

S. 2827

At the request of Mr. BROWN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 2827, a bill to amend title 54, United States Code, to establish within the National Park Service the U.S. African-American Burial Grounds Network, and for other purposes.

S. 2898

At the request of Mr. INHOFE, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Alaska (Mr. SULLIVAN) and the Senator from Arizona (Ms. SINEMA) were added as cosponsors of S. 2898, a bill to amend title 5, United States Code, to provide for a full annuity supplement for certain air traffic controllers.

S. 2976

At the request of Mr. CASSIDY, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2976, a bill to amend the Internal Revenue Code of 1986 to provide an election to advance future child tax credits in the year of birth or adoption.

S. RES. 112

At the request of Mr. BOOZMAN, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. Res. 112, a resolution expressing the sense of the Senate that the United States condemns all forms of violence against children globally and recognizes the harmful impacts of violence against children.

S. RES. 260

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. Res. 260, a resolution recognizing the importance of sustained United States leadership to accelerating global progress against maternal and child malnutrition and supporting the commitment of the United States Agency for International Development to global nutrition through the Multi-Sectoral Nutrition Strategy.

S. RES. 447

At the request of Mr. RISCH, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. Res. 447, a resolution expressing serious concern about widespread irregularities in Bolivia's October 20, 2019, general elections and supporting the convening of new elections in Bolivia at the earliest possible date.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCONNELL:

S. 2985. A bill to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain land in the State of Kentucky as the Kentucky Wildlands National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

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

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

S. 2985

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 "Kentucky Wildlands National Heritage Area Study Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Kentucky Wildlands National Heritage Area.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of Kentucky.

(4) STUDY AREA.—The term "study area" means—

(A) Adair, Bath, Bell, Boyd, Breathitt, Carter, Casey, Clay, Clinton, Cumberland, Elliott, Floyd, Green, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lincoln, Magoffin, Martin, McCreary, Menifee, Metcalfe, Monroe, Morgan, Owsley, Perry, Pike, Pulaski, Rockcastle, Rowan, Russell, Wayne, Whitley, and Wolfe Counties in the State; and

(B) any other areas in the State that—

(i) have heritage aspects that are similar to the heritage aspects of the areas described in subparagraph (A); and

(ii) are adjacent to, or in the vicinity of, the areas described in that subparagraph.

SEC. 3. STUDY.

(a) IN GENERAL.—The Secretary, in consultation with State and local historic preservation officers, State and local historical societies, State and local tourism offices, and other appropriate organizations and governmental agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as a National Heritage Area, to be known as the "Kentucky Wildlands National Heritage Area".

(b) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(1) has an assemblage of natural, historic, and cultural resources that—

(A) represent distinctive aspects of the heritage of the United States;

(B) are worthy of recognition, conservation, interpretation, and continuing use; and

(C) would be best managed—

(i) through partnerships among public and private entities; and

(ii) by linking diverse and sometimes non-contiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(3) provides outstanding opportunities—

(A) to conserve natural, historic, cultural, or scenic features; and

(B) for recreation and education;

(4) contains resources that—

(A) are important to any identified themes of the study area; and

(B) retain a degree of integrity capable of supporting interpretation;

(5) includes residents, business interests, nonprofit organizations, and State and local governments that—

(A) are involved in the planning of the Heritage Area;

(B) have developed a conceptual financial plan that outlines the roles of all participants in the Heritage Area, including the Federal Government; and

(C) have demonstrated support for the designation of the Heritage Area;

(6) has a potential management entity to work in partnership with the individuals and entities described in paragraph (5) to develop the Heritage Area while encouraging State and local economic activity;

(7) could impact the rights of private property owners with respect to private property; and

(8) has a conceptual boundary map that is supported by the public.

SEC. 4. REPORT.

Not later than 3 years after the date on which funds are first made available to carry out this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the findings of the study under section 3; and

(2) any conclusions and recommendations of the Secretary.

By Mr. WYDEN (for himself and Mr. CASSIDY):

S. 2989. A bill to amend title XI of the Social Security Act to clarify the mailing requirement relating to social security account statements; to the Committee on Finance.

Mr. WYDEN. Mr. President, I along with Finance Committee member Senator CASSIDY are introducing a bill to make a common-sense, low-cost change to the law that will help American workers help themselves when preparing for retirement: The Know Your Social Security Act. This bill is simple: it clarifies the law about Congressional intent so that every worker over 25 receives a Social Security statement in the mail each year, unless the worker has accessed their statement online or declined to receive the statement in the mail.

The history of the Social Security statement runs right through the Senate and the "powerful" Committee on Finance. Senator Daniel Patrick Moynihan summed up the intent very well: "All of us pay into Social Security but rarely, until we become beneficiaries, do we ever hear from Social Security . . . in every paycheck, we see money withheld for Social Security, but we hear nary a word from the Social Security Administration. Let us take this simple step [sending statements] to reassure Americans that Social Security will be there for them." The Social Security statement has three goals: to provide workers with information about their Social Security benefits, to help workers plan for the future, and enable workers to review their earnings records.

After enactment and once fully phased in, every worker aged 25 and older received an annual statement from Social Security starting in the year 2000. After a few years, Social Security's website allowed workers to obtain a Social Security statement online. At the time, the online option was a good step forward in customer service. But as sometimes happens, advances in technology shortchanged good intentions. Due to tight budgets, SSA came to view the online option as

“providing” the worker with a statement and fulfilling their responsibilities under the law. SSA stopped mailing the statements in 2011 in order to shift resources towards other priorities. Currently, only individuals over the age of 60 who are not receiving benefits receive statements through the mail.

Paper statements delivered through the mail are desirable because no action is necessary by the worker and the statement is a yearly reminder to the worker to think about the future. Research has shown that workers provided with statements are significantly more likely to save, more certain about their retirement income, and have higher satisfaction with their finances relative to those who are not provided with any type of financial planning materials. Providing Social Security statement through the mail is a simple policy that could help many workers, hopefully leading to better decisions about their financial future.

Ways and Means Social Security Subcommittee Chairman JOHN LARSON and Ways and Means Committee Member VERN BUCHANAN are introducing the companion bill in the House of Representatives. We have received letters of endorsement from AARP, the Coalition for Paper Options, Justice in Aging, the National Committee to Preserve Social Security and Medicare, Paralyzed Veterans of America, Social Security Works, The Arc of the United States and The Senior Citizens League. I ask that the letters be included in the RECORD following my remarks.

I hope my colleagues in the Senate will join us and cosponsor the Know Your Social Security Act. Together, we can work towards better retirement outcomes for all Americans.

AARP.

Washington, DC, December 5, 2019.

Hon. RON WYDEN,
Ranking Member, Committee on Finance,
U.S. Senate, Washington, DC.

Hon. BILL CASSIDY,
Committee on Finance,
U.S. Senate, Washington, DC.

DEAR RANKING MEMBER WYDEN AND SENATOR CASSIDY: On behalf of our nearly 38 million members and all older Americans nationwide, AARP is pleased to endorse the Know Your Social Security Act. This bipartisan bill would once again place vital, paper Social Security statements in the hands of millions of Americans, to help them more effectively plan for retirement, identify fraud and correct earnings records, and better understand their stake in Social Security.

The Social Security statement is an essential financial planning tool that provides key information on an individual's earnings and payroll tax contributions record, as well as an estimate of their earned monthly benefits. When Social Security sends this statement through the mail, more Americans are able to better plan for their future, not only due to an increased understanding of their Social Security benefits, but also any gaps in their current retirement plan. Having a hard copy of your Social Security statement also allows an individual to spot and correct errors or even to detect outright fraud. Finding and correcting these errors in a timely manner will save workers and the Social Security Administration frustration, time and

money. Finally, when Americans receive an annual statement in the mail, it helps them better understand the importance of Social Security as part of their overall retirement plan. Paper statements are annual reminders, especially to younger workers, that they have contributed to Social Security and have earned a stake in the program.

AARP believes strongly that all Americans, unless they opt-out, should have access to their Social Security statements via mail. We are pleased to endorse the Know Your Social Security Act to once again place vital, paper statements in the hands of millions of Americans. If you have any questions, please feel free to contact me, or have your staff contact Tom Nicholls on our Government Affairs staff at tnicholls@aarp.org or (202) 434-3765.

Sincerely,

CRISTINA MARTIN FIRVIDA,
Vice President, Federal Financial Security
& Consumer Affairs,
Government Affairs.

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THE COALITION FOR PAPER OPTIONS,
Washington, DC, December 5, 2019.

Hon. JOHN LARSON,
House of Representatives,
Washington, DC.

Hon. VERN BUCHANAN,
House of Representatives,
Washington, DC.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

Hon. BILL CASSIDY,
U.S. Senate,
Washington, DC.

DEAR REPRESENTATIVES LARSON, BUCHANAN AND SENATORS WYDEN AND CASSIDY: The Coalition for Paper Options—an alliance of consumer organizations, labor unions, rural advocates, and print communications industry leaders is pleased to support today's introduction of the bipartisan Know Your Social Security Act. Introduced in both the House and Senate, the bill would require the Social Security Administration to reinstate the mailing of annual Statement of Earnings until such time as a wage earner establishes an on line account.

The annual Statement, which summarizes each wage earner's recorded earnings and projects future retirement benefits, has been hailed as one of the most important financial planning tools that most Americans will ever see, yet the Social Security Administration stopped sending these statements to workers in 2017 without any congressional oversight. A report released in February 2019 by the Social Security Administration's Inspector General highlights a tremendous decline in overall access since the primarily online-only policy took place.

The Know Your Social Security Act would reinstate the mailing of the Statements until a wage earner accesses their account through the my Social Security online portal. This would allow the Social Security Administration to economize as online participation grows, but it would not force citizens into online access before they choose or are able to manage it.

CPO's diverse network of allies includes: Consumer Action, Social Security Works, the National Consumers League, the National Grange, the National Association of Letter Carriers, as well as leading organizations in the paper and print communications industry is pleased to endorse this important legislation and offer our full support.

Regards,

JOHN RUNYAN,
Executive Director.

JUSTICE IN AGING,

Washington, DC, December 4, 2019.

DEAR REPRESENTATIVES LARSON AND BUCHANAN, AND SENATORS WYDEN AND CASSIDY: Justice in Aging endorses the bipartisan Know Your Social Security Act, which would reaffirm SSA's obligation to send Social Security statements by mail to all workers each year. This legislation would clarify SSA's duty and ensure that workers understand the Social Security benefits they are earning over time.

Many people are not fully aware of the level of Social Security benefits they could receive when they retire, nor do they realize the Social Security benefits available for themselves and their family members in the event that they experience a disability that limits their capacity to work, or in the event that they pass away leaving a spouse, young children, or other eligible survivors. The Know Your Social Security Act would provide this important information, as required, to ensure that workers know what benefits are available to them and their loved ones, allowing them to better plan for retirement as they age.

We believe it is not only SSA's obligation to send these statements, but that it is vital to the well-being of workers who need to be fully informed about their potential Social Security benefits in order to make decisions about their own working lives, and their retirement. While those who choose to get this information electronically and decline a paper statement have clearly demonstrated their awareness of the benefits they may receive in the future, others who do not make this choice should receive the statement in the mail as required under the law. For these reasons, Justice in Aging supports this bill.

Sincerely,

TRACEY GRONNIGER,
Director of Economic Security.

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NATIONAL COMMITTEE TO PRESERVE,
SOCIAL SECURITY & MEDICARE,
Washington, DC, December 4, 2019.

Hon. JOHN B. LARSON,
Chairman, Subcommittee on Social Security,
Committee on Ways and Means, Washington, DC.

Hon. VERN BUCHANAN,
Washington, DC.

Hon. RON WYDEN,
Ranking Member, Committee on Finance,
Washington, DC.

Hon. BILL CASSIDY, M.D.,
Washington, DC.

DEAR CHAIRMAN LARSON, CONGRESSMAN BUCHANAN, RANKING MEMBER WYDEN AND SENATOR CASSIDY: On behalf of the millions of members and supporters of the National Committee to Preserve Social Security and Medicare, I am writing to endorse your bill, the Know Your Social Security Act. This important legislation requires the Social Security Administration to resume annual mailing of Social Security statements to all of the estimated 150 million American workers who are eligible to receive them, and have not otherwise accessed them through their My SSA account.

For nearly a decade now, SSA has unilaterally nullified section 1143 of the Social Security Act by refusing to mail annual statements to workers, even though section 1143 is unambiguously clear that such statements are required. The Know Your Social Security Act clarifies that mailings are required, a measure that is deeply appreciated by our members.

The Social Security statement is one of the many enduring legacies left to the nation by one of its most distinguished lawmakers, Senator Daniel Patrick Moynihan of New York. He regarded the statement as a simple and efficient way of building public

support and understanding for Social Security. Not surprisingly, Senator Moynihan's simple, common sense amendment worked as intended while SSA was producing the statements each year. In fact, the bipartisan Social Security Advisory Board of 10 years ago found that SSA's own survey data showed "... a link between increasing public confidence and receipt of a statement. People who receive a statement not only experience higher knowledge of Social Security than non-recipients, but also exhibit greater confidence that the program still will be there for them when they need it."

The statement also raises workers' awareness of the need for retirement planning by focusing attention on their future retirement income. It brings clarity to an often confusing and perplexing subject by providing a starting point: the individual's estimated Social Security benefits, whether retirement, survivors or disability insurance. From there, workers can determine how much more they need to save for the future. Because the statements were intended to reach people early in their working lives, they provided an invaluable service.

Another important function of the Social Security statement, if it were to be delivered annually as Congress intended, would be to enable workers to determine the accuracy of the wage records maintained by SSA for each worker. As the statement indicates, workers are encouraged to review the chart showing their reported wages, comparing the amounts reflected on SSA's records with information from the worker's own records. Workers are further advised that only they can perform this function and that they should report discrepancies to SSA as soon as possible.

We have been especially concerned that, with the suspension of statements to all but those who are approaching retirement age, few workers have been able to check the accuracy of SSA's wage records. The annual statement, when it was being provided, helped to assure that if errors were made in the reporting of wages that they could be quickly discovered and corrected while the required evidence would still be readily at hand. Since SSA has suspended the statements now for nearly a decade, we are concerned that many errors in SSA's records will go undetected and that some workers' benefits will be reduced as a result.

As mentioned earlier, one function performed by annual distribution of Social Security statements was to inform workers of the kinds of benefits that are provided by Social Security. The statements focused on retirement, survivors, and disability benefits. In other words, the statements were an invaluable annual tutorial of what Social Security is all about. And knowledge about Social Security is vitally important to the successful functioning of the program. We see that reflected in recent work that finds that one reason for the seemingly inexplicable recent decline in disability applications is related to the suspension of the statements. Clearly, restoration of annual production and mailing of the annual statements, as is required in the Know Your Social Security Act, is long overdue.

When it was being mailed to all eligible workers, the Social Security statement was able to play a critical role in building and strengthening public confidence in Social Security. It provided workers with the only meaningful pre-retirement information that they ever received about the program and the benefits they could expect when they retire or otherwise qualify for benefits. SSA's decision to end annual mailings has harmed many workers. It is time for SSA to undo this harmful decision and to follow the clear, unambiguous requirements of the law to

mail statements to all eligible workers. We applaud you for your leadership in introducing the Know Your Social Security Act, and look forward to working with you to enact this important measure.

Sincerely,

MAX RICHTMAN,
President and CEO.

PARALYZED VETERANS OF AMERICA,
Washington, DC, December 5, 2019.

Hon. RON WYDEN,
Ranking Member, Senate Finance Committee,
U.S. Senate, Washington, DC.
Hon. BILL CASSIDY,
Senate Finance Committee,
U.S. Senate, Washington, DC.
Hon. JOHN LARSON,
Chairman, Ways and Means Social Security
Subcommittee, House of Representatives,
Washington, DC.
Hon. VERN BUCHANAN,
Ways and Means Committee,
House of Representatives, Washington, DC.

DEAR SENATORS WYDEN AND CASSIDY,
CHAIRMAN LARSON AND REPRESENTATIVE
BUCHANAN: Paralyzed Veterans of America (PVA) is pleased to support the Know Your Social Security Act. PVA is the nation's only Congressionally chartered veterans service organization solely dedicated to representing veterans with spinal cord injuries and/or disorders. Many of our members are among the nine million veterans who receive Social Security retirement or disability benefits. Others are among the millions of veterans and military service members and their families who will at some point in their lives benefit from the system.

For many years, the Social Security Administration (SSA) issued paper earnings and benefits statements that helped to inform people about their status under Social Security and what they might expect to receive in retirement or in the event of a catastrophic disability. When SSA suspended that practice in favor of disseminating the statements only online, it meant that people who lack internet access or who prefer not to set up an internet account lost access to that information. These Americans are then denied knowing about what they have accumulated on their earnings record, what their retirement benefits might be, what they might receive in spousal benefits, or the fact they qualify for disability or survivor benefits.

As we understand, your bill will clarify that the existing requirement in the Social Security Act for SSA to provide an annual Social Security Statement means providing this document by mail. The bill also clarifies that SSA may provide an on-demand electronic statement when an individual chooses electronic delivery. Furthermore, the bill stipulates that SSA has met its requirement to mail an annual statement if individuals have accessed their statements electronically in the prior year and have declined to receive their statements by mail for that year.

This will be a very helpful measure for millions of Americans. PVA thanks you for introducing the Know Your Social Security Act and urges Congress to do all it can to quickly pass this bipartisan legislation this year.

Sincerely,

HEATHER ANSLEY,
Associate Executive Director,
Government Relation.

SOCIAL SECURITY WORKS,
Washington, DC, December 5, 2019.

Hon. RON WYDEN,
Washington, DC.
Hon. JOHN LARSON,
Washington, DC.
Hon. BILL CASSIDY,
Washington, DC.
Hon. VERN BUCHANAN,
Washington, DC.

DEAR CHAIRMAN WYDEN, SENATOR CASSIDY, CHAIRMAN LARSON, AND REPRESENTATIVE BUCHANAN: We strongly endorse your new legislation, the Know Your Social Security Act. Your bill clarifies the important law Congress passed in 1989 requiring the Social Security Administration (SSA) to mail Social Security earnings statements to those earning benefits with every paycheck.

When the late Senator Daniel Patrick Moynihan introduced the original earnings statement legislation in 1988, he explained one of the reasons mailing these statements is so crucial:

"All of us pay into Social Security but rarely, until we become beneficiaries, do we ever hear from Social Security . . . every month, in every paycheck, we see money withheld for Social Security, but we hear nary a word from the Social Security Administration. Let us take this simple step [mailing Social Security earnings statements] to reassure Americans that Social Security will be there for them . . ."

Social Security earnings statements help families plan for the future. The statements educate and inform working families of the kinds of benefits they are earning. Crucially, they allow workers to identify and correct their earnings records in a timely way, when mistakes are made.

Your wise legislation clarifies that these vital statements are to be mailed automatically each year. Distressingly, more and more private and public services are being shifted to individuals. This should not happen with Social Security. As technology continues to progress, there is a tendency for administrators to lean more on its capabilities and move communications with consumers and constituents online. Electronic communication is, no doubt, desired in many situations. However, the most important financial documents, including the Social Security earnings statements, should default to postal mail as intended by the original law.

That the earnings statements be mailed is vital for everyone, including those who have access to high speed computing. Of course, not everyone even has this kind of access. For example, a 2018 Pew Research Survey found that one in four Americans living in rural areas lack reliable access to high speed internet service. Other polling found that Americans, even those between ages 18 and 29, prefer not to receive important information from SSA online.

We applaud your effort to clarify the requirement that annual Social Security earnings statements be mailed. We are confident that the Know Your Social Security Act will help strengthen Social Security. We look forward to working with you to see this excellent bipartisan legislation become law quickly.

Sincerely,

NANCY J. ALTMAN,
President.
ALEX LAWSON,
Executive Director.

THE ARC,
December 4, 2019.

Representative LARSON,
Washington, DC.
Senator WYDEN,
Washington, DC.
Representative BUCHANAN,
Washington, DC.
Senator CASSIDY,
Washington, DC.

DEAR REPRESENTATIVE LARSON, REPRESENTATIVE BUCHANAN, SENATOR WYDEN, AND SENATOR CASSIDY: The Arc of the United States writes in support of the Know Your Social Security Act. The Arc is the largest national community-based organization advocating for people with intellectual and developmental disabilities (IDD) and their families.

Social Security statements are a crucial tool to help recipients plan for their future by providing accurate information about their earnings and future benefits. In addition, the statement raises awareness about all Social Security benefits, including about the Disability and Survivors Insurance that helps many people with IDD. It also allows claimants to ensure that their earnings records are accurate.

We are concerned that recent changes that the Social Security Administration has made to only mail paper statements to a limited population means that many people are not receiving this crucial information. While the information may be available via the My Social Security website, less than half of registered users of the website checked their statements in 2018. In addition, low income households are less likely to have internet access at home and be able to access the website, despite the importance of Social Security benefits to these households; using library or other public internet sources is not advised due to the highly private nature of the information and the risk of identity theft. Without mailed statements, those households may have no access to the crucially important information about their Social Security benefits in the statement necessary to plan for their futures.

For these reasons, we strongly support the Know Your Social Security Act. Please contact Bethany Lilly at lilly@thearc.org with any questions, or if you would like to further discuss these issues.

Sincerely,

BETHANY LILLY,
Director of Income Policy.

THE SENIOR CITIZENS LEAGUE,
Alexandria, VA, December 4, 2019.

Hon. VERN BUCHANAN,
Washington, DC.
Hon. BILL CASSIDY,
Washington, DC.
Hon. JOHN LARSON,
Washington, DC.
Hon. RON WYDEN,
Washington, DC.

DEAR CONGRESSMEN BUCHANAN, CONGRESSMAN LARSON, SENATOR CASSIDY AND SENATOR WYDEN: On behalf of the approximately one million supporters of The Senior Citizens League (TSCL), I would like to thank you for being true champions for Social Security beneficiaries.

The Senior Citizens League lends its enthusiastic support to the “Know Your Social Security Act”. Every American who pays into Social Security has a right to see a written statement from Social Security to ensure their record is accurate, and to learn the estimated amount of their benefits. A printed record is important for those who do not have the means to routinely access their record electronically and it serves as a critical planning tool for determining the best

retirement dates. Regular receipt of these statements serves to remind and educate older workers of the benefits of staying in the workforce. Doing so strengthens retirement benefits, strengthens Social Security and strengthens our national economy.

As such, TSCL salutes you for introducing legislation that clarifies that the requirement in the Social Security Act for SSA to provide an annual Social Security Statement means providing it by mail. The bill also clarifies that SSA may provide an on-demand statement electronically when the individual chooses electronic delivery for that request; and that SSA has met its requirement to mail an annual Statement if an individual has accessed their Statement electronically in the prior year and has declined to receive their Statement by mail for that year.

We look forward to informing our supporters about your leadership on this important issue in Congress. In the meantime, if we may be of assistance to you or your staff in any way, please do not hesitate to call upon us. Again, thank you for being a positive voice for America’s seniors.

Sincerely,

RICK DELANEY,
Chairman.

By Mr. THUNE:

S. 2990. A bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. THUNE. 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. 2990

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 “Freedom from Government Competition Act of 2019”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Private sector business concerns, which are free to respond to the private or public demands of the marketplace, constitute the strength of the United States economic system.

(2) Competitive private enterprises are the most productive, efficient, and effective sources of goods and services.

(3) Unfair Government competition with the private sector of the economy is detrimental to the United States economic system.

(4) Unfair Government competition with the private sector of the economy is at an unacceptably high level, both in scope and in dollar volume.

(5) Current law and policy have failed to address adequately the problem of unfair Government competition with the private sector of the economy.

(6) It is in the public interest that the Federal Government establish a consistent policy to rely on the private sector of the economy to provide goods and services necessary for or beneficial to the operation and management of Federal agencies and to avoid unfair Government competition with the private sector of the economy.

SEC. 3. DEFINITIONS.

In this Act, the term “agency” means—

- (1) an executive department as defined by section 101 of title 5, United States Code;
- (2) a military department as defined by section 102 of such title; and
- (3) an independent establishment as defined by section 104(l) of such title.

SEC. 4. PROCUREMENT FROM PRIVATE SOURCES.

(a) POLICY.—In the process of governing, the Federal Government should not compete with its citizens. The competitive enterprise system, characterized by individual freedom and initiative, is the primary source of national economic strength. In recognition of this principle, it has been and continues to be the general policy of the Federal Government—

(1) to rely on commercial sources to supply the products and services the Government needs;

(2) to refrain from providing a product or service if the product or service can be procured more economically from a commercial source; and

(3) to utilize Federal employees to perform inherently governmental functions (as that term is defined in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 112 Stat. 2384)).

(b) GENERAL RULE.—Except as provided in subsection (c) and notwithstanding any other provision of law, each agency shall obtain all goods and services necessary for or beneficial to the accomplishment of its authorized functions by procurement from private sources.

(c) EXEMPTIONS.—Subsection (b) shall not apply to an agency with respect to goods or services if—

(1) the goods or services are required by law to be produced or performed, respectively, by the agency; or

(2) the head of the agency determines and certifies to Congress in accordance with regulations promulgated by the Director of the Office of Management and Budget that—

(A) Federal Government production, manufacture, or provision of a good or service is necessary for the national defense or homeland security;

(B) a good or service is so critical to the mission of the agency or so inherently governmental in nature that it is in the public interest to require production or performance, respectively, by Government employees; or

(C) there is no private source capable of providing the good or service.

(d) METHOD OF PROCUREMENT.—The provision of goods and services not exempt under subsection (c) shall be performed by an entity in the private sector through—

(1) the divestiture of Federal involvement in the provision of a good or service;

(2) the award of a contract to an entity in the private sector, using competitive procedures, as defined in section 152 of title 41, United States Code, and section 2302 of title 10, United States Code; or

(3) conducting a public-private competitive sourcing analysis in accordance with the procedures established by the Office of Management and Budget and determining that using the assets, facilities, and performance of the private sector is in the best interest of the United States and that production or performance, respectively, by the private sector provides the best value to the taxpayer.

(e) CONTRACTED ACTIVITIES.—The head of an agency may utilize Federal employees to provide goods or services previously provided by an entity in the private sector upon completion of a public-private competitive sourcing analysis described in subsection (d)(3), and after making a determination that the provision of such goods or services by Federal employees provides the best value to the taxpayer.

(f) REGULATIONS.—The Director of the Office of Management and Budget shall promulgate such regulations as the Director considers necessary to carry out this section. In promulgating such regulations, the Director shall assure that any State or territory, or political subdivision of a State or territory, complies with the policy and implements the requirements of this section when expending Federal funds.

SEC. 5. STUDY AND REPORT.

The Director of the Office of Management and Budget, after consultation with the Comptroller General of the United States, shall carry out a study to evaluate the activities carried out in each agency, including those identified as commercial and inherently governmental in nature in the inventory prepared pursuant to the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note) and shall transmit a report to the Congress prior to June 30 of each year. The report shall include—

(1) an evaluation of the justification for exempting activities pursuant to section 4(c); and

(2) a schedule for the transfer of commercial activities to the private sector, pursuant to section 4(d), to be completed within 5 years after the date on which such report is transmitted to the Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1255. Mr. SCOTT, of South Carolina (for Mr. ALEXANDER (for himself, Mrs. MURRAY, Mr. SCOTT of South Carolina, Mr. JONES, Mr. BURR, and Mr. COONS)) proposed an amendment to the bill H.R. 2486, to reauthorize mandatory funding programs for historically Black colleges and universities and other minority-serving institutions.

TEXT OF AMENDMENTS

SA 1255. Mr. SCOTT, of South Carolina (for Mr. ALEXANDER (for himself, Mrs. MURRAY, Mr. SCOTT of South Carolina, Mr. JONES, Mr. BURR, and Mr. COONS)) proposed an amendment to the bill H.R. 2486, to reauthorize mandatory funding programs for historically Black colleges and universities and other minority-serving institutions; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the “Fostering Undergraduate Talent by Unlocking Resources for Education Act” or the “FUTURE Act”.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 2. CONTINUED SUPPORT FOR MINORITY-SERVING INSTITUTIONS.

Section 371(b)(1)(A) (20 U.S.C. 1067q(b)(1)(A)) is amended by striking “for each of the fiscal years 2008 through 2019,” and all that follows through the end of the subparagraph and inserting “for fiscal year 2020 and each fiscal year thereafter.”.

SEC. 3. SECURE DISCLOSURE OF TAX-RETURN INFORMATION TO CARRY OUT THE HIGHER EDUCATION ACT OF 1965.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (13) of section 6103(l) of the Internal Revenue Code of 1986 is amended to read as follows:

“(13) DISCLOSURE OF RETURN INFORMATION TO CARRY OUT THE HIGHER EDUCATION ACT OF 1965.—

“(A) INCOME-CONTINGENT OR INCOME-BASED REPAYMENT AND TOTAL AND PERMANENT DISABILITY DISCHARGE.—The Secretary shall, upon written request from the Secretary of Education, disclose to officers, employees, and contractors of the Department of Education, as specifically authorized and designated by the Secretary of Education, only for the purpose of (and to the extent necessary in) establishing enrollment, renewing enrollment, administering, and conducting analyses and forecasts for estimating costs related to income-contingent or income-based repayment programs, and the discharge of loans based on a total and permanent disability (within the meaning of section 437(a) of the Higher Education Act of 1965), under title IV of the Higher Education Act of 1965, the following return information (as defined in subsection (b)(2)) with respect to taxpayers identified by the Secretary of Education as participating in the loan programs under title IV of such Act, for taxable years specified by such Secretary:

“(i) Taxpayer identity information with respect to such taxpayer.

“(ii) The filing status of such taxpayer.

“(iii) The adjusted gross income of such taxpayer.

“(iv) Total number of exemptions claimed, or total number of individuals and dependents claimed, as applicable, on the return.

“(v) Number of children with respect to which tax credits under section 24 are claimed on the return.

“(B) FEDERAL STUDENT FINANCIAL AID.—The Secretary shall, upon written request from the Secretary of Education, disclose to officers, employees, and contractors of the Department of Education, as specifically authorized and designated by the Secretary of Education, only for the purpose of (and to the extent necessary in) determining eligibility for, and amount of, Federal student financial aid under programs authorized by parts A, C, and D of title IV of the Higher Education Act of 1965 (as in effect on the date of the enactment of the Fostering Undergraduate Talent by Unlocking Resources for Education Act) and conducting analyses and forecasts for estimating costs related to such programs, the following return information (as defined in subsection (b)(2)) with respect to taxpayers identified by the Secretary of Education as applicants for Federal student financial aid under such parts of title IV of such Act, for taxable years specified by such Secretary:

“(i) Taxpayer identity information with respect to such taxpayer.

“(ii) The filing status of such taxpayer.

“(iii) The adjusted gross income of such taxpayer.

“(iv) The amount of any net earnings from self-employment (as defined in section 1402), wages (as defined in section 3121(a) or 3401(a)), taxable income from a farming business (as defined in section 236A(e)(4)), and investment income for the period reported on the return.

“(v) The total income tax of such taxpayer.

“(vi) Total number of exemptions claimed, or total number of individuals and dependents claimed, as applicable, on the return.

“(vii) Number of children with respect to which tax credits under section 24 are claimed on the return.

“(viii) Amount of any credit claimed under section 25A for the taxable year.

“(ix) Amount of individual retirement account distributions not included in adjusted gross income for the taxable year.

“(x) Amount of individual retirement account contributions and payments to self-employed SEP, Keogh, and other qualified plans which were deducted from income for the taxable year.

“(xi) The amount of tax-exempt interest.

“(xii) Amounts from retirement pensions and annuities not included in adjusted gross income for the taxable year.

“(xiii) If applicable, the fact that any of the following schedules (or equivalent successor schedules) were filed with the return:

“(I) Schedule A.

“(II) Schedule B.

“(III) Schedule D.

“(IV) Schedule E.

“(V) Schedule F.

“(VI) Schedule H.

“(xiv) If applicable, the fact that Schedule C (or an equivalent successor schedule) was filed with the return showing a gain or loss greater than \$10,000.

“(xv) If applicable, the fact that there is no return filed for such taxpayer for the applicable year.

“(C) RESTRICTION ON USE OF DISCLOSED INFORMATION.—

“(i) IN GENERAL.—Return information disclosed under subparagraphs (A) and (B) may be used by officers, employees, and contractors of the Department of Education, as specifically authorized and designated by the Secretary of Education, only for the purposes and to the extent necessary described in such subparagraphs and for mitigating risks (as defined in clause (ii) relating to the programs described in such subparagraphs.

“(ii) MITIGATING RISKS.—For purposes of this subparagraph, the term ‘mitigating risks’ means, with respect to the programs described in subparagraphs (A) and (B),

“(I) oversight activities by the Office of Inspector General of the Department of Education as authorized by the Inspector General Act of 1978, as amended, and

“(II) reducing the net cost of improper payments to Federal financial aid recipients. Such term does not include the conduct of criminal investigations or prosecutions.

“(iii) REDISCLOSURE TO INSTITUTIONS OF HIGHER EDUCATION, STATE HIGHER EDUCATION AGENCIES, AND DESIGNATED SCHOLARSHIP ORGANIZATIONS.—The Secretary of Education, and officers, employees, and contractors of the Department of Education, may disclose return information received under subparagraph (B), solely for the use in the application, award, and administration of student financial aid or aid awarded by such entities as the Secretary of Education may designate, to the following persons:

“(I) An institution of higher education with which the Secretary of Education has an agreement under subpart 1 of part A, part C, or part D of title IV of the Higher Education Act of 1965.

“(II) A State higher education agency.

“(III) A scholarship organization which is designated by the Secretary of Education as of the date of the enactment of the Fostering Undergraduate Talent by Unlocking Resources for Education Act as an organization eligible to receive the information provided under this clause.

The preceding sentence shall only apply to the extent that the taxpayer with respect to whom the return information relates provides consent for such disclosure to the Secretary of Education as part of the application for Federal student financial aid under title IV of the Higher Education Act of 1965.

“(D) REQUIREMENT OF NOTIFICATION OF REQUEST FOR TAX RETURN INFORMATION.—Subparagraphs (A) and (B) shall apply to any disclosure of return information with respect