

subpoenas to investigate suspected violations of State laws that are applicable to national banks.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself and Ms. WARREN):

S. 2282. A bill to amend title 28, United States Code, to modify venue requirements relating to bankruptcy proceedings; to the Committee on the Judiciary.

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

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

S. 2282

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Bankruptcy Venue Reform Act of 2018”.

### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) bankruptcy law provides a number of venue options for filing bankruptcy under chapter 11 of title 11, United States Code, including place of incorporation, principal place of business and assets, or where an affiliate has filed a case under chapter 11;

(2) the wide range of permissible bankruptcy venue options has led to an increase in companies filing for bankruptcy outside of their home States, or the district in which their principal place of business or principal assets are located, a practice known as forum shopping, and has resulted in a concentration of bankruptcy cases in a few districts;

(3) bankruptcy forum shopping prevents small businesses, employees, retirees, creditors, and other important stakeholders from fully participating in bankruptcy cases that will have tremendous impacts on their lives, communities, and local economies, and deprives district courts of the United States of the opportunity to contribute to the development of bankruptcy law in their jurisdictions; and

(4) reducing forum shopping and manipulation in the bankruptcy system will strengthen the integrity, build public confidence, and ensure fairness in the bankruptcy system.

(b) PURPOSE.—The purpose of this Act is to prevent the practice of forum shopping in cases filed under chapter 11 of title 11, United States Code.

### SEC. 3. VENUE OF CASES UNDER TITLE 11.

Title 28, United States Code, is amended—

(1) by striking section 1408 and inserting the following:

#### “§ 1408. Venue of cases under title 11

“(a) DEFINITION.—In this section, the term ‘principal place of business’ means, with respect to a person or entity that is subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)), the address of the principal executive office of the person or entity as stated in the last annual report filed under that Act prior to the commencement of a case under title 11 by the person or entity, unless another address is shown to be the principal place of business by clear and convincing evidence.

“(b) VENUE.—Except as provided in section 1410, a case under title 11 may be commenced only in the district court for the district—

“(1) in which the domicile, residence, or principal assets in the United States of an individual who is the subject of the case have been located for the 180 days immediately preceding such commencement, or for a longer portion of the 180-day period than the domicile, residence, or principal assets in the United States of the individual were located in any other district;

“(2) in which the principal assets or principal place of business in the United States of a person or entity, other than an individual, that is the subject of the case have been located for the 180 days immediately preceding the commencement, or for a longer portion of the 180-day period than the principal place of business or principal assets in the United States of the person or entity were located in any other district; or

“(3) in which there is already pending a case under title 11 concerning an affiliate that directly or indirectly owns, controls, is the general partner, or holds 50 percent or more of the outstanding voting securities, of the person or entity that is the subject of the later filed case if the pending case was properly filed in that district under this section.

“(c) LIMITATIONS.—

“(1) IN GENERAL.—For the purposes of paragraphs (2) and (3) of subsection (b), no effect shall be given to a change in the ownership or control of a person or entity that is the subject of the case or its affiliate, or to a transfer of the principal assets or principal place of business of a person or entity that is the subject of the case or its affiliate to another district, that takes place—

“(A) within 1 year before the date on which the case is commenced; or

“(B) for the purpose of establishing venue.

“(2) PRINCIPAL ASSETS.—For the purposes of subsection (b)(2) and paragraph (1) of this subsection, principal assets do not include cash or cash equivalents.

“(d) BURDEN.—The person or entity that commences a case under title 11 shall bear the burden of establishing by clear and convincing evidence that venue is proper under this section.”; and

(2) by striking section 1412 and inserting the following:

#### “§ 1412. Change of venue

“Notwithstanding that a case or proceeding under title 11 is filed in the correct division or district, a district court may nevertheless transfer a case or proceeding under title 11 to a district court for another district or division, in the interest of justice or for the convenience of the parties. If a case or proceeding under title 11 is filed in the wrong division or district, the district court shall transfer, dismiss the case or proceeding, or, if it be in the interest of justice, transfer the case or proceeding under title 11 to any district or division in which it could have been brought. The court shall enter an order on any objection to or request to change venue of a case or proceeding under title 11 not later than 14 days after the filing of such objection or request.”.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1869. Mr. McCONNELL (for Mr. WICKER) proposed an amendment to the bill S. 1425, to reauthorize the Integrated Coastal and Ocean Observation System Act of 2009, and for other purposes.

## TEXT OF AMENDMENTS

SA 1869. Mr. McCONNELL (for Mr. WICKER) proposed an amendment to the bill S. 1425, to reauthorize the Inte-

grated Coastal and Ocean Observation System Act of 2009, and for other purposes; as follows:

On page 58, strike lines 1 through 4 and insert the following:

### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce \$40,200,000, for each of the fiscal years 2018 through 2021, which shall be used—

(1) to fulfill the purposes set forth in section 12302 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601); and

(2) to support activities identified in the annual coordinated National Integrated Coastal and Ocean Observation System budget developed by the Interagency Ocean Observation Committee and submitted to Congress.

## AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have a request for one committee to meet during today's session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today's session of the Senate:

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 Monday, January 8, 2018, at 5:30 p.m. to conduct a hearing on the following nominations: Margaret Weichert, of Georgia, to be Deputy Director for Management, Office of Management and Budget, and Mark L. Greenblatt, of Maryland, to be Inspector General, Export-Import Bank.

## RAISE FAMILY CAREGIVERS ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of H.R. 3759 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3759) to provide for the establishment and maintenance of a Family Caregiving Strategy, and for other purposes.

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

Mr. McCONNELL. I ask unanimous consent that the bill be considered read a third time.

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

The bill was ordered to a third reading and was read the third time.

Mr. McCONNELL. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate on the bill?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 3759) was passed.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

## COORDINATED OCEAN MONITORING AND RESEARCH ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 265, S. 1425.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1425) to reauthorize the Integrated Coastal and Ocean Observation System Act of 2009, and for other purposes.

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

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Coordinated Ocean Monitoring and Research Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.
- Sec. 4. Integrated Coastal and Ocean Observation System.
- Sec. 5. Financing and agreements.
- Sec. 6. Reports to Congress.
- Sec. 7. Public-private use policy.
- Sec. 8. Repeal of independent cost estimate.
- Sec. 9. Authorization of appropriations.
- Sec. 10. Reports and research plans.
- Sec. 11. Strategic research plan.
- Sec. 12. Stakeholder input on monitoring.
- Sec. 13. Research activities.

### SEC. 2. PURPOSES.

Section 12302 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601) is amended to read as follows:

#### “SEC. 12302. PURPOSES.

“The purposes of this subtitle are—

“(1) to establish and sustain a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the Council and at the regional level by a network of regional coastal observing systems, and that includes in situ, remote, and other coastal and ocean observation and modeling capabilities, technologies, data management systems, communication systems, and product development systems, and is designed to address regional and national needs for ocean and coastal information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data—

“(A) to the public;

“(B) to support national defense, search and rescue operations, marine commerce, navigation safety, weather, climate, and marine forecasting, energy siting and production, economic development, ecosystem-based marine, coastal, and Great Lakes resource management, public safety, and public outreach and education;

“(C) to promote greater public awareness and stewardship of the Nation’s ocean, coastal, and Great Lakes resources and the general public welfare;

“(D) to provide easy access to ocean, coastal, and Great Lakes data and promote data sharing

between Federal and non-Federal sources and promote public data sharing;

“(E) to enable advances in scientific understanding to support the sustainable use, conservation, management, and understanding of healthy ocean, coastal, and Great Lakes resources; and

“(F) to monitor and model changes in ocean chemistry;

“(2) to improve the Nation’s capability to measure, track, observe, understand, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes; and

“(3) to authorize activities—

“(A) to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, including advanced observing technologies needed to address critical data gaps, modeling systems, other scientific and technological capabilities to improve the understanding of weather and climate, ocean-atmosphere dynamics, global climate change, and the physical, chemical, and biological dynamics of the ocean, coastal and Great Lakes environments; and

“(B) to conserve healthy and restore degraded coastal ecosystems.”.

### SEC. 3. DEFINITIONS.

Section 12303 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3602) is amended—

(1) in paragraph (5), by striking “integrated into the System and are managed through States, regional organizations, universities, non-governmental organizations, or the private sector” and inserting “managed through States, regional organizations, universities, nongovernmental organizations, or the private sector and integrated into the system by the regional coastal ocean observing system, the National Oceanic and Atmospheric Administration, or the agencies on the Interagency Ocean Observation Committee”;

(2) by amending paragraph (6) to read as follows:

“(6) **REGIONAL COASTAL OBSERVING SYSTEM.**—The term “regional coastal observing system” means an organizational body that is certified or established by contract or memorandum by the lead Federal agency designated in section 12304(c)(3) and coordinates State, Federal, local, tribal, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.”; and

(3) in paragraph (7), by striking “National Oceanic and Atmospheric Administration” and inserting “Administrator”.

### SEC. 4. INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM.

(a) **SYSTEM ELEMENTS.**—

(1) **IN GENERAL.**—Section 12304(b) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(b)) is amended by striking paragraph (1) and inserting the following:

“(1) **IN GENERAL.**—In order to fulfill the purposes of this subtitle, the System shall be national in scope and consist of—

“(A) Federal assets to fulfill national and international observation missions and priorities;

“(B) non-Federal assets, including a network of regional coastal observing systems identified under subsection (c)(4), to fulfill regional and national observation missions and priorities;

“(C) data management, communication, and modeling systems for the timely integration and dissemination of data and information products from the System;

“(D) a product development system to transform observations into products in a format that may be readily used and understood; and

“(E) a research and development program conducted under the guidance of the Council, consisting of—

“(i) basic and applied research and technology development—

“(I) to improve understanding of coastal and ocean systems and their relationships to human activities; and

“(II) to ensure improvement of operational assets and products, including related infrastructure, observing technologies, and information and data processing and management technologies;

“(ii) an advanced observing technology development program to fill gaps in technology;

“(iii) large scale computing resources and research to advance modeling of coastal, ocean, and Great Lakes processes;

“(iv) models to improve regional weather forecasting capabilities and regional weather forecasting products; and

“(v) reviews of data collection procedures across regions and programs to make recommendations for data collection standards across the System to meet national ocean, coastal, and Great Lakes observation, applied research, and weather forecasting needs.”.

(2) **AVAILABILITY OF DATA.**—Section 12304(b)(3) of such Act (33 U.S.C. 3603(b)(3)) is amended by inserting “for research and for use in the development of products to address societal needs” before the period at the end.

(3) **COORDINATION OF NON-FEDERAL ASSETS.**—Section 12304(b)(4) of such Act (33 U.S.C. 3603(b)) is amended—

(A) in the paragraph heading, by striking “NON-FEDERAL” and inserting “COORDINATION OF NON-FEDERAL”; and

(B) by striking “or by” and inserting “, the regional coastal observing system, or”.

(b) **POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.**—Section 12304(c) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(c)) is amended by striking paragraphs (2), (3), and (4), and inserting the following:

“(2) **INTERAGENCY OCEAN OBSERVATION COMMITTEE.**—

“(A) **ESTABLISHMENT.**—The Council shall establish or designate a committee, which shall be known as the Interagency Ocean Observation Committee.

“(B) **DUTIES.**—The Interagency Ocean Observation Committee shall—

“(i) prepare annual and long-term plans for consideration and approval by the Council for the integrated design, operation, maintenance, enhancement, and expansion of the System to meet the objectives of this chapter and the System Plan;

“(ii) develop and transmit to Congress, along with the budget submitted by the President to Congress pursuant to section 1105(a) of title 31, United States Code, an annual coordinated, comprehensive budget—

“(I) to operate all elements of the System identified in subsection (b); and

“(II) to ensure continuity of data streams from Federal and non-Federal assets;

“(iii) establish requirements for observation data variables to be gathered by both Federal and non-Federal assets and identify, in consultation with regional information coordination entities, priorities for System observations;

“(iv) establish and define protocols and standards for System data processing, management, collection, configuration standards, formats, and communication for new and existing assets throughout the Integrated Ocean Observing System network;

“(v) develop contract requirements for each regional coastal observing system—

“(I) to establish eligibility for integration into the System;