are contingent upon, provide a contingent condition for, or are otherwise related to, the referenced agreement; and

“(3) include written descriptions of any oral agreements, representations, commitments, or promises between the parties that are responsive to subsection (a) or (b) of such section 1112 and have not been reduced to writing.”

SEC. ____ . FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD.

Section 505(j)(5)(D)(i)(V) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(D)(i)(V)) is amended by inserting “section 27 of the Federal Trade Commission Act or” after “that the agreement has violated”.

SEC. ____ . COMMISSION LITIGATION AUTHORITY.

Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (D), by striking “or” after the semicolon;

(2) in subparagraph (E), by inserting “or” after the semicolon; and

(3) inserting after subparagraph (E) the following:

“(F) under section 27;”

SEC. ____ . STATUTE OF LIMITATIONS.

The Federal Trade Commission shall commence any enforcement proceeding described in section 27 of the Federal Trade Commission Act, as added by section ____, except for an action described in section 27(f)(2) of the Federal Trade Commission Act, not later than 6 years after the date on which the parties to the agreement file the Notice of Agreement as provided by section 1112(c)(2) and (d) of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (21 U.S.C. 355 note).

SEC. ____ . SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such title or amendments to any person or circumstance shall not be affected.

SA 3874. Ms. KLOBUCHAR (for herself, Mr. GRASSLEY, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3695 pro-

posed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

SEC. ____ . (a) JOINT ACTION PLAN.—The Commissioner of Food and Drugs, in coordination with the Administrator of the Centers for Medicare & Medicaid Services, shall develop a joint action plan, in consultation with healthcare providers and patient advocates (including relevant Federal advisory committees) that—

(1) utilizes data from Medicare claims on how much of a single-use drug was not administered, examines single-use vial sizes in other countries, and analyzes the drug approval process for alternative vial size safety and efficacy approaches, to reduce drug waste and better manage costs with respect to drug vial sizes and other drug delivery systems, as appropriate; and

(2) includes quantifiable metrics and specific timelines.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and Drugs, in coordination with the Administrator of the Centers for Medicare & Medicaid Services, shall submit to Congress the joint action plan described in subsection (a) and a report containing recommendations for any legislative action needed to reduce drug waste and better manage costs with respect to drug vial sizes and other drug delivery systems, as appropriate.

SA 3875. Mr. CASEY (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B insert the following:

SEC. ____ . Out of amounts appropriated under the heading “Administration for Community Living”, \$300,000 shall be available for the Secretary to establish the Advisory Council to Support Grandparents Raising Grandchildren under section 3 of the Supporting Grandparents Raising Grandchildren Act (Public Law 115-196).

SA 3876. Mr. WARNER (for himself, Mr. YOUNG, Mr. BENNET, Mr. SASSE, Mr. HOEVEN, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, strike line 7 and insert the following:

30, 2020; and

(3) notwithstanding paragraphs (1) and (2), \$20,000,000 shall be used to establish and carry out a Portable Benefits for Independent Workers Pilot Program, to award grants to States, local governments, and nonprofit organizations—

(A) as a means of—

(i) promoting State, local, and nonprofit experimentation concerning portable employment benefits delivery to contingent and independent workers, and

(ii) providing an opportunity for States, local governments, and nonprofit organizations to fund innovative ways to attract talent and support an entrepreneurial economy, and

(B) specifically for the purpose of—

(i) the evaluation, or improvement to the design or implementation, of existing (as of the date of the award) models or approaches for providing portable benefits, or

(ii) the design, implementation, and evaluation of new models or approaches for providing such benefits.

SA 3877. Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. 8 _____. As soon as practicable after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Agriculture and the Secretary of the Interior, shall—

(1) conduct a study to determine—

(A) whether additional wildfire firefighting capacity should be added at the Department of Defense; and

(B) if the Secretary of Defense determines under subparagraph (A) that additional capacity should be added, any areas in which to add the capacity; and

(2) submit to Congress the results of the study conducted under paragraph (1).

SA 3878. Mr. CORNYN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. _____. From amounts appropriated under this title, the Secretary of Health and Human Services, acting through the Office of Rural Health Policy of the Health Resources and Services Administration, shall award grants through the Telehealth Resource Center Grant Program to entities that use evidence-based practices that promote school safety and individual student health, mental health and well-being by—

(1) providing assessment and referrals for health, mental health, or substance use disorder services to students who may be struggling with behavioral or mental health issues; and

(2) providing training and support to teachers, school counselors, administrative staff, school resource officers, and other relevant staff to identify, refer, and intervene to help students experiencing mental health needs or who are considering harming themselves or others.

Telemental health services may be provided by “qualified mental health professionals” as defined under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

SA 3879. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of

Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

SEC. _____. (a) Notwithstanding any other provision of law, including section 3142 of title 18, United States Code, any judicial determination (including any judicial determination made in *Flores v. Sessions* et al., (9th Cir. July 5, 2017; C.D. CA. July 9, 2018, July 24, 2015 and July 30, 2018), in *Ms. L. et al. v. U.S. Immigration and Customs Enforcement*, et al., S.D. CA. June 26, 2018, and in *M.M.M. et al. v. Sessions et al.*, August 16, 2018), consent decree, or settlement agreement issued before the date of the enactment of this Act, and section 236.3 of title 8, Code of Federal Regulations (or a successor regulation), the Secretary of Defense shall not use any appropriated funds, or be required to implement the terms of the stipulated settlement agreement filed on January 17, 1997, in the United States District Court for the Central District of California in *Flores v. Reno*, CV 85-4544-RJK, (commonly known as the “Flores settlement agreement”), in the case of an alien child who is housed at a military facility or installation pursuant to an agreement executed between the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Defense and who is or was—

(1) under the age of 18 years;

(2) accompanied by a parent; and

(3)(A) apprehended at or near the international border of the United States; or

(B) seeking admission or sought admission to the United States at a port of entry.

(b) The Secretary of Defense shall not use any appropriated funds to release any alien who is currently detained at a military facility or installation pursuant to an agreement executed between the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Defense and who—

(1) is inadmissible by reason of having committed any offense covered in section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2));

(2) is deportable by reason of having committed any offense covered in section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2));

(3) is convicted for an offense under section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325);

(4) is convicted for an offense under section 276 of the Immigration and Nationality Act (8 U.S.C. 1326);

(5) has been convicted of, or found to be a juvenile offender based on, an offense that involved—

(A) the use or attempted use of physical force, or threatened use of a deadly weapon;

(B) the purchase, sale, offering for sale, exchange, use, ownership, possession, or carrying, or, of 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 921(a) of title 18, United States Code) in violation of any law;

(C) child abuse and neglect (as defined in section 4002(a)(3) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)(3)));

(D) assault resulting in bodily injury (as defined in section 2266 of title 18, United States Code);

(E) the violation of a protection order (as defined in section 2266 of title 18, United States Code);

(F) driving while intoxicated or driving under the influence (as such terms are defined in section 164 of title 23, United States Code); or

(G) any offense under foreign law (except a purely political offense) that, 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));

(6) has been convicted of, or found to be a juvenile offender based on, more than 1 criminal offense (other than minor traffic offenses);

(7) has been convicted of, or found to be a juvenile offender, based on an offense that involved a sex offense (as defined in section 20911 of title 34, United States Code);

(8) has been convicted of, or found to be a juvenile offender, based on an offense that involved a sexual assault (as defined in section 12291(a) of title 34, United States Code);

(9) has been convicted of, or found to be a juvenile offender based on 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;

(10) 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)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iii))), or intends to participate or has participated in the activities of a foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189));

(11) has been convicted of any drug trafficking crime (within the meaning of the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.);

(12) is convicted for any felony with a maximum term of imprisonment of more than 180 days; or

(13) is inadmissible under subparagraph (A) or (B) of section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) or deportable under subparagraph (A) or (B) of section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)).

SA 3880. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting such tax liability, provided that the applicable Federal agency is aware of the unpaid Federal tax liability.

(b) Subsection (a) shall not apply if the applicable Federal agency has considered suspension or debarment of the corporation described in such subsection and has made a determination that such suspension or debarment is not necessary to protect the interests of the Federal Government.

SA 3881. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr.

SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division B, insert the following:

SEC. _____. (a) From funds appropriated under this title, not later than 180 days after the date of enactment of this Act, the Secretary of Labor shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate on the implementation of the plan to reduce improper payments published by the Department of Labor in the fiscal year 2017 Agency Financial Report.

(b) The report submitted under subsection (a) shall identify barriers to the reduction of improper payments that may require Congressional action to address.

SA 3882. Mr. HELLER (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

SEC. _____. (a) Of the amounts appropriated or otherwise made available under title I under the heading “VETERANS EMPLOYMENT AND TRAINING”, \$2,000,000 shall be available to carry out a pilot program for preparing members of the Armed Forces transitioning to civilian life to qualify for, and for assisting in placing them in, apprenticeship programs.

(b) Amounts made available under subsection (a) shall supplement and not supplant amounts appropriated or otherwise made available under this division for programs and activities relating to the Transition Assistance Program.

SA 3883. Mr. WICKER (for himself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of division B, insert the following:

SEC. _____. It is the sense of Congress that—

(1) computer science education programs, including coding academies, can provide important benefits to local industries and the economy and help meet in-demand workforce needs; and

(2) the Department of Education and Department of Labor should work together with industry to improve and expand computer science education programs and opportunities, including through apprenticeships.

SA 3884. Mr. BOOKER (for himself, Ms. BALDWIN, Mr. YOUNG, and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 150, line 22, strike “WIOA:” and insert the following: “WIOA: *Provided further*, That for purposes of any funds provided for technical assistance under section 168(b) of WIOA, priority for such assistance shall be given to States and areas that contain population census tracts that have been designated as qualified opportunity zones under section 1400Z-1 of the Internal Revenue Code of 1986, or to entities that predominately serve population census tracts that have been designated as qualified opportunity zones under such section.”.

SA 3885. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. It is the sense of Congress that the Army Research Laboratory should continue to fully fund research into advanced materials development, with a focus on—

- (1) the impact of ballistics on the human body; and
- (2) the development of new technologies for soldier protection and vehicle resilience.

SA 3886. Mr. GRASSLEY (for himself, Ms. KLOBUCHAR, and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION C—RURAL EMERGENCY ACUTE CARE HOSPITAL ACT

SECTION .01. SHORT TITLE.

This division may be cited as the “Rural Emergency Acute Care Hospital Act”.

SEC. .02. FINDINGS.

Congress finds the following:

(1) According to the University of North Carolina’s Center for Health Services Research, 55 rural hospitals have closed in the United States since January 2010.

(2) In 2014, iVantage conducted a study for the National Rural Health Association and found 283 hospitals at risk of closure based upon performance indicators that matched those facilities already forced to close in this decade.

(3) Researchers at the University of North Carolina identified inpatient volume as a substantial contributing factor to the financial performance of rural hospitals, with many of the at-risk hospitals having an average daily bed census of less than two.

(4) Adverse impacts to the local economy and the loss of timely access to emergency medical care are 2 major effects of rural hospital closures.

(5) According to the National Center for Rural Health Works, the typical rural hospital creates over 140 jobs and generates \$6,800,000 in compensation while serving an average population of 14,600.

(6) The 2014 iVantage study estimates that the 283 at-risk hospitals could result in the loss of 36,000 health care jobs, 50,000 community jobs, and \$10,600,000,000 in gross domestic product.

(7) Time is the most critical factor for achieving successful outcomes in emergency medicine, and emergency medical clinicians

refer to the time-sensitive period during which successful outcomes may be best achieved as the “golden hour”.

(8) The National Conference of State Legislatures states that 60 percent of trauma deaths in the United States occur in rural areas, where only 15 percent of the population is represented.

(9) The disproportionate percentage of trauma deaths in rural areas is likely attributable in large part to a combination of response time to the scene and distance to the nearest emergency room to stabilize trauma victims.

(10) The percentage of trauma deaths occurring in rural areas could continue to increase as more rural hospitals close, further limiting access to emergency services and requiring patients to travel longer distances to receive emergency medical care.

(11) The creation of a rural emergency hospital designation under the Medicare program will allow facilities in rural areas to provide emergency medical services without having to maintain inpatient beds.

(12) In addition to providing emergency care, rural emergency hospitals could convert the space previously used for inpatient services to provide other medical services including, but not limited to, observation care, skilled nursing facility care, infusion services, hemodialysis, home health, hospice, nursing home care, population health, and telemedicine services.

SEC. .03. RURAL EMERGENCY HOSPITAL PROGRAM.

(a) IN GENERAL.—

(1) RURAL EMERGENCY HOSPITAL AND SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(A) in subsection (e), in the last sentence of the matter following paragraph (9), by inserting “or a rural emergency hospital (as defined in section 1861(jj)(1))” before the period at the end; and

(B) by adding at the end the following subsection:

“Rural Emergency Hospital; Rural Emergency Hospital Outpatient Services

“(jj)(1) The term ‘rural emergency hospital’ means a facility that—

“(A)(i) as of December 31, 2016—

“(I) was a critical access hospital; or

“(II) was a hospital with not more than 50 beds located in a county (or equivalent unit of local government) in a rural area (as defined in section 1886(d)(2)(D)), or was a hospital with not more than 50 beds that was treated as being located in a rural area pursuant to section 1886(d)(8)(E); or

“(ii) was a critical access hospital described in clause (i)(I) or a hospital described in clause (i)(II) that ceased operations during the period beginning on the date that is 5 years prior to the date of the enactment of this subsection and ending on December 30, 2016;

“(B) provides 24-hour emergency medical care and observation care that does not exceed an annual per patient average of 24 hours or more than 1 midnight;

“(C) does not provide any acute care inpatient beds and has protocols in place for the timely transfer of patients who require acute care inpatient services or other inpatient services;

“(D) has elected to be designated as a rural emergency hospital;

“(E) has received approval to operate as a rural emergency hospital from the State under section 1834(v)(3)(A); and

“(F) is certified by the Secretary under section 1834(v)(3)(B).

“(2) The term ‘rural emergency hospital outpatient services’ means medical and other health services furnished by a rural emergency hospital on an outpatient basis.

“(3) Nothing in this subsection or section 1834(v)(3) shall be construed to prohibit a rural emergency hospital from providing extended care services.”.

(2) PAYMENT FOR RURAL EMERGENCY HOSPITAL SERVICES.—

(A) IN GENERAL.—Section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended—

(i) in paragraph (8), by striking “and” at the end;

(ii) in paragraph (9), by striking the period at the end and inserting “; and”; and

(iii) by inserting after paragraph (9) the following new paragraph:

“(10) in the case of rural emergency hospital emergency services and services provided by a rural emergency hospital or other provider of ambulance services to transport patients who require acute care inpatient services or other inpatient services from such rural emergency hospital to a hospital or critical access hospital, the amounts described in section 1834(v).”.

(B) PAYMENT AMOUNT.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following subsection:

“(v) PAYMENT RULES RELATING TO RURAL EMERGENCY HOSPITALS.—

“(1) PAYMENT FOR RURAL EMERGENCY HOSPITAL OUTPATIENT SERVICES.—

“(A) IN GENERAL.—The amount of payment for rural emergency hospital outpatient services of a rural emergency hospital is equal to 110 percent of the reasonable costs of providing such services.

“(B) TELEHEALTH SERVICES.—For purposes of this paragraph, in determining the reasonable costs of providing rural emergency hospital outpatient services, costs associated with having a backup physician available via a telecommunications system shall be considered reasonable costs.

“(2) PAYMENT FOR TRANSPORTATION SERVICES.—The amount of payment for services provided by a rural emergency hospital or other provider of ambulance services to transport patients who require acute care inpatient services or other inpatient services from such rural emergency hospital to a hospital or critical access hospital is equal to 110 percent of the reasonable costs of providing such services.

“(3) REQUIREMENTS FOR RURAL EMERGENCY HOSPITALS.—

“(A) STATE APPROVAL TO OPERATE AS A RURAL EMERGENCY HOSPITAL.—No payment shall be made under this subsection to a facility, or to a provider of ambulance services providing transportation services from such facility, unless the State in which the facility is located has approved the facility’s designation as a rural emergency hospital.

“(B) CERTIFICATION OF RURAL EMERGENCY HOSPITAL.—

“(i) IN GENERAL.—No payment shall be made under this subsection to a facility, or to a provider of ambulance services providing transportation services from such facility, unless the facility has been certified by the Secretary as a rural emergency hospital.

“(ii) CERTIFICATION REQUIREMENTS.—The Secretary shall certify a facility as a rural emergency hospital if the facility—

“(I) meets the criteria for rural emergency hospitals described in subparagraphs (A) through (E) of section 1861(j)(1);

“(II) either—

“(aa) is verified by the American College of Surgeons or a State as having the resources required of a level IV trauma center or higher; or

“(bb) employs healthcare professionals that successfully completed within the preceding 4 years—

“(AA) the Advanced Trauma Life Support Course offered by the American College of Surgeons; or

“(BB) another trauma training program for healthcare professionals that is accepted by a State trauma system for certification purposes;

“(III) has in effect a transfer agreement with a level I or level II trauma center; and

“(IV) meets such staff training and certification requirements as the Secretary may require.

“(4) COINSURANCE.—

“(A) IN GENERAL.—The amount of payment for rural emergency hospital services or transportation services made to a rural emergency hospital or other provider of ambulance services under this subsection shall be reduced by the coinsurance amount described in subparagraph (B).

“(B) COINSURANCE AMOUNT.—The coinsurance amount described in this subparagraph, with respect to an item or service provided by a rural emergency hospital or provider of ambulance services, shall be calculated in the same manner as the coinsurance amount for an outpatient critical access hospital service is calculated under section 1866(a)(2).”.

(b) WAIVER OF DISTANCE REQUIREMENT FOR REPLACEMENT CAHS; SUBSEQUENT REDESIGNATION OF RURAL EMERGENCY HOSPITALS AS CAHS.—Section 1820(c)(2) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)) is amended—

(1) in subparagraph (B)(i)(I), by inserting “subject to subparagraph (F),” before “is located”; and

(2) by adding at the end the following new subparagraphs:

“(F) OPTION TO WAIVE DISTANCE REQUIREMENT.—Beginning on the date of the enactment of this subparagraph, for every critical access hospital located in a State that is certified as a rural emergency hospital under section 1834(v)(3)(B), the State shall have the option of waiving the distance requirement described in subparagraph (B)(i)(I) with respect to another facility located in the State that is seeking designation as a critical access hospital under this paragraph.

“(G) REDESIGNATION OF A RURAL EMERGENCY HOSPITAL AS A CRITICAL ACCESS HOSPITAL.—A rural emergency hospital that was previously designated as a critical access hospital under this paragraph may elect to be redesignated as a critical access hospital (in the same manner that the hospital was originally designated as a critical access hospital) at any time, subject to such conditions as the Secretary may establish.”.

(c) STUDIES AND REPORTS.—

(1) STUDIES.—The Secretary of Health & Human Services shall conduct 3 studies to evaluate the impact of rural emergency hospitals on the availability of health care and health outcomes in rural areas (as defined in section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D))). The Secretary shall conduct a study—

(A) 2 years after the date of the enactment of this Act;

(B) 5 years after the date of the enactment of this Act; and

(C) 10 years after the date of the enactment of this Act.

(2) REPORTS.—Not later than 6 months after each date that the Secretary of Health & Human Services is required to conduct a study under paragraph (1), the Secretary shall submit a report to Congress containing the results of each such study.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after the date that is 1 year after the date of the enactment of this Act.

SEC. 04. INCLUSION OF EMERGENCY MEDICINE AS HEALTH SERVICES UNDER THE NATIONAL HEALTH SERVICE CORPS.

Section 331(a)(3)(D) of the Public Health Service Act (42 U.S.C. 254d(a)(3)(D)) is amended by inserting “, and includes emergency medicine provided by physicians in a rural emergency hospital (as defined in section 1861(j)(1) of the Social Security Act)” before the period.

SEC. 05. PERMITTING HOSPITALS WITH APPROVED RESIDENCY PROGRAMS IN EMERGENCY MEDICINE TO INCLUDE TIME SPENT BY INTERNS AND RESIDENTS IN THE EMERGENCY DEPARTMENT OF A RURAL HOSPITAL IN FULL-TIME EQUIVALENT COUNT.

(a) INDIRECT MEDICAL EDUCATION.—Section 1886(d)(5)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(iv)) is amended by adding at the end the following new subclause:

“(III) Effective for discharges occurring on or after October 1, 2017, all of the time spent in patient care activities in the emergency department of a rural hospital by interns and residents in emergency medicine from a hospital with an approved medical residency training program (as defined in subsection (h)(5)(A)) in such specialty shall be included in determining the number of full-time equivalent interns and residents in such program if the hospital with such program incurs the costs of the stipends and fringe benefits of the interns or residents during the time the interns or residents spend in that rural hospital in accordance with subclause (II). In this subclause, the term ‘rural hospital’ means a hospital that is located in a rural area (as defined for purposes of paragraph (2)(D)).”.

(b) DIRECT MEDICAL EDUCATION.—Section 1886(h)(4)(E) of the Social Security Act (42 U.S.C. 1395h(4)(E)) is amended—

(1) in clause (ii), by striking the period at the end and inserting “; and”;

(2) by inserting after clause (ii) the following new clause:

“(iii) effective for cost reporting periods beginning on or after July 1, 2017, all of the time so spent in the emergency department of a rural hospital by residents in emergency medicine from a hospital with an approved medical residency training program in such specialty shall be counted towards the determination of full-time equivalency in such program if the hospital with such program bears all, or substantially all, of the costs of training such residents in the rural hospital. In this subparagraph, the term ‘rural hospital’ means a hospital that is located in a rural area (as defined for purposes of subsection (d)(2)(D)).”; and

(3) by adding at the end the following new sentence: “For purposes of this subparagraph, the emergency department of a rural hospital described in clause (iii) is a nonprovider setting.”.

SA 3887. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the matter under the heading “SCHOOL IMPROVEMENT PROGRAMS” in title III of division B, insert “: Provided further, That funds made available under this heading for and allotted to States under subpart 1 of part A of title IV of the ESEA may be used by the States, to improve school conditions for student learning, by enabling local educational agencies to use

such funds for the purpose of installing infrastructure, and implementing technology or other measures, that strengthen security on school premises, which may include—

“(1) controlling access to school premises or facilities, through the use of metal detectors or other measures, or technology, with evidence-based effectiveness (to the extent the State involved determines that such evidence is reasonably available), in accordance with the needs of the school;

“(2) implementing any technology or measure, or installing any infrastructure, to cover and conceal students within the school during crisis situations;

“(3) implementing technology to provide notification to relevant law enforcement and first responders during such a situation;

“(4) implementing any technology or measure, including hiring school security officers, or installing any infrastructure, with evidence-based effectiveness (to the extent the State involved determines that such evidence is reasonably available) to increase the safety of school students and staff;

“(5) implementing any technology or measure, or installing any infrastructure, for school safety reinforcement, including bullet-resistant doors and windows; and

“(6) implementing any technology or system that would reduce the time needed to disseminate official information to parents regarding the safety of their children during and immediately following a crisis.”.

SA 3888. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of division B, insert the following:

SEC. _____. (a) Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Administrator of the Health Resources and Services Administration and the Director of the Centers for Disease Control and Prevention, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Appropriations of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Appropriations of the House of Representatives, a report that provides details on utilization by States, hospitals, and health systems of evidence-based practices to reduce maternal mortality and severe maternal morbidity, such as the Alliance for Innovation on Maternal Health.

(b) The report under this section shall include—

(1) a list of States, hospitals, and health systems that participate in the Alliance for Innovation on Maternal Health or a similar evidence-based program, and to the extent possible, the maternal health outcomes such evidence-based programs are intended to address;

(2) what is known about States, hospitals, and health systems that participate in the Alliance for Innovation on Maternal Health or a similar evidence-based program, including the rates of maternal mortality and severe maternal morbidity and any improvements with respect to such rates, or other improvements in maternal and infant health outcomes; and

(3) barriers to implementation of evidence-based programs like the Alliance for Innovation in Maternal Health and recommendations for further implementation.

SA 3889. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 3699 proposed by Mr. MCCONNELL (for Mr. SHELBY) to the amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert “\$8,503,001”.

SA 3890. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:
This Act shall take effect 1 day after the date of the enactment of this Act.

SA 3891. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 3890 submitted by Mr. SHELBY and intended to be proposed to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 2, strike “1 day” and insert “2 days”.

SA 3892. Mr. MURPHY (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. (a) From amounts appropriated or otherwise made available by this division, the Secretary of Defense shall transfer to the Secretary of State under section 385 of title 10, United States Code, \$40,000,000 for the Global Engagement Center for support by the Department of State of security cooperation objectives of the Department of Defense as authorized by that section: *Provided*, That amounts transferred pursuant to this section shall remain available for obligation and expenditure until September 30, 2020.

(b) Section 8117 shall have no force or effect.

SA 3893. Ms. HEITKAMP submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. _____. Of the funds appropriated under the heading “Refugee and Entrant Assistance” for carrying out Victims of Trafficking programs, the amount made available to continue carrying out the SOAR

(Stop, Observe, Ask, Respond) to Health and Wellness Program, to train health care and social service providers on how to identify, treat, and respond appropriately to human trafficking, shall be not less than the amount made available for such program in fiscal year 2018.

SA 3894. Ms. HEITKAMP (for herself, Ms. MURKOWSKI, and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. _____. (a) From amounts appropriated under this title, up to \$1,000,000 shall be used for awarding grants for the purchase and implementation of telehealth services, including pilots and demonstrations for the use of electronic health records or other necessary technology and equipment (including ultra sound machines or other technology and equipment that is useful for caring for pregnant women) to coordinate obstetric care between pregnant women living in rural areas and obstetric care providers.

(b) Notwithstanding any other provision of this Act, the total amount appropriated under the heading “Vaccine Injury Compensation Program Trust Fund” is hereby reduced by \$1,000,000.

SA 3895. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement for the Department of Defense a mechanism to track and monitor information on the indebtedness of individuals to the United States arising out of service in the Armed Forces.

(b) The mechanism required by subsection (a) shall do the following:

(1) Identify each individual who has a current indebtedness to the United States arising out of the individual's service in the Armed Forces.

(2) Identify the current age and amount of indebtedness to the United States arising out of service in the Armed Forces of each individual identified pursuant to paragraph (1)

(3) For each debt of an individual identified pursuant to paragraph (2), specify the following:

(A) Whether such debt is the result of a delay in Department of Defense processing changes to beneficiary status or another action of the Department.

(B) Whether such debt is currently disputed by such individual.

(C) The amount and type of any fees or interest charges that have been applied to such debt, including any amounts charged for processing or handling the collection of such debt

(c) Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the status of the development and implementation of the mechanism required by subsection (a).

SA 3896. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: “*Provided*, That sums allocated under the ‘CDC Injury Prevention and Control’ for Traumatic Brain Injury include continuation of the creation of a National Concussion Surveillance System.”.

SA 3897. Mr. SCHATZ (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B insert the following:

SEC. _____. Using amounts made available under this title, the Assistant Secretary for Mental Health and Substance Use shall provide technical assistance to any State or county impacted by a volcanic eruption covered by a major disaster declared by the President in calendar year 2018 in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Such technical assistance shall be—

(1) to conduct a needs assessment for supporting the mental health of the impacted children and families; and

(2) to develop mental health crisis recovery plans for the impacted children and families.

SA 3898. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. None of the amounts appropriated or otherwise made available by this division may be used to establish a United States Space Force as one of the United States Armed Forces, or to establish the Space Development Agency: *Provided*, That this section shall not be construed to limit the use of funds for the establishment of a combatant command pertaining to space operations.

SA 3899. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division A, insert before the period at the end of the last proviso relating to Operation and Maintenance, Defense-Wide the following: “: *Provided further*, That of the funds provided under this heading, the Secretary of Defense shall allocate an amount the Secretary determines appropriate for fiscal year 2019 to ensure the operation and maintenance of military construction projects funded

through the Energy Resilience and Conservation Investment Program (ERCIP) authorized under section 2914 of title 10, United States Code: *Provided further*, That the Under Secretary of Defense (Comptroller), under the direction of the Secretary of Defense, shall submit to the congressional defense committees a plan to create a program element and supporting budgetary accounts and line items for the consideration of operation and maintenance appropriations for fiscal year 2019 and subsequent fiscal years to address operation and maintenance projects necessary for military construction projects funded through ERCIP: *Provided further*, That, not later than March 1, 2019, the Secretary of Defense shall submit to the congressional defense committees a report on its progress to establish the necessary budgetary accounts described in the preceding proviso”.

SA 3900. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. _____. Paragraph (2) of section 2919(b) of title 10, United States Code, is amended to read as follows:

“(2) credited to an appropriation designated by the Secretary of Defense, merged with the appropriation to which credited, and available for energy security or energy resilience projects.”.

SA 3901. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in section 8011 of title VIII of division A, strike the period at the end and insert the following: “: *Provided further*, That of the funds appropriated to the Air Force for operation and maintenance, the Secretary of the Air Force shall allocate an amount the Secretary determines appropriate for the operation and maintenance of the Eagle Vision system that provides the Air Force a critical humanitarian assistance and disaster relief capability: *Provided further*, That the Secretary of the Air Force is also directed to submit to the congressional defense committees a report on the progress of the Secretary in allocating such funding not later than March 1, 2019.”

SA 3902. Mr. UDALL (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. _____. In addition to any other reporting requirements applicable to the Office of Refugee Resettlement of the Department of Health and Human Services as specified in

Senate Report 115-289 (115th Congress), the Secretary of Health and Human Services shall, on a weekly basis, update information available to the public on the Internet website of the Department with respect to the following:

(1) The total number of children referred to the Department, including the total number of unaccompanied alien children and the total number of children who were apprehended as part of a family unit.

(2) The number of such children currently in the care of the Department.

(3) The number of such children released to sponsors.

(4) The number of preteen children in shelters and foster care programs operated by the Office.

SA 3903. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report estimating the portion of the Department of Defense’s advertising budget that is spent on advertising and public relations contracts with socially and economically disadvantaged small businesses and women, low-income, veteran (as that term is defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), and minority entrepreneurs and business owners at the prime and subcontracting levels.

SA 3904. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. Of the amounts appropriated or otherwise made available by title II of this division under the heading “Operation and Maintenance, Defense-Wide”, up to \$250,000 may be available to the Secretary of Defense for the creation of a service medal to honor and be awarded to retired and former members of the Armed Forces who were exposed to radiation during service in the Armed Forces in such circumstances as to be eligible for treatment as radiation-exposed veterans for purposes of section 1112(c) of title 38, United States Code.

SA 3905. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Amounts appropriated or otherwise made available by this Act may not be used to implement or carry out any increase in cost-sharing requirements under

the TRICARE Pharmacy Benefits Program by reason of the amendment made by section 702(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1433) with respect to any covered beneficiary who resides more than 40 miles from the nearest military medical treatment facility until the date on which the Secretary of Defense commences the conduct of the pilot program on prescription drug acquisition cost parity in the TRICARE Pharmacy Benefits Program authorized by section 743 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2238; 10 U.S.C. 1074g note).

SA 3906. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Amounts appropriated or otherwise made available by this Act may not be used to implement or carry out any increase in cost-sharing requirements under the TRICARE Pharmacy Benefits Program by reason of the amendment made by section 702(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1433) with respect to any covered beneficiary who resides more than 40 miles from the nearest military medical treatment facility.

SA 3907. Mr. PETERS (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. _____. The amount appropriated by title III of this division under the heading "Aircraft Procurement, Air Force" is hereby increased by \$65,000,000, with the amount of the increase to be available for the A-10 Wing Replacement Program.

SA 3908. Ms. CANTWELL (for herself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III of division B, insert the following:

SEC. _____. (a) It is the sense of the Senate that dedicated funding for coding courses in kindergarten through grade 12 education should be a top priority.

(b) It is the sense of the Senate that the Secretary of Education should use the authority granted under section 114(e) of the Carl D. Perkins Career and Technical Education Act of 2006, as in effect on July 1, 2019, to award innovation and modernization grants. The use of such innovation and modernization grant funds for coding programs are especially important for rural and underserved areas that don't have access to coding resources in order to close the skills gap.

These grants are opportunities for rural America to learn to read and write code to prepare students for the jobs of the future.

SA 3909. Ms. HIRONO (for herself, Mr. BOOKER, Mrs. GILLIBRAND, Ms. WARREN, Mr. BLUMENTHAL, and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 238, line 13, strike "which" and all that follows through "programs;" on line 6, page 239 and insert the following: "to support the access of marginalized youth to sexual health services: *Provided further*, That funding entities awarded such competitive grants may use the funds to provide medically accurate and complete age, developmentally, and culturally appropriate information on how to access sexual health services; to promote effective communication regarding sexual health among marginalized youth; to promote and support better health, education, and economic opportunities for school-age parents; and to train individuals who work with marginalized youth to promote the prevention of unintended pregnancy, the prevention of sexually transmitted infections, healthy relationships, and the development of safe and supportive environments:"

SA 3910. Mr. SHELBY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

In section 8010 of division A, in the matter immediately preceding the sixth proviso, insert after paragraph (5) the following:

(6) SSN Virginia Class Submarines and Government-furnished equipment:

SA 3911. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. The amount appropriated by title II of this division under the heading "Operation and Maintenance, Defense-Wide" is hereby increased by \$11,677,000, with the amount of the increase to be available for Civil Military Programs for the National Guard Youth Challenge Program (in addition to any other amounts available in this division for that Program).

SA 3912. Mr. HELLER (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B insert the following:

SEC. _____. (a) There are appropriated under the heading "Birth Defects, Developmental Disabilities, Disabilities and Health" under the heading "Centers for Disease Control and Prevention", in addition to any other amounts made available under such heading and in order to provide additional funding for activities related to neonatal abstinence syndrome, \$2,000,000: *Provided*, That funds shall make use of existing State bio-surveillance and other surveillance tools to improve voluntary, de-identified prenatal and newborn health data, which may include opioid-related information during pregnancy and early motherhood, to reduce risks associated with neonatal abstinence syndrome and optimize care.

(b) Notwithstanding any other provision of this Act, the total amount appropriated under the heading "Chronic Disease Prevention and Health Promotion" under the heading "Centers for Disease Control and Prevention" is hereby reduced by \$2,000,000.

SA 3913. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, no funds made available under this Act may be used to mandate that, or implement a requirement that, a State annually measure the achievement of not less than 95 percent of all students, and 95 percent of all students in each subgroup of students, who are enrolled in public schools on the assessments described under section 1111(b)(2)(B)(v)(I) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(v)(I)).

SA 3914. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B insert the following:

SEC. _____. None of the funds made available by this Act may be used to conduct or support research using human fetal tissue if such tissue is obtained pursuant to an induced abortion.

SA 3915. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division B, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, the amount made available under this Act for making payments under the Head Start Act shall be equal to the amount made available for making such payments for the fiscal year ending September 30, 2018, of which funds shall be made available for a study to determine the possibility of carrying out the activities of

the Head Start Act through a program providing block grants to States.

SA 3916. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. The Secretary of Education shall carry out a pilot program that authorizes States to establish an alternative accreditation system for the purpose of establishing institutions that provide postsecondary education and postsecondary education courses or programs as eligible for funding under title IV of the Higher Education Act of 1965 if the State enters into an agreement with the Secretary for the establishment of the alternative accreditation system.

SA 3917. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this division shall be used to enforce an authorization of detention without charge or trial of a citizen or lawful permanent resident of the United States who is apprehended in the United States.

SA 3918. Mrs. SHAHEEN (for herself and Ms. HASSAN) submitted an amendment intended to be proposed by her to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. _____. (a) There are appropriated under the heading "HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention" under the heading "Centers for Disease Control and Prevention", in addition to any other amounts made available under such heading and in order to provide additional funding for sexually transmitted disease prevention, \$5,000,000.

(b) Notwithstanding any other provision of this Act, the total amount appropriated under the heading "General Departmental Management" under the heading "Office of the Secretary", is hereby reduced by \$5,000,000.

SA 3919. Mr. CARDIN (for himself, Mr. CARPER, Mr. BOOKER, Mr. MENENDEZ, and Ms. HARRIS) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

REPORT ON RACIAL DISPARITIES IN PREGNANCY-RELATED MORTALITY RATES

SEC. _____. Not later than 120 days after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention shall submit to Congress a report on racial disparities in pregnancy-related mortality rates, which shall—

(1) identify the causes of racial disparities in pregnancy-related mortality rates in the United States, and why such rates are higher among African American women, Hispanic women, Asian American women, American Indian women, and Alaskan Native women; and

(2) make recommendations for reducing—
(A) racial disparities in pregnancy-related mortality rates in the United States; and
(B) the overall pregnancy-related mortality rate in the United States.

SA 3920. Mr. MURPHY (for himself, Mr. MANCHIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. _____. (a) There are appropriated under the heading "Mental Health" under the heading "Substance Abuse and Mental Health Services", in addition to any other amounts made available under such heading and in order to provide additional funding to carry out section 520E of the Public Health Service Act, \$1,573,000.

(b) There are appropriated under the heading "Mental Health" under the heading "Substance Abuse and Mental Health Services", in addition to any other amounts made available under such heading and in order to provide additional funding to carry out section 520E-2 of the Public Health Service Act, \$512,000.

(c) Notwithstanding any other provision of this Act, the total amount appropriated under the heading "Mental Health" under the heading "Substance Abuse and Mental Health Services Administration" to carry out subpart I of part B of title XIX of the Public Health Service Act, is hereby reduced by \$2,085,000.

SA 3921. Mr. MURPHY (for himself, Mr. MANCHIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. _____. (a) There are appropriated under the heading "Mental Health" under the heading "Substance Abuse and Mental Health Services", in addition to any other amounts made available under such heading and in order to provide additional funding to carry out section 520E of the Public Health Service Act, \$1,573,000.

(b) There are appropriated under the heading "Mental Health" under the heading "Substance Abuse and Mental Health Services", in addition to any other amounts made available under such heading and in order to provide additional funding to carry out section 520E-2 of the Public Health Service Act, \$512,000.

(c) Notwithstanding any other provision of this Act, the total amount appropriated under the heading "Mental Health" under the heading "Substance Abuse and Mental Health Services Administration" to carry out subpart I of part B of title XIX of the Public Health Service Act, is hereby reduced by \$2,085,000.

SA 3922. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 8023(d), insert before the period the following: "Provided further, That the Secretary of Defense may waive a limitation in this subsection on the number of staff years for defense FFRDCs that may be funded during fiscal year 2019 if the Secretary certifies in writing to the congressional defense committees that the waiver is in the national interests of the United States".

SA 3923. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 202, line 13, strike the period and insert "Provided, That of such amount made available for an evidence-based opioid drug overdose prevention program, \$10,000,000 shall be for activities that reduce overprescribing in rural areas and on Indian land."

SA 3924. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, line 17, insert "of which \$10,000,000 shall be for research related to non-opioid pain management alternatives" after "treatment".

SA 3925. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 216, line 5, insert "of which 10 percent shall be reserved for grants to behavioral health clinics in States that have the highest rates of poverty and unemployment" after "Public Law 113-93".

SA 3926. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. _____. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on improving trauma training for trauma teams of the Department of Defense, including through the use of the Joint Trauma Education and Training Directorate established under section 708 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 1071 note).

(b) The report required by subsection (a) shall include recommendations regarding how to best coordinate trauma teams of the Department of Defense with trauma partners in the civilian sector, including evaluating how trauma surgeons and physicians of the Department can best partner with civilian level 1 trauma centers verified by the American College of Surgeons, including those trauma centers coupled to a burn center that offers burn rotations and clinical experience, to provide adequate training and readiness for the next generation of medical providers to treat critically injured burn patients and other military trauma victims.

SA 3927. Mr. ISAKSON (for himself and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. _____. (a) There are appropriated under the heading "Public Health Scientific Services" under the heading "Centers for Disease Control and Prevention", in addition to any other amounts made available under such heading, \$5,000,000 to be available for the establishment of the National Neurological Conditions Surveillance System as authorized in 21st Century Cures Act (Public Law 114-255).

(b) Notwithstanding any other provision of this Act, the total amount appropriated under the heading "Substance Abuse and Mental Health Services Administration" is hereby reduced by \$5,000,000

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHUCK GRASSLEY, intend to object to proceeding to S. 3278, to amend the Internal Revenue Code of 1986 to provide additional Protections to taxpayers, dated August 21, 2018.

AUTHORITY FOR COMMITTEES TO MEET

Mr. BLUNT. Mr. President, I have 8 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 ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, August 21, 2018, at 9:30 a.m., to conduct a hearing

on the following nominations: Alan Ray Shaffer, of Virginia, to be Deputy Under Secretary for Acquisition and Sustainment, Veronica Daigle, of Virginia, and Robert H. McMahon, of Georgia, both to be an Assistant Secretary, and Casey Wardynski, of Alabama, and Alex A. Beehler, of Maryland, both to be an Assistant Secretary of the Army, all of the Department of Defense.

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, August 21, 2018, at 10 a.m., to conduct a hearing entitled "Russia Sanctions current effectiveness and potential for next steps."

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, August 21, 2018, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, August 21, 2018, at 10 a.m., to conduct a hearing entitled "U.S.-Russia Relations".

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, August 21, 2018, at 2:30 p.m., to conduct a hearing entitled "Financial Literacy: the Starting Point for a Secure Retirement."

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, August 21, 2018, at 10 a.m., to conduct a hearing entitled "Examining CMS's Efforts to fight Medicaid fraud and overpayments".

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Thursday, August 16, 2018, at 2:30 p.m., to conduct a closed hearing.

SUBCOMMITTEE ON CRIME AND TERRORISM

The Subcommittee on Antitrust, Competition Policy and Consumer Rights of the Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, August 21, 2018, at 2:30 p.m., to conduct a hearing entitled "Cyber Threats to our Nation's Critical Infrastructure."

PRIVILEGES OF THE FLOOR

Ms. COLLINS. Mr. President, I ask unanimous consent that my defense fellow, John-Paul Mantone, be granted floor privileges for the length of the current debate on the appropriations bills that are before us.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Nathan Williams, a law clerk with my Judiciary Committee staff, be granted floor privileges for the duration of today's session.

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

ORDERS FOR WEDNESDAY, AUGUST 22, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, August 22; 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; that following leader remarks, the Senate resume consideration of H.R. 6157; further, that the Senate recess from 3:30 p.m. to 4:30 p.m.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:40 p.m., adjourned until Wednesday, August 22, 2018, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MICHAEL J. FITZPATRICK, 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 ECUADOR.

JEFFREY ROSS GUNTER, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.

RICHARD CARLTON PASCHALL III, OF NORTH CAROLINA, 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 GAMBIA.

ERIC WILLIAMS STROMAYER, 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 TOGOLESE REPUBLIC.

DEPARTMENT OF JUSTICE

WING CHAU, OF RHODE ISLAND, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF FOUR YEARS, VICE JAMIE A. HAINSWORTH, TERM EXPIRED.

RAMONA L. DOHMAN, OF MINNESOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS, VICE SHARON JEANETTE LUBINSKI, RETIRED.

ERIC S. GARTNER, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE DAVID BLAKE WEBB, TERM EXPIRED.

JOHN C. MILHISER, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE CENTRAL DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS, VICE JAMES A. LEWIS, RESIGNED.

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: