

10, United States Code, to require a full military honors ceremony for certain deceased veterans, and for other purposes; which was referred to the Committee on Veterans' Affairs; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Honoring Our Heroes Act of 2018".

SEC. 2. FULL MILITARY ESCORT AT FUNERALS OF CERTAIN VETERANS.

Section 1491(b) of title 10, United States Code, is amended by adding at the end the following:

"(3) The Secretary concerned shall provide a full military escort (as determined by the Secretary concerned) for the funeral of a veteran who—

"(A) is first interred or first inurned in Arlington National Cemetery on or after the date of the enactment of the Honoring Our Heroes Act of 2018;

"(B) was awarded the medal of honor or the prisoner-of-war medal; and

"(C) is not otherwise entitled to a full military escort by the grade of that veteran."

AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have 5 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 COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, October 10, 2018, at 10 a.m., to conduct a hearing entitled "Consumer Data Privacy: Examining Lessons From the European Union's General Data Protection Regulation and the California Consumer Privacy Act."

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, October 10, 2018, at 10 a.m., to conduct a hearing entitled "From Yellowstone's Grizzly Bear to the Chesapeake's Delmarva Fox Squirrel—Successful State Conservation, Recovery, and Management of Wildlife."

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 Wednesday, October 10, 2018, at 8:30 a.m., to conduct a hearing entitled "Threats to the Homeland."

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, October 10, 2018, at 10 a.m., to conduct a hearing on the following nominations: Eric E. Murphy, of Ohio, and Chad A. Readler,

of Ohio, both to be a United States Circuit Judge for the Sixth Circuit, Rossie David Alston, Jr., to be United States District Judge for the Eastern District of Virginia, Pamela A. Barker, to be United States District Judge for the Northern District of Ohio, and Sarah Daggett Morrison, to be United States District Judge for the Southern District of Ohio.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

The Subcommittee on Readiness and Management Support of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, October 10, 2018, at 9:30 a.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that the following fellows on my HELP Committee staff be granted floor privileges for the remainder of the 115th Congress: Sheri Lou Santos, Garrett Devenney, and Brian Kaplun.

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Ryan Edwards and Kim Binsted, AAAS fellows in my office, be granted floor privileges for the remainder of this Congress.

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

THE TENTH ANNIVERSARY OF THE ENACTMENT OF THE PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. Res. 670 and the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 670) recognizing the tenth anniversary of the enactment of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of October 9, 2018, under "Submitted Resolutions.")

NATIONAL URBAN WILDLIFE REFUGE DAY

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate proceed to consideration of S. Res. 671, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 671) designating September 29, 2018, as "National Urban Wildlife Refuge Day."

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

EXPRESSING THE SENSE OF CONGRESS THAT ELECTRIC COOPERATIVE VOLUNTARY ENERGY REDUCTION PROGRAMS REDUCE ENERGY CONSUMPTION AND SAVE PARTICIPANTS MONEY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 672, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 672) expressing the sense of Congress that electric cooperative voluntary energy reduction programs reduce energy consumption and save participants money.

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

Mr. McCONNELL. I know of no further debate on the measure.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the resolution.

The resolution (S. Res. 672) was agreed to.

Mr. McCONNELL. I ask unanimous consent that the preamble be agreed to and that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

U.S. CUSTOMS AND BORDER PROTECTION HIRING AND RETENTION ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 447, S. 1305.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1305) to provide U.S. Customs and Border Protection with adequate flexibility in its employment authorities.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “U.S. Customs and Border Protection Hiring and Retention Act of 2017” or the “CBP HiRe Act”.

SEC. 2. FLEXIBILITY IN EMPLOYMENT AUTHORITIES.

(a) IN GENERAL.—Chapter 97 of title 5, United States Code, is amended by adding at the end the following:

“§9702. U.S. Customs and Border Protection employment authorities

“(a) DEFINITIONS.—In this section—

“(1) the term ‘CBP employee’ means an employee of U.S. Customs and Border Protection;

“(2) the term ‘Commissioner’ means the Commissioner of U.S. Customs and Border Protection;

“(3) the term ‘Director’ means the Director of the Office of Personnel Management;

“(4) the term ‘rural or remote area’ means an area within the United States that is not within an area defined and designated as an urbanized area by the Bureau of the Census in the most recently completed decennial census; and

“(5) the term ‘Secretary’ means the Secretary of Homeland Security.

“(b) DEMONSTRATION OF RECRUITMENT AND RETENTION DIFFICULTIES IN RURAL OR REMOTE AREAS.—

“(1) IN GENERAL.—For purposes of subsections (c) and (d), the Secretary shall determine, for a rural or remote area, whether there is—

“(A) a critical hiring need in the area; and

“(B) a direct relationship between—

“(i) the rural or remote nature of the area; and

“(ii) difficulty in the recruitment and retention of CBP employees in the area.

“(2) FACTORS.—To inform the determination of a direct relationship under paragraph (1)(B), the Secretary may consider evidence—

“(A) that the Secretary—

“(i) is unable to efficiently and effectively recruit individuals for positions as CBP employees, which may be demonstrated with various types of evidence, including—

“(I) evidence that multiple positions have been continuously vacant for significantly longer than the national average period for which similar positions in U.S. Customs and Border Protection are vacant; and

“(II) recruitment studies that demonstrate the inability of the Secretary to efficiently and effectively recruit CBP employees for positions in the area; or

“(ii) experiences a consistent inability to retain CBP employees that negatively impacts agency operations at a local or regional level; or

“(B) of any other inability, directly related to recruitment or retention difficulties, that the Secretary determines sufficient.

“(c) DIRECT HIRE AUTHORITY; RECRUITMENT AND RELOCATION BONUSES; RETENTION BONUSES.—

“(1) DIRECT HIRE AUTHORITY.—

“(A) IN GENERAL.—The Secretary may appoint, without regard to any provision of sections 3309 through 3319, candidates to positions in the competitive service as CBP employees, in a rural or remote area, if the Secretary—

“(i) determines that—

“(I) there is a critical hiring need; and

“(II) there exists a severe shortage of qualified candidates because of the direct relationship identified by the Secretary under subsection (b)(1)(B) of this section between—

“(aa) the rural or remote nature of the area; and

“(bb) difficulty in the recruitment and retention of CBP employees in the area; and

“(ii) has given public notice for the positions.

“(B) PRIORITIZATION OF HIRING VETERANS.—If the Secretary uses the direct hiring authority under subparagraph (A), the Secretary shall apply the principles of preference for the hiring of veterans established under subchapter I of chapter 33.

“(2) RECRUITMENT AND RELOCATION BONUSES.—The Secretary may pay a bonus to an individual (other than an individual described in subsection (a)(2) of section 5753) if—

“(A) the Secretary determines that—

“(i) conditions consistent with the conditions described in paragraphs (1) and (2) of subsection (b) of such section 5753 are satisfied with respect to the individual (without regard to any other provision of that section); and

“(ii) the position to which the individual is appointed or to which the individual moves or must relocate—

“(I) is a position as a CBP employee; and

“(II) is in a rural or remote area for which the Secretary has identified a direct relationship under subsection (b)(1)(B) of this section between—

“(aa) the rural or remote nature of the area; and

“(bb) difficulty in the recruitment and retention of CBP employees in the area; and

“(B) the individual enters into a written service agreement with the Secretary—

“(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

“(ii) that includes—

“(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

“(II) the amount of the bonus; and

“(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including—

“(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

“(bb) the effect of a termination described in item (aa).

“(3) RETENTION BONUSES.—The Secretary may pay a retention bonus to a CBP employee (other than an individual described in subsection (a)(2) of section 5754) if—

“(A) the Secretary determines that—

“(i) a condition consistent with the condition described in subsection (b)(1) of such section 5754 is satisfied with respect to the CBP employee (without regard to any other provision of that section);

“(ii) the CBP employee is employed in a rural or remote area for which the Secretary has identified a direct relationship under subsection (b)(1)(B) of this section between—

“(I) the rural or remote nature of the area; and

“(II) difficulty in the recruitment and retention of CBP employees in the area; and

“(iii) in the absence of a retention bonus, the CBP employee would be likely to leave—

“(I) the Federal service; or

“(II) for a different position in the Federal service, including a position in another agency or component of the Department of Homeland Security; and

“(B) the individual enters into a written service agreement with the Secretary—

“(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

“(ii) that includes—

“(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

“(II) the amount of the bonus; and

“(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including—

“(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

“(bb) the effect of a termination described in item (aa).

“(4) RULES FOR BONUSES.—

“(A) MAXIMUM BONUS.—A bonus paid to an employee under—

“(i) paragraph (2) may not exceed 100 percent of the annual rate of basic pay of the employee as of the commencement date of the applicable service period; and

“(ii) paragraph (3) may not exceed 50 percent of the annual rate of basic pay of the employee as of the commencement date of the applicable service period.

“(B) RELATION TO BASIC PAY.—A bonus paid to an employee under paragraph (2) or (3) shall not be considered part of the basic pay of the employee for any purpose.

“(5) OPM OVERSIGHT.—The Director shall, to the extent practicable—

“(A) set aside a determination of the Secretary under this subsection if the Director finds substantial evidence that the Secretary abused the discretion of the Secretary in making the determination; and

“(B) oversee the compliance of the Secretary with this subsection.

“(d) SPECIAL PAY AUTHORITY.—In addition to the circumstances described in subsection (b) of section 5305, the Director may establish special rates of pay in accordance with that section if the Director finds that the recruitment or retention efforts of the Secretary with respect to positions for CBP employees in an area or location are, or are likely to become, significantly handicapped because the positions are located in a rural or remote area for which the Secretary has identified a direct relationship under subsection (b)(1)(B) of this section between—

“(1) the rural or remote nature of the area; and

“(2) difficulty in the recruitment and retention of CBP employees in the area.

“(e) REGULAR CBP REVIEW.—

“(1) ENSURING FLEXIBILITIES MEET CBP NEEDS.—Each year, the Secretary shall review the use of hiring flexibilities under subsections (c) and (d) to fill positions at a location in a rural or remote area to determine—

“(A) the impact of the use of those flexibilities on solving hiring and retention challenges at the location;

“(B) whether hiring and retention challenges still exist at the location; and

“(C) whether the Secretary needs to continue to use those flexibilities at the location.

“(2) CONSIDERATION.—In conducting the review under paragraph (1), the Secretary shall consider—

“(A) whether any CBP employee accepted an employment incentive under subsection (c) or (d) and then transferred to a new location or left U.S. Customs and Border Protection; and

“(B) the length of time that each employee identified under subparagraph (A) stayed at the original location before transferring to a new location or leaving U.S. Customs and Border Protection.

“(3) DISTRIBUTION.—The Secretary shall submit to Congress a report on each review required under paragraph (1).

“(f) IMPROVING CBP HIRING AND RETENTION.—