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No. 25

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. RODNEY DAVIS of Illinois).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 8, 2018.

I hereby appoint the Honorable RODNEY DAVIS to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 8, 2018, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties. All time shall be equally allocated between the parties, and in no event shall debate continue beyond 9:50 a.m. Each Member, other than the majority and minority leaders and the minority whip, shall be limited to 5 minutes.

COLLEGES SHOULD BE PREPARED TO DEAL WITH SEXUAL ASSAULT VICTIMS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, when Anna first set foot on the campus of Hobart and William Smith Colleges in 2014, she immediately fell in love with the school. Nestled deep in the scenic New York Finger Lakes, the small liberal arts college appeared serene and safe.

On that beautiful campus, however, was hiding a much more dangerous re-

ality. Unfortunately, Anna would discover the terrible truth just two weeks after she arrived.

On the second Saturday of the semester, Anna was eager to go out and meet more of her fellow classmates. As the night went on, Anna got separated from her friends. When they received a text from her telling them that she was scared of someone she had met and didn't know what to do, they began frantically searching for her.

It wasn't until the early-morning hours that they finally found her, bent over a pool table with a football player appearing to sexually assault her. Her friends immediately took her back to the dormitory. Anna was very ill, pale, and disoriented. Worried that she had been drugged and raped, her friends called the paramedics.

After assessing Anna, the paramedics knew she needed to be examined by a sexual assault forensic examiner, commonly called a SAFE. SAFEs are specially trained to deal with sexual assault victims and collect forensic evidence through rape kits. Especially in cases where the victim has been drugged or was inebriated, forensic evidence can provide important evidence against an attacker.

Anna was lucky that the paramedics knew she must be treated by a SAFE, but unfortunately, many victims at colleges are never given this option. To ensure that all victims can have this care, I have introduced legislation that would require a hospital to provide access to a SAFE and a university to provide access to a SAFE who is properly trained to provide care sensitive to the trauma a rape victim has been experiencing or to have a plan in place to quickly get a victim to a nearby hospital.

The bill, named the Megan Rondini Act in honor of a college rape victim who was denied proper post-rape treatment at a hospital, will ensure victims can access the care they need.

After the medical exam, Anna returned to school and reported the attack. She was shocked, however, when the school reacted with skepticism and indifference. Without giving Anna any time to prepare or even get the results of her rape kit, the school immediately held a hearing to adjudicate the case. There was no campus victim advocate to assist her and speak up for her during the disciplinary hearing. The panelists spoke over her, interrupted her, and asked her all types of accusatory questions.

So, just 12 days after the assault, the school cleared the accused of all charges. Devastated, Anna took leave to recover at home. And while Anna eventually did return to finish her degree, she never believed justice against her attacker was achieved.

All victims of sexual assault on campus should have access to a victim advocate. Advocates can offer counseling, legal advice, assistance during hearings, and emotional support. Perhaps if Anna had access to this vital service, she would have gotten the justice that she was seeking.

Mr. Speaker, if colleges and universities choose to adjudicate sexual assault on campus independent of law enforcement investigation, then victims should have access to a campus victim advocate who is trained under Title IX. This is only fair. Schools must be prepared to deal with sexual assault victims and must have access to a SAFE, and they must have access to a victim advocate. Otherwise, victims will never know whether justice is served for them. And justice, Mr. Speaker, is supposed to be what we do, even on university campuses.

And that is the just the way it is.

DON'T DEPORT DREAMERS; VOTE AGAINST THE BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIÉRREZ) for 5 minutes.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Mr. GUTIÉRREZ. Mr. Speaker, we sat here and heard the President's State of the Union Address in which he spoke about immigration and immigrants.

A couple of things I want to highlight: No, Mr. President, not all immigrants are, A, Latino, and not all immigrants, Mr. President, are members of organized gangs, MS-13. I know you don't want to be fair and you didn't want to talk about the immigrants who are doctors, healing people every day in our hospitals; the immigrants who are teachers, educating Americans every day in our schools; the engineers who are innovating and creating new infrastructure that keep us safe and keep us modern in America.

No, you don't want to even talk about the millions of immigrants who toil in our fields, without papers, without documentation; and we know and we see the fruit of their labor, both literally and figuratively speaking, when we go to our grocery stores.

Who do you think does that work, does that hard work in the fields? People born American citizens? No. People who have come here. But we didn't want to talk about that.

And then, after you criminalized immigrants and made them these scary people who come to rob and to maim and to murder, you then went ahead and said: And by the way, those who come here legally, sponsored by their relatives, by their parents, by their brothers and sisters, by their immediate family members, they too pose a threat. You said, Mr. President, they come here as immigrants and then they sponsor an unlimited number of distant relatives.

Well, last time I checked, in my personal life, my wife, whom you can sponsor, is a pretty close relative to me; my children and my parents. Those are the only people that you can sponsor. Yes, parents, children, and your spouse. But you said there were unlimited.

So, if that is a lie, what part of what you said was true? Well, virtually nothing. Because if the underpinning of one of your arguments is shown to be false, then what is true?

And then this week we saw this administration go from calling immigrants criminals to saying they are just downright lazy. No. I say to the Chief of Staff of the President of the United States, the DREAMers are not lazy. They may be afraid because it was an executive order which many of them feared a new President might revoke and put them in jeopardy; that is true. But lazy, they are not.

They scraped together the \$500, went through the background checks, not once but twice and thousands of them three times, in order to get what you today want to take away from them: their ability to work and to live freely in this country with nothing from the government.

So, if you didn't think the criminalization of immigrants was wrong, if

you didn't think the demonization of them as hordes of people who can bring unlimited numbers of distant relatives—that lie was wrong—if you didn't think calling them just lazy was wrong—no—you know what I see? Barack Obama said he saw people who were inculcated with the same values that he inculcates in his very daughters. He made a direct relationship between DREAMers and his own children.

I want to go one step further than that. I don't see my children in them; I see fellow Americans. I see fellow Members of the House of Representatives. And I know that scares the hell out of a lot of Americans that that could be, but it shouldn't because it is the way forward. And they are going to come, and they are going to be integrated because we are going to get them the one thing that they need—that piece of paper—because they are Americans.

They are serving in the Armed Forces and dying for us today. Serving in the Armed Forces. And they are working, and they are healing. Why can't we let people who are doctors and lawyers and people who are nurses and people who are in the Armed Forces stay? They have been through the background checks. Because that is not the kind of America that some of us want to see in the future.

So today they are going to bring over from the Senate a proposal. They are going to lift the caps, and they are going to say: Let's vote on our budget. Well, I say to everybody, don't collude with this administration and deport DREAMers. Vote against the budget.

The SPEAKER pro tempore (Mr. POE of Texas). Members are reminded to refrain from engaging in personalities toward the President.

Members are also reminded to direct all of their remarks to the Chair and not to others outside the Chamber.

CONGRATULATING DEREK LEONARD ON HIS COACH OF THE YEAR NOMINATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. RODNEY DAVIS) for 5 minutes.

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today to congratulate Coach Derek Leonard, who was nominated by the Chicago Bears for the 2017 Don Shula NFL High School Coach of the Year award.

Nominees for this award are chosen for their character, integrity, leadership, dedication to their community, commitment to player health and safety, and on-field success. Derek Leonard exemplifies all of these qualities. Coach Leonard has coached the Rochester Rockets football team since 2006 with an impressive 133-29 career record, including a record seven State championships, the most by any public school in my home State of Illinois.

Derek is known for being one of the most gifted offensive minds in high

school football, but Coach Leonard reaches beyond football with his message of faith, family, and football, in that order. He is a leader with the Fellowship of Christian Athletes and ensures his players are equipped to become good men in life after they graduate from high school and walk off of that football field.

I am proud to have Coach Leonard as a friend, and I want to congratulate him and his family and his team on this honor.

THE PROPOSED SPENDING BILL IS NOT FISCALLY CONSERVATIVE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of Tennessee. Mr. Speaker, the spending bill we will vote on later today will pass because there is something in it for almost everyone, but there is nothing fiscally conservative about it. It busts all the budget caps, adding \$300 billion over the next 2 years, when spending was already going up anyway. There are no pay-fors or offsets for the disaster billions, as we have done in the past.

I repeat, there is nothing fiscally conservative about this bill. Our deficit for the last fiscal year was an astounding \$666 billion. This bill makes it certain that this fiscal year it will be even higher. This bill raises our national debt limit when our debt is already a mind-boggling, incomprehensible \$20 trillion. This bill puts us on a path to a \$30 trillion debt in a very few years. I say again, there is nothing fiscally conservative about this bill.

The easiest thing in the world to do, Mr. Speaker, is spend other people's money, but this is getting ridiculous. There is an old saying about spending like a drunken sailor. Even drunk sailors never spent money this recklessly.

I will say once again and close by saying, there is nothing conservative or fiscally conservative about this bill.

HONORING PFC JOHN WILLIAM LITTLE

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). The Chair recognizes the gentleman from Florida (Mr. CURBELO) for 5 minutes.

Mr. CURBELO of Florida. Mr. Speaker, Army Private First Class Johnny Little is a former resident of my district who had been killed in action at the very young age of 19 near Cologne, Germany, while fighting Nazis during World War II. Once Private First Class Little's remains were brought to south Florida, three years after being killed, he was regrettably buried without the recognition of his service that should have marked his grave all these years.

□ 0915

When I became aware of his case last year, I felt it was important this mistake be corrected quickly. My staff immediately opened a case and located

Little's service records. After working with members of his family, my office was able to put in a request to the Department of Veterans Affairs to secure the appropriate marker for his grave. Unfortunately, due to the damage from Hurricane Irma, the cemetery was damaged and the installation of his headstone had to be put on hold.

Thanks largely in part to the work of volunteers who cleaned up and led the recovery after the storm, I am pleased to share that First Class John William Little will finally be receiving the recognition he deserves as his family and members of the community come together with the Homestead Air Force Base Honor Guard to place a proper headstone on his grave later today.

Little was part of what we call the Greatest Generation, and the name is rightly deserved. At a time when human dignity and basic freedoms were under attack, he and millions like him put their lives on hold to ensure our way of life would be protected for generations to come. The basic freedoms we value, the way of life we enjoy, and even the continued existence of our government institutions are because of the sacrifices made by men and women like Private First Class Little.

I am proud of my staff's hard work to secure this recognition for one of our fallen heroes and humbled that we were able to play a role in honoring his memory and sacrifice. I am disappointed I won't be there to honor him in person today, but I look forward to visiting his grave to pay my respects soon.

VITA UNITED WAY

Mr. CURBELO of Florida. Mr. Speaker, last year Congress passed historic tax reform repairing our Nation's broken Tax Code. The positive effects of this new law are beginning to be felt across the country as businesses of all sizes reward their workers with bonuses and higher wages, all while hiring more people to fill new positions.

Millions of Americans across the income spectrum will start seeing more money in their paychecks as soon as this month. However, with the growth of wages and bonuses being realized, reprehensible individuals looking to commit fraud and take advantage of countless hardworking Americans as they file their taxes will see this as a prime opportunity to ply unsuspecting victims. Sadly, fraudulent tax preparation is a problem we know all too well in south Florida.

Fortunately, free tax filing assistance is available for those who need it. The IRS offers the Volunteer Income Tax Assistance program, known as VITA, to provide free tax preparation services from volunteer tax professionals in local communities.

Mr. Speaker, for low-income families with an annual income of less than \$54,000, the elderly, and those struggling with English, VITA services are an opportunity to make the most of the recent tax relief legislation and ensure they are getting as much in their tax return as possible.

Sixty percent of residents in my district qualify for this assistance in preparing their taxes, which is why I have made fighting to protect and strengthen the VITA program one of my top priorities since being appointed to the Ways and Means Committee last year.

Together with my Democratic colleague Representative DANNY DAVIS, I introduced a bipartisan bill that would permanently authorize the IRS to fund this free tax preparation service. It also ensures that VITA grant recipients, who already have accuracy rates of 94 percent, including tax returns claiming the Earned Income Tax Credit, maintain strong records of accuracy that will save taxpayers money.

My legislation is an important step toward ensuring the IRS is serving taxpayers and not the other way around. I am proud it has strong bipartisan support.

In my district, United Way of Miami-Dade and United Way of Monroe work hard to connect lower-income taxpayers or those with limited English skills with reliable, legitimate tax preparation assistance—entirely for free through the IRS VITA program. I was honored to invite United Way of Miami-Dade to Washington last year to share the work they do to help so many in our community fully utilize this free resource.

Unfortunately, I won't be able to visit United Way in South Dade this afternoon as planned, but I look forward to rescheduling to bring attention to their work soon.

I want to ensure as many constituents as possible are aware these services are available to protect their hard-earned paychecks, especially in a period of historic tax relief, and I encourage anyone looking for more information to reach out to my office for assistance.

RECESS

The SPEAKER pro tempore (Mr. RODNEY DAVIS of Illinois). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 19 minutes a.m.), the House stood in recess.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLLINS of Georgia) at 10 a.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Heavenly Father, thank You for giving us another day.

We thank You for every day you give us to be here at the seat of participative government. Bless the work of all the men and women who represent the people of the United States. Fill

them with wisdom and good will, that they might better work together for the benefit of our Nation.

Bless all the leaders of all the branches of our government with peace this day. May all be their best to serve the noble ends of government: the welfare of all men and women.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. POE of Texas. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. ZELDIN) come forward and lead the House in the Pledge of Allegiance.

Mr. ZELDIN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

SUPPORT FOR LIBERTY IN IRAN

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, this year started with thousands of Iranians, including many young people, taking to the streets in opposition to the corrupt regime of the mullahs in Iran.

Iranians face brutality, imprisonment, and execution simply because they want freedom of expression and disagree with the Iranian Government.

Protests in over 100 cities have been silenced by the IRGC thugs as the rogue regime continues its crackdown on human rights.

The government has shut down the internet and social media.

The United States should stand with the Iranian people by seeing to it that the Iranians have access to social media through satellite communication.

If we help the Iranians have freedom of expression through speech and press, the world will know how the illegitimate regime persecutes its own people.

Hopefully, the people will remove this dictatorship and have a government that they, the people, put in power. After all, isn't that what freedom is all about?

And that is just the way it is.

THE BUTTERFLY EFFECT PROJECT

(Mr. ZELDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELDIN. Mr. Speaker, I rise today to recognize my constituent, Ms. Tijuana Fulford, founder and executive director of the Butterfly Effect Project in Riverhead.

In 2014, Ms. Fulford set out to establish a free program to provide young girls with the tools they need to achieve self-confident futures in hopes of bringing forth a generation of strong, independent, and knowledgeable women.

This program has grown from 4 to 108 young girls with an ever-growing waitlist. These are girls who are empowered with the resources necessary to secure a prosperous future for themselves and their families.

Through financial, educational, emotional, and career support, the Butterfly Effect Project is building community involvement and curtailing the effects of cultural and mobility limitations.

With locations in Riverhead and Bellport, the Butterfly Effect Project is having such a positive effect on young girls from Riverhead, Flanders, Calverton, Mastic, Shirley, Bellport, Westhampton, Peconic, Patchogue, and West Islip.

The Butterfly Effect Project has provided an invaluable service to our community. I applaud Ms. Fulford for her dedication, and I look forward to witnessing the growth of her organization and the bright future of so many of the young women it supports.

OBSTRUCTION OF JUSTICE

(Mr. HUFFMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUFFMAN. Mr. Speaker, President Trump's mantra is "no collusion." He says this constantly because he

wants people to think collusion—a hard thing to prove—is the only question in the Russia investigation. It is not.

Even putting aside the mounting evidence that Trump did collude with Russia, there is an equally serious question about obstruction of justice, and, for that, the evidence is overwhelming.

The greatest hits of Trump obstruction include:

Requesting an improper loyalty pledge from FBI Director Comey;

Telling Director Comey to drop the Flynn investigation;

Asking the DNI and the CIA Directors to lean on Comey to drop the Flynn investigation;

Firing Comey when he continued the investigation;

Admitting on national TV that the firing was because of the Russia investigation;

Admitting, essentially, the same thing to top Russian officials in a White House meeting;

Drafting a deliberately misleading statement for his son about the infamous Trump Tower meeting;

Attempting to fire Special Counsel Mueller;

And, most recently, this ham-handed choreography with Chairman NUNES to undermine all of the pending investigations—an attempt to set up the argument that we should drop the Russia investigations and, instead, investigate the investigators.

That is just the "Greatest Hits of Obstruction," volume I. There is a lot more to come, Mr. Speaker.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

SOUP-ER HERO SOUP DRIVE

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize some real-life super heroes from my district in Bucks County, Pennsylvania.

Students from Brookwood, Keystone, and Mill Creek Elementary Schools in the Bristol Township School District collected thousands of pounds of canned soup, dressed as "soup-er heroes," and delivered it to the Emergency Relief Association Food Pantry in Levittown. Mill Creek Elementary School collected 1,581 pounds of soup, Brookwood Elementary School collected 1,365 pounds, and Keystone Elementary School collected 1,016 pounds of cans to help those in need.

Mr. Speaker, I am so inspired by these outstanding young members of our community, who at a young age are already working hard to help people around them in need and make their community a stronger and a better place. I know we can all learn something from those boys and girls.

I encourage every school in Bucks and Montgomery County to follow the lead of Brookwood, Keystone, and Mill Creek Elementary Schools and find new and fun ways to help those in need.

DEVASTATION OF HOUSTON SCHOOLS HIT BY HURRICANE HARVEY

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE. Mr. Speaker, as school children rise across America to go to a place of work for them, but a place of joy, of learning, I rise today to reenforce the importance of education in the State of Texas.

The Texas education administrator, along with the Governor of the State of Texas, will be receiving a letter from me reaffirming the plea of local officials—both governmental and educational officials—to give Texas school children, because of the devastation of Hurricane Harvey, a waiver for 2 years for them to be able to improve their scores and to keep the schools open that the parents and the community want to have open.

Many of my school districts—seven of which I represent—have faced the tragedy of Hurricane Harvey: the displacement or relocation of their children and the devastation of their schools, including the Houston Independent School District. It has historic schools.

So my plea is that this is, likewise, a Federal issue. I was a strong supporter of the SUCCESS Act where we look at different elements, other than testing. Let's look at the holistic aspect of the school children of Houston. Let's give them a waiver. Let's understand Hurricane Harvey. Let's fix the schools and keep them open.

That is my fight, and that is my commitment.

CONGRATULATING PYEONGCHANG WINTER OLYMPIC GAMES ATHLETES

(Mr. STEWART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEWART. Mr. Speaker, I want to congratulate all 243 United States athletes that have secured qualification in the upcoming Pyeongchang Winter Olympic Games. I am proud to say that 15 of these Olympians come from my home State of Utah. Through their talent, their hard work, and their dedication, I am confident that they are going to represent Utah and, in fact, the entire United States very well.

These individuals come from all walks of life. Some are in the middle of their professional careers, some are students, many of them are parents. Together, these individuals will be able to showcase their immense strength

and skill through unparalleled determination.

Although these Olympians are not guaranteed success or a medal, it doesn't prevent them from doing what they love to do. We should all look up to these Olympic athletes for inspiration to become better, stronger, and more dedicated to reaching our goals, even when we know it is tough.

I wish these athletes good luck in the upcoming events, and I thank them for representing the United States and the great State of Utah. As we watch the Olympics, all of us look forward to hearing our national anthem played and hearing them chanting: U-S-A, U-S-A.

REPUBLICAN PARTY IS GOING ALONG TO GET ALONG

(Mr. DUNCAN of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN of Tennessee. Mr. Speaker, I sent my first paycheck as a bag boy at the A&P—\$19-and-some-odd cents—to the Barry Goldwater campaign. I was 16 years old.

I have been involved in almost every major Republican campaign in my State and nationally since then. But the Republican Party I grew up in was the fiscally conservative party. I wish it still was.

But we will pass a spending bill today that is everything but fiscally conservative. Our national debt is now over \$20 trillion. This bill will speed us down the road to \$30 trillion.

Our deficit last year was \$666 billion. This bill will make it even higher this year. There is nothing fiscally conservative about this bill. Spending was already going up.

Now we are busting the budget caps and adding another \$300 billion more. Anyone who supports this bill cannot accurately say that they are fiscally conservative.

It is very sad to me that the Republican Party I love is now going along to get along and spending many, many billions that we simply do not have.

AMERICA MUST LEARN FROM PUERTO RICO

(Mr. BROOKS of Alabama asked and was given permission to address the House for 1 minute.)

Mr. BROOKS of Alabama. Mr. Speaker, Congress faces a debt junkie spending bill that risks an American bankruptcy that threatens the dissolution of our military.

That is why a past Chairman of the Joint Chiefs of Staff and current Secretary of Defense have both identified America's debt as our greatest national security threat.

America must learn from Puerto Rico, which suffered a debt default in 2016 that destroyed its economy and forced it to fire public sector workers, raise sales taxes to a record 11.5 percent, and close over 100 schools.

Worse yet, Puerto Rico's insolvency meant it lacked the resources to protect itself from known hurricane risks like that of Hurricane Maria.

Mr. Speaker, debt junkies don't care one twit about America's bankruptcy risk. I do. That is why today I will vote against their financially irresponsible spending bill that will likely trigger a \$1 trillion deficit this year.

CONGRATULATING BLESSED TRINITY FOOTBALL

(Mrs. HANDEL asked and was given permission to address the House for 1 minute.)

Mrs. HANDEL. Mr. Speaker, I rise today to congratulate the State champion football program at Blessed Trinity High School in Roswell, Georgia.

Under the leadership of Head Coach Tim McFarlin, the Blessed Trinity Titans finished with 13 wins and just 2 losses to earn their first ever State football championship title this past season.

The 4A class in Georgia is a tough one, and I congratulate the other teams in this bracket for their efforts as well. But with the outstanding leadership and mentorship of Coach McFarlin, the Titans did prevail.

Last week was also Catholic Schools Week. I had the pleasure of visiting Blessed Trinity Catholic School. During my visit, I included time with the AP government students, as well as with students in their STEAM program, which focuses on science, technology, engineering, arts, and math.

My thanks to Principal Brian Marks, and to all of the students and the faculty there for a terrific visit and for being such a great part of the community in the Sixth District.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 10 o'clock and 13 minutes a.m.), the House stood in recess.

□ 1027

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLLINS of Georgia) at 10 o'clock and 27 minutes a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Passage of H.R. 1153, and
Agreeing to the Speaker's approval of the Journal, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

MORTGAGE CHOICE ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on passage of the bill (H.R. 1153) to amend the Truth in Lending Act to improve upon the definitions provided for points and fees in connection with a mortgage transaction, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

The vote was taken by electronic device, and there were—yeas 280, nays 131, not voting 19, as follows:

[Roll No. 64]
YEAS—280

Abraham	Diaz-Balart	King (NY)
Aderholt	Dingell	Kinzinger
Aguilar	Donovan	Knight
Allen	Doyle, Michael	Krishnamoorthi
Amash	F.	Kustoff (TN)
Amodei	Duffy	Labrador
Arrington	Duncan (SC)	LaHood
Babin	Duncan (TN)	LaMalfa
Bacon	Dunn	Lamborn
Banks (IN)	Emmer	Lance
Barletta	Estes (KS)	Latta
Barr	Farenthold	Lawrence
Barton	Faso	Lawson (FL)
Beatty	Ferguson	Lewis (MN)
Bergman	Fitzpatrick	Lipinski
Biggs	Fleischmann	LoBiondo
Bilirakis	Flores	Loebsack
Bishop (GA)	Fortenberry	Long
Bishop (MI)	Foster	Loudermilk
Bishop (UT)	Fox	Love
Blackburn	Frelinghuysen	Lucas
Blum	Gaetz	Luetkemeyer
Bost	Gallagher	MacArthur
Boyle, Brendan	Garrett	Maloney, Sean
F.	Gianforte	Marchant
Brady (TX)	Gibbs	Marino
Brat	Gonzalez (TX)	Marshall
Brooks (AL)	Goodlatte	Massie
Brooks (IN)	Gosar	Mast
Buchanan	Gottheimer	McCarthy
Buck	Granger	McCaul
Bucshon	Graves (GA)	McClintock
Budd	Graves (MO)	McCollum
Burgess	Griffith	McHenry
Bustos	Grothman	McKinley
Byrne	Guthrie	McMorris
Calvert	Hanabusa	Rodgers
Carbajal	Handel	McNerney
Carter (GA)	Harper	McSally
Carter (TX)	Harris	Meadows
Cartwright	Hartzler	Meehan
Chabot	Heck	Meeks
Cheney	Hensarling	Messer
Coffman	Herrera Beutler	Mitchell
Cole	Hice, Jody B.	Moolenaar
Collins (GA)	Higgins (LA)	Mooney (WV)
Collins (NY)	Higgins (NY)	Mullin
Comer	Hill	Murphy (FL)
Comstock	Holding	Newhouse
Conaway	Hollingsworth	Noem
Connolly	Huizenga	Nolan
Cook	Hultgren	Norman
Cooper	Hunter	Nunes
Correa	Hurd	O'Halleran
Costa	Issa	Olson
Costello (PA)	Jenkins (KS)	Palazzo
Cramer	Jenkins (WV)	Palmer
Crawford	Johnson (LA)	Paulsen
Cuellar	Johnson (OH)	Pearce
Culberson	Johnson, Sam	Perlmutter
Curbelo (FL)	Jordan	Perry
Curtis	Joyce (OH)	Peters
Davidson	Katko	Peterson
Davis, Rodney	Kelly (MS)	Pittenger
Delaney	Kelly (PA)	Poe (TX)
Denham	Kihuen	Poliquin
Dent	Kildee	Posey
DeSantis	Kind	Quigley
DesJarlais	King (IA)	Ratcliffe

Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Ruiz
Ruppersberger
Russell
Rutherford
Sanford

Scalise
Schneider
Schrader
Schweikert
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sherman
Shimkus
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Suoizzi
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton

NAYS—131

Adams
Bass
Bera
Beyer
Blumenauer
Blunt Rochester
Bonamici
Brady (PA)
Brown (MD)
Brownley (CA)
Butterfield
Capuano
Cárdenas
Carson (IN)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Courtney
Crist
Crowley
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DeBene
Demings
DeSaulnier
Deutch
Doggett
Ellison
Engel
Eshoo
Espallat
Esty (CT)
Evans
Fudge
Gabbard

NOT VOTING—19

Barragán
Black
Bridenstine
Cummings
Frankel (FL)
Gohmert
Gowdy

Gallego
Garamendi
Gomez
Green, Al
Grijalva
Gutiérrez
Hastings
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kilmer
Kuster (NH)
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowenthal
Lowe
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
Maloney,
Carolyn B.
Matsui
McEachin
McGovern
Meng
Moore
Nadler
Napolitano
Neal
Norcross

□ 1057

Messrs. McEACHIN and BROWN of Maryland changed their vote from “yea” to “nay.”

Messrs. GARRETT, SUOZZI, FOSTER, COOPER and PETERS changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Titus
Turner
Upton
Valadao
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

O'Rourke
Pallone
Panetta
Pascarelli
Payne
Pelosi
Pingree
Pocan
Polis
Price (NC)
Raskin
Richmond
Roybal-Allard
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Sewell (AL)
Shea-Porter
Sires
Slaughter
Smith (WA)
Soto
Buchanan
Bucshon
Budd
Burgess
Bustos
Butterfield
Byrne
Hultgren
Hunter
Issa
Hensarling
Higgins (LA)
Himes
Hollingsworth
Huffman
Pingree
Posey
Quigley
Reichert
Roe (TN)
Rogers (KY)
Rooney, Francis
Rooney, Thomas J.
Ross
Rothfus
Roybal-Allard
Royce (CA)
Ruppersberger
Russell
Rutherford
Scalise
Schneider
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shea-Porter
Sherman
Shimkus
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Smucker
Speier
Stefanik
Stewart
Swalwell (CA)

Shuster
Trott
Visclosky
Walz
Yarmuth

Mr. LANGEVIN. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “nay” on rollcall No. 64.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HENSARLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 208, nays 194, answered “present” 2, not voting 26, as follows:

[Roll No. 65]

YEAS—208

Abraham
Adams
Aderholt
Aguilar
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barietta
Gabbard
Barr
Barton
Beatty
Bilirakis
Bishop (UT)
Blumenauer
Bonamici
Brooks (IN)
Brown (MD)
Buchanan
Bucshon
Budd
Burgess
Bustos
Butterfield
Byrne
Hultgren
Hunter
Issa
Hensarling
Higgins (LA)
Himes
Hollingsworth
Huffman
Pingree
Posey
Quigley
Reichert
Roe (TN)
Rogers (KY)
Rooney, Francis
Rooney, Thomas J.
Ross
Rothfus
Roybal-Allard
Royce (CA)
Ruppersberger
Russell
Rutherford
Scalise
Schneider
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shea-Porter
Sherman
Shimkus
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Smucker
Speier
Stefanik
Stewart
Swalwell (CA)

Takano
Thornberry
Titus
Tsongas
Vela
Wagner
Walden

Walorski
Walters, Mimi
Wasserman
Schultz
Waters, Maxine
Weber (TX)
Webster (FL)

NAYS—194

Amash
Bass
Bera
Bergman
Beyer
Biggs
Bishop (GA)
Bishop (MI)
Blackburn
Blum
Blunt Rochester
Bost
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Brooks (AL)
Brownley (CA)
Buck
Capuano
Carbajal
Carson (IN)
Castor (FL)
Cicilline
Clark (MA)
Clarke (NY)
Clyburn
Coffman
Comer
Conaway
Connolly
Correa
Costa
Crist
Crowley
Curbelo (FL)
Davidson
DeFazio
Delaney
Denham
DeSantis
DeSaulnier
Diaz-Balart
Doggett
Doyle, Michael F.
Duncan (SC)
Ellison
Espallat
Pelosi
Perlmutter
Pingree
Posey
Ferguson
Fitzpatrick
Foxy
Fudge
Gaetz
Gallagher
Gallo
Garamendi
Garrett
Gibbs
Gomez
Gonzalez (TX)
Gosar

Gottheimer
Graves (GA)
Graves (MO)
Green, Al
Griffith
Grijalva
Grothman
Gutiérrez
Hanabusa
Hastings
Herrera Beutler
Hice, Jody B.
Higgins (NY)
Hill
Holding
Hoyer
Jackson Lee
Jayapal
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, E. B.
Jordan
Joyce (OH)
Keating
Kelly (MS)
Kelly (PA)
Kihuen
Kilmer
Kind
Kinzinger
Knight
Labrador
LaMalfa
Lance
Langevin
Latta
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
LoBiondo
Loebach
Loudermilk
Love
Lowenthal
Lowe
Lynch
MacArthur
Maloney, Sean
Marshall
Mast
Matsui
McGovern
McKinley
McSally
Meehan
Mitchell
Napolitano
Noem
Nolan
Norcross
O'Halleran
Pallone
Palmer

ANSWERED “PRESENT”—2

Cleaver

Tonko

NOT VOTING—26

Barragán
Black
Bridenstine
Courtney
Cummings
Frankel (FL)
Gohmert
Gowdy
Graves (LA)

Green, Gene
Hudson
Huizenga
Hurd
Jones
Katko
Larson (CT)
Marchant
Moulton

□ 1104

Mr. MITCHELL changed his vote from “yea” to “nay.”

Mrs. BROOKS of Indiana and Mr. CARTER of Georgia changed their vote from “nay” to “yea.”

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HUDSON. Mr. Speaker, I was unavoidably detained and forced to miss this vote series. Had I been present, I would have voted "Yea" on rollcall No. 64 and "Nay" on rollcall No. 65.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, I was unable to vote on the morning of Thursday, February 8, 2018, due to personal circumstances. If I had been able to vote, I would have voted as follows:

On passage of H.R. 1153, the Mortgage Choice Act, I would have voted "nay."

On the approval of the Journal, I would have voted "nay."

PERSONAL EXPLANATION

Mr. GRAVES of Louisiana. Mr. Speaker, I was unavoidably detained while meeting with Louisiana pastors after the National Prayer Breakfast. Had I been present, I would have voted "yea" on rollcall No. 64 and "nay" on rollcall No. 65.

**SMALL BANK HOLDING COMPANY
RELIEF ACT OF 2018**

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 725, I call up the bill (H.R. 4771) to raise the consolidated assets threshold under the small bank holding company policy statement, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BYRNE). Pursuant to House Resolution 725, the amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-57 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 4771

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 "Small Bank Holding Company Relief Act of 2018".

SEC. 2. CHANGES REQUIRED TO SMALL BANK HOLDING COMPANY POLICY STATEMENT ON ASSESSMENT OF FINANCIAL AND MANAGERIAL FACTORS.

(a) IN GENERAL.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System shall revise the Small Bank Holding Company Policy Statement on Assessment of Financial and Managerial Factors (12 C.F.R. part 225—appendix C) to raise the consolidated asset threshold under such policy statement from \$1,000,000,000 (as adjusted by Public Law 113-250) to \$3,000,000,000.

(b) CONFORMING AMENDMENT.—Subparagraph (C) of section 171(b)(5) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5371(b)(5)) is amended to read as follows:

"(C) any bank holding company or savings and loan holding company that is subject to the application of the Small Bank Holding Company Policy Statement on Assessment of Financial and Managerial Factors of the Board of Governors (12 C.F.R. part 225—appendix C)."

The SPEAKER pro tempore. The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair now recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and submit extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HENSARLING. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in very strong support of H.R. 4771, the Small Bank Holding Company Relief Act of 2018. It is a bipartisan bill which passed our committee with a strong bipartisan vote of 41-14.

Mr. Speaker, this exact same provision came out of the Senate Banking Committee also with a very strong bipartisan vote of 16-7.

First, I want to thank the gentlewoman from Utah (Mrs. LOVE) who is a very hardworking member of the Financial Services Committee. I want to thank her for introducing this legislation and helping lead our congressional efforts to provide regulatory relief to our Nation's community banks. She is a great asset to our committee and widely respected.

The Federal Reserve Small Bank Holding Company Policy Statement is a regulation that allows certain bank holding companies that have less than \$1 billion in assets to hold more debt at the holding company level than would otherwise be permitted by current capital requirements. They do this as long as they meet a number of ongoing requirements and restrictions.

H.R. 4771 would raise that threshold for qualifying institutions from \$1 billion to \$3 billion, thus allowing more community banks to raise more capital by the issuance of debt. By increasing this threshold, H.R. 4771 provides much needed relief for bank holding companies from overly burdensome capital and leverage requirements that were truly intended, Mr. Speaker, for the largest and most complex global financial institutions.

It is a reoccurring problem, Mr. Speaker. Again, over and over, the regulatory burden on our community financial institutions is causing us to lose one approximately every other day in America. These are rules that have made it, again, more difficult for small banks to raise capital. And while the bank holding companies will no longer have to abide by these rules under this bill, again, there are plenty of safeguards that continue to be in place to protect the safety and soundness of the institution and its customers. But these institutions present no threat to

the safety and soundness of our financial system.

First and foremost, the Federal Reserve retains the right to impose capital standards on a holding company if they determine it is needed. In other words, this is a "may" bill and not a "shall" bill. The \$3 billion threshold remains totally within the discretion of the Federal Reserve. It is permissive.

Next, capital rules and regulations will continue to apply to the subsidiary banks of the holding company level. Again, let me repeat, the capital rules and regulations continue to apply to subsidiary banks.

All institutions must continue to meet certain qualitative requirements, including those pertaining to non-banking activities, off-balance-sheet activities, and publicly registered debt and equity. These requirements ensure that the higher leverage the policy statement allows does not pose any undue burden on subsidiary depository institutions.

So the Small Bank Holding Company Relief Act will indeed make it easier for small, hometown community banks to raise capital. And as they raise more capital, they can turn it into more Main Street jobs, more economic growth, and more home ownership opportunities for our constituents.

In fact, passing this bill will immediately benefit community banks all across America. Not the big banks, not Wall Street banks, as I have no doubt the ranking member will say in her remarks, but again, it will be community banks that will benefit.

If you don't believe me, ask them. Ask the Independent Community Bankers of America and its 5,700 community bank members.

As a matter of fact, the passage of this bill, Mrs. LOVE's bill, has been an important, longstanding goal of the Independent Community Bankers of America because they have been suffering and suffocated by an avalanche of red tape with massive increases in regulatory burdens, which has caused consolidation with much, much larger competitors. Because of increased regulation and compliance costs, again, many of them have found it difficult to access and raise capital. This is the capital that is needed to capitalize our small businesses.

Small businesses are struggling for access to credit, and the incredible regulatory burden placed on home buyers has simply complicated the buying process.

□ 1115

These higher costs are being felt at the same time that paychecks are only now beginning to grow for working families thanks to the Tax Cuts and Jobs Act.

Just don't take my word for it, Mr. Speaker. Let's listen to just one community banker who happens to be from West Virginia. They wrote in and said:

What no one in a position of power seems to realize is that many customers in our

country prefer to deal with a smaller, hometown institution, with people they know and trust. If a customer has a question about their loan or their deposit, they simply pick up the phone and call or drop by. If we don't know the answer, we find out and let them know as soon as possible. But it appears that Congress and the administration are attempting to get rid of smaller institutions, so there are a lot fewer institutions to deal with, and those are the large ones who are too big to fail.

Mr. Speaker, that is exactly what happened under the Dodd-Frank Act.

Continuing:

Please just try to remember that small financial institutions and small businesses are the heart of America. The American Dream is to work hard, learn, and make a good life for yourself and your family. In the meantime, it includes working in your community or neighborhood to help others out. Even as a small institution as ours, we sponsor Little League Baseball teams, soccer teams, the county junior fair, and many other activities. We realize if we don't support local small businesses, they soon won't be here.

Those words could have been written by almost any community financial institution in America, Mr. Speaker, and they ring so true. In order to keep our small communities alive, we have to keep their small businesses alive and we must keep their small banks alive.

So, again, it is so important that we enact H.R. 4771 and that we reduce this red tape on our community financial institutions.

Mr. Speaker, I thank the gentlewoman from Utah for introducing the legislation, and I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 4771, the Small Bank Holding Company Relief Act of 2018. This bill is another Republican-led measure to roll back appropriately tailored policies to regulate the financial services sector that ignores the hard-learned lessons of the catastrophic 2008 financial crisis.

We have seen this same flawed approach in H.R. 10, which I called the "Wrong Choice Act," last year, and we are seeing it again in the Senate as it considers advancing Senator CRAPO's Wall Street giveaway, which includes a provision identical to the bill that we are considering today, along with several other harmful provisions.

The Federal Reserve's Small Bank Holding Company Policy Statement was first issued in 1980 to enable the transfer of ownership of small community banks by allowing small, noncomplex bank holding companies to operate with higher levels of debt than would normally be permitted.

The original policy statement established a threshold of bank holding companies with less than \$150 million in assets, but this level was increased to \$500 million in 2006.

The policy statement allows certain small bank holding companies and savings and loan holding companies to hold more debt at the holding company level than would otherwise be allowed

by capital requirements if the debt is used to finance up to 75 percent of an acquisition of another bank. Put another way, the policy statement is important because it allows small institutions like community banks and minority-owned insured depository institutions to access additional debt so they can continue serving their communities without compromising bank safety and soundness.

Thus, it is important that the threshold level be carefully calibrated so it cannot be abused by speculative investors. If the threshold is raised too high, it will encourage more mergers and acquisitions, riskier banking activities, and reduced banking services and credit availability to rural, low-income, minority, and underserved communities.

In 2014, Democrats worked with Republicans to examine this threshold and reached a reasonable compromise to raise the threshold to \$1 billion. This change was implemented only after closely consulting with regulators to determine the appropriate threshold level to help community banks grow without making them targets for mergers and acquisitions.

The \$1 billion threshold is sensible and reasonable in light of the Federal Deposit Insurance Corporation's exhaustive study several years ago on the definition of "community bank." While the FDIC factors in other considerations, their definition of a community bank includes a dollar threshold of banks with less than \$1 billion in assets.

According to 2016 data from the Federal Reserve, 87 percent of all bank holding companies are covered by the current \$1 billion threshold. This means that a large majority of the industry currently benefits from the adjusted 2014 threshold increase in the policy statement, including all truly small community banks.

Furthermore, it is worth highlighting that the bipartisan compromise reached in 2014 included other important safeguards, such as excluding any bank holding companies and savings and loan holding companies with less than \$1 billion that are engaged in significant nonbanking activities. It also gives the Federal Reserve the ability to exclude any bank holding companies and savings and loan holding companies from the policy statement, regardless of size, if it concludes that the exclusion is warranted for supervisory purposes.

But my colleagues on the other side of the aisle have not hesitated to try and push the threshold higher. Last Congress, just a little more than a year after a bipartisan compromise to increase the threshold, Republicans pushed through the House another bill, H.R. 3791, that would have significantly increased the threshold from \$1 billion to \$5 billion. That bill faced a veto threat from the Obama administration, as it should have, and it went nowhere in the Senate.

Last year, Chairman HENSARLING included a provision in H.R. 10, the "Wrong Choice Act," to drastically raise the \$1 billion threshold to \$10 billion. Because the Senate now appears set to move a bill that raises the threshold, but to nowhere near that level, we now find ourselves back on the floor of the House today considering a new bill to triple the threshold from \$1 billion to \$3 billion.

While it is a slightly less drastic increase than the one in the bill Republicans pushed through the House last Congress, tripling the policy statement threshold to \$3 billion so soon since the last threshold increase is still unwise. There simply has not been sufficient time to see what effect doubling the policy statement threshold from \$500 million to \$1 billion really means for community banks.

Congress should at least examine the data and understand the effects of the last change before making another one. We should not ignore the concerns raised by experts that this approach will allow small banks to take on more debt than they otherwise need and may actually promote mergers and acquisitions so that we have fewer community banks, not more.

While Republicans push bills like H.R. 4771 in the name of helping community banks, this is yet another proposal that would likely result in fewer, not more, community banks.

Even the Treasury Department under this President, President Trump, only recommended raising the threshold to \$2 billion. So they are \$1 billion even beyond what the President supports. That was in a report issued last year.

As I mentioned, H.R. 4771 is one of the many harmful provisions in Senator CRAPO's financial deregulatory bill that is advanced in the Senate. Senator CRAPO's bill also includes many other harmful rollbacks that would fundamentally weaken our framework. It would roll back certain stress testing requirements for megabanks like Wells Fargo and would exempt or weaken enhanced standards for many of the large banks in the country.

The Senate bill also would gut rules for foreign banks like Deutsche Bank and Credit Suisse.

It would also eliminate a requirement that many banks collect and publicly report critical Home Mortgage Disclosure Act, or HMDA, data. HMDA data is used for many important policy purposes, including to identify mortgage lending discrimination against many Latinos, African Americans, and other minority groups.

I could go on and on, but the list is longer than the time that we have allotted. The bottom line is I strongly urge my colleagues to reject H.R. 4771 and the other efforts by congressional Republicans and this administration to deregulate Wall Street and the banking industry and roll back the clock to a time not long ago when we had weak

oversight and few safeguards that protect consumers, investors, and taxpayers.

You can see what is happening. At one point, the opposite side of the aisle said: "Let's jump to \$5 billion." And then, Mr. HENSARLING said: "No, let's jump to \$10 billion." This is done without any thought or consideration for what they are doing and the risks that they are placing on these little banks to be bought up and the mergers to take place.

You can see there is no real thought, no real review, no real consideration given when you say: "Let's go from \$1 billion to \$3 billion to \$5 billion to \$10 billion, whatever we can get." We are saying: "No, that is wrong. Don't do that. Don't do that to these community banks."

Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 5 minutes to the gentlewoman from Utah (Mrs. LOVE), the sponsor of this legislation.

Mrs. LOVE. Mr. Speaker, I rise in support of H.R. 4771.

Mr. Speaker, I want to first thank Chairman HENSARLING for his support of this bill, as well as the cosponsors, Mr. GOTTHEIMER and Mr. MEEKS, for making this a bipartisan effort to help community banks.

Economic freedom and personal freedom run hand in hand. In order to ensure personal freedoms, Americans need access to credit as individuals, on behalf of their families, and in their businesses. That is why I am proud to have introduced this bill.

H.R. 4771 is a very simple bill to help small banks and savings and loan companies get access to the capital they need to make credit available in their communities. These small banking institutions are critical to people in the local communities in which they reside. They support the credit needs of families, small businesses, farmers, and entrepreneurs.

Community banks are often the principal lending source for many people, whether they are purchasing a home or starting a business. In many counties around the Nation, our community banks are the only banking presence that residents have.

When these community banking institutions are overwhelmed with regulations and mandates, many of which are meant for larger institutions, it is the hardworking families and low-income Americans in those communities that suffer.

Mr. Speaker, this bill is about people. Community banks give people the credit they need to pursue their dreams, buy a home, buy a car, and own and grow their businesses. In fact, proximity to a community bank increases the chance that a new small business will be approved for a loan that they need to succeed.

By raising the consolidated asset threshold under the Federal Reserve's Small Bank Holding Company Policy

Statement from \$1 billion to \$3 billion in assets, hundreds of additional small banks and thrift holding companies will qualify for the coverage under the policy statement and, therefore, be exempt from certain regulatory and capital guidelines.

These capital standards were originally established for larger institutions and disproportionately harm small holding companies. Many holding companies that are above the current threshold face challenges with regard to capital formation, just when regulators are demanding higher capital levels.

The exemptions provided in the policy statement make it easier for a small holding company to raise capital and issue debt. This bill is about making sure that regulations fit the size of the institution.

Mr. Speaker, a similar effort was passed into law during the 113th Congress under suspension by the House and by unanimous consent in the Senate. That bill raised the threshold from \$500 million, where it had been since 1996, to \$1 billion.

□ 1130

That legislation also extended the exemption to savings and loan holding companies. While we are glad that we were able to achieve that increase, which roughly helped 500 small bank and thrift holding companies, why wouldn't we extend those benefits further?

H.R. 4771 would bring even more small institutions within the scope of the policy statement. We have already seen the benefits of the last increase. One success story we have heard was an instance where 35 bank holding companies pooled their resources together to issue debt under the policy statement. That debt was then downstreamed to their respective banks where the capital was then used to make loans in the communities they serve, illustrating the great multiplier effect that the policy statement can produce. H.R. 4771 seeks to extend that flexibility and success to a greater number of small institutions and the communities they serve.

Opponents of this increase have alleged that changing the regulatory threshold would put communities and the Deposit Insurance Fund at higher risk. But the policy statement contains not one but several safeguards designed to ensure that the small bank holding companies that operate with the higher levels of debt permitted under the policy statement do not present an undue risk to the safety and the soundness of the subsidiary banks.

Mr. Speaker, to sum it up, this bill is not about supporting banks. It is about supporting families. It is about supporting communities and small business. It is about making sure that small-business owners have access to the credit they need to expand and to thrive.

I recently heard of a businessowner in my community who employs about

30 people. Most of these people that she employs are women who are trying to take care of their families and make a little bit more so that they could put some money in their pocket or buy a car. She would like to expand her business, but it—

The SPEAKER pro tempore (Mr. BYRNE). The time of the gentlewoman has expired.

Mr. HENSARLING. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from Utah.

Mrs. LOVE. Mr. Speaker, she would like to expand her business to employ even more people, but she continuously receives red tape, and it makes it very difficult for her to be able to provide for her community. This is about families sitting around the kitchen table imagining the possibilities of renovating their home and the entrepreneur dreaming of starting a restaurant or being her own boss.

Raising the threshold received strong bipartisan support in the Financial Services Committee, and I hope that it will receive equal support in this Chamber.

Mr. Speaker, I would like to thank the chairman for this bill.

Ms. MAXINE WATERS of California. Mr. Speaker, I don't know what the other side wants. They want \$5 billion at one point, they want \$10 billion at one point, and now they want \$3 billion. They just throw it up against the wall and hope something sticks, and we are saying: Don't put these community banks at risk.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Michigan (Mr. KILDEE), the vice ranking member of the Financial Services Committee.

Mr. KILDEE. Mr. Speaker, I thank Ranking Member WATERS for yielding. I know she understands the danger in yielding to me as much time as I may consume. I will just take a couple of minute on this.

I rise in opposition to H.R. 4771, the Small Bank Holding Company Relief Act. There are unaddressed concerns as to the effect this bill will have on community banks that serve so many of our constituents, whether it be through more bank consolidation or whether it will encourage small banks to take on more unsustainable debt.

The Federal Reserve has a small bank holding company policy statement that outlines ownership transfer of small community banks and savings associations "by allowing their holding companies to operate with higher levels of debt than would normally be permitted."

The holding companies that qualify for the policy statement can have up to \$1 billion in assets, a limit that was reached, in a bipartisan effort, in the 113th Congress. Yet, even though this new threshold was enacted just at the end of 2014, we have seen multiple efforts to raise the limit even higher.

According to data from the Federal Reserve, under the current \$1 billion

threshold, 87 percent of all bank holding companies and 72 percent of savings and loan holding companies are holding nearly \$1 trillion in assets under that billion-dollar threshold.

It is too soon to know the effects of increasing the threshold to \$1 billion. Why are we pushing to raise it even further without sufficient information as to the effect on the market of the last increase?

And we may disagree on the conclusion we come to, but a concern I would like to address is that while we are raising this question, while we are debating whether to raise this threshold without, I believe, sufficient knowledge as to the full impact of the last increase, we are taking time on the floor when we have so many other unaddressed concerns that get no time on this floor.

You know, as members of the committee, and certainly other Members of the House understand, I spent a good deal of my time working on issues related to the conditions of America's cities and towns. A whole subset of American towns, even in a period of economic growth, which we all acknowledge has been sustained now over the period of the last 8 years, many communities are continuing to be left behind.

Why is that? I am sure there are a lot of reasons. I am sure some of my friends would argue that some of the issues addressed in this legislation might touch on them. But one thing I know for sure, the crumbling roads and bridges and water and sewer systems in those communities are so serious, the problem is so great. The unaddressed issues of violent crime in many of those same cities, which this House continues to leave unaddressed, essentially ensures that any change in the regulatory structure in the marketplace is not sufficient to deal with the underlying and really troubling problems that these communities face.

You know, a year ago, the President came to the floor of this House and talked about a \$1 trillion infrastructure plan. He came back and said it was going to be \$1.5 trillion with one little asterisk, only \$200 billion from the Federal Government. State and local government is supposed to make up the rest of it.

I raise this because often the arguments in favor of taking some of the regulatory protections off these institutions are that it is supposed to unlock the marketplace to rebuild these communities when these communities are so shackled to the bottom of the ocean that no rising tide will raise them.

If we don't get control of the incredible struggle and deterioration in these older cities, nothing we do on this floor otherwise is going to make it right for those folks.

I represent one of those towns. You have heard me talk about my own hometown of Flint. There are so many other communities that are struggling.

The jurisdiction of a committee does include addressing the condition of urban America. I would just hope, and really ask, that we spend a bit more time on those questions.

I would feel much more comfortable having a debate about what the regulatory structure looks like if I felt like there was sufficient attention being given to those issues. In the meantime, because of the questions that I have already raised about the impact of this legislation not being fully understood, even the last increase in the threshold not being fully understood, I am going to urge my colleagues to oppose this legislation.

Mr. HENSARLING. Mr. Speaker, I yield myself 10 seconds to say that, as the ranking member appears to be vexed at where the \$3 billion number came from, it is the product of bipartisan compromise, something I invite her to engage in more often, and this particular bill is supported by almost half the Democrats on the committee.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. LUETKEMEYER), the chairman of the Financial Institutions and Consumer Credit Subcommittee.

Mr. LUETKEMEYER. Mr. Speaker, I thank Chairman HENSARLING for the time. To say that the current regulatory climate presents challenges for small financial institutions would be a drastic understatement. Today, regulators require more and more from community banks in terms of both regulatory oversight and capital requirements.

The gentlewoman from Utah has crafted legislation that seeks to alleviate some of these pressures facing our community banks. Small bank and thrift holding companies confront unique challenges with regard to capital formation, which is a particular concern at times when regulators demand more and more capital.

Understanding these challenges, the Fed has recognized that small banks have limited access to equity financing. The Federal Reserve small bank holding policy statement gives relief from certain capital guidelines and requirements, making it easier for a community bank to raise capital and issue debt, and to make acquisitions and form new bank and thrift holding companies.

I would like to digress for just a little second here. I haven't heard anybody talk about it, and I think it is very important, Mr. Speaker, that we talk about the timeframe prior to 2008, whenever we were averaging about 150 to 175 new banks and credit unions every year. But between the timeframe of 2010 and 2006, we averaged one.

That is significant because small businesses get their loans from small banks. And without this access to capital for small businesses, we will dry up our small businesses in this country that are the job creators.

So by increasing the threshold, the Fed's policy statement from \$1 billion

to \$3 billion, we have the opportunity to help more banks operating in our community, and hopefully be formed in our communities, and help our lending to our constituents.

Similar legislation has been contemplated in the House on a number of occasions. The language in this latest iteration is identical to the bipartisan language proposed in the Senate Banking Committee bill and is similar to legislation that passed the House in the 114th Congress and included in my CLEARRR Act.

H.R. 4771 will go a long way in ensuring that our Nation's smallest institutions are able to grow stronger and continue to serve their constituents.

I want to thank Mrs. LOVE for her leadership on this legislation and Chairman HENSARLING for his commitment to issues facing community banks and credit unions.

Mr. Speaker, I ask my colleagues to join me in supporting this common-sense bill.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, I am so honored to have this opportunity. I thank the chairman as well, and I want to thank the ranking member for all of the work that she has done in this area. She has been a part of the avant-garde to protect and maintain community banks.

One of the great difficulties that we have had with our committee is defining what a community bank is. We have had testimony to indicate that a community bank can be \$50 billion or more. We want to make sure that the small institutions that the chairperson is talking about continue to exist.

It is unfortunate, but if we pass this legislation, there is a good likelihood that the level of consolidation that will take place will be antithetical to the very commentary that we are hearing with reference to the need for community banks, small banks to make sure small businesses will receive loans. There is a contradiction contained within the very effort that is being made.

I am honored to have with me a statement from over 200 civil rights community organizations, labor unions, businesses, investors, faith-based businesses, community and civic groups; and this statement reads—this is from them, but I concur with it: "Raising the limit to \$3 billion is a policy well calculated to significantly reduce the number of community banks in the U.S. First, raising the limit will allow medium-sized community banks of \$2 to \$3 billion in size to more easily acquire smaller community banks. . . ."

That is a significant comment because the acquisition of smaller banks is going to cause us to have fewer smaller banks, and the argument that is being made is that the smaller banks are the ones that are servicing small businesses.

It goes on to read: “. . . reducing the number of independent community banks. Second, allowing holding companies to borrow excessively will raise the risk of bank failure the next time the financial system is under stress.

“A \$3 billion limit is unjustified, as there is no evidence that community banks over \$1 billion in size are currently too small to survive. According to a recent FDIC report, ‘While economies of scale are important for community banks, historical trends in the size distribution of community banks that have survived over the last quarter century do not suggest that economies of scale require a community bank to grow or merge to asset sizes larger than \$1 billion.’”

My point is that I am a proponent of community banks.

□ 1145

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Texas.

Mr. AL GREEN of Texas. The point is that I am a proponent of having small banks. I call small banks community banks. I am a proponent of this. If I am a proponent of it, then I support the notion that we cannot allow them to be consolidated such that we will have fewer of them.

I think this legislation is a little bit misguided in that it contradicts the very premise upon which it rests.

Mr. HENSARLING. Mr. Speaker, I yield myself 10 seconds just to say that I am shocked that anybody would come here and say that they want to support community banks and they supported Dodd-Frank—the very reason these community banks are being gobbled up. The whole idea of this legislation is to allow them to come together and protect themselves and not be gobbled up by the big banks they vilify in the first place.

Mr. Speaker, I am now pleased to yield 3 minutes to the gentleman from Michigan (Mr. HUIZENGA), the chairman of the Subcommittee on Capital Markets, Securities, and Investments.

Mr. HUIZENGA. Mr. Speaker, we have been hearing some of the details of the bill, but here is the real message: this is about our small communities and small banks that are the lifeblood of those communities.

A little earlier you heard the ranking member talk about this being about Wall Street.

Do you know what?

She is right. This is about Wall Street. Wall Street was one block away from where I lived on Sanford Street in Zeeland, Michigan. By the way, we were connected by Main Street and Central Avenue. That is what it is about. Whether it is Wall Street in Zeeland, Michigan, or Sanford Street, or my friends in Baldwin, Michigan, this is about our small communities.

What does a strong local community bank bring?

It brings local investment.

And what does that local investment bring?

Stability, predictability, trust, trust among the farmers, among those corner pub owners, or among those small hotel owners that may be depending on the stray traveler that is going to be coming through.

This has been sort of viewed as a risk to these small banks. It is actually the opposite of that. Either, A, one small community bank is going to merge with another small community bank and they are going to remain small community banks under that \$3 billion threshold; or, B, what we have been seeing a lot of—and this is what the chairman was talking about—they are going to get gobbled up by a large bank that doesn't qualify under this legislation.

And guess what.

They are far more likely to remove those ATMs and far more likely to move those local branches out of places like Tustin and Luther and Baldwin and Holland.

I can tell you this: if you went and said that this is anything other than about strengthening our small community banks, it shows, A, one is either wildly out of touch or, B, playing politics.

That is the sad part, because I can tell you this: if you go talk to my friend Debbie Smith-Olson, who is the CEO of Lake-Osceola State Bank in Baldwin, Michigan—located in the poorest county in the State of Michigan, one of the top 100 poorest counties in the Nation—and you told her that this was about Wall Street, she would laugh.

If I went and talked to my friends at Macatawa Bank and tried to describe this as being about helping big banks and Wall Street and rolling back Dodd-Frank, they would first look at me in stunned silence, and then they would ask me: Are you serious?

Well, unfortunately, that is the kind of rhetoric that you are hearing out here today.

Let's make sure that we understand what this is really about: strengthening our small banks, which strengthen our small communities and strengthen our small-business owners. That is what is going to continue this economic comeback that we are experiencing here in the United States.

I commend the gentlewoman from Utah in her work on a bipartisan manner on the basis that this has been coming together with people of goodwill trying to come up with a solution to make sure that we don't see needless consolidation in a banking community that has already been so hit.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENSARLING. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Michigan.

Mr. HUIZENGA. As I wrap up, this is about making sure that we have a solid community banking system. We know

that they have been under assault under these Dodd-Frank provisions that have come through, which I don't think were necessarily maliciously put in, but they were misunderstood about what those effects were going to be. The gentlewoman from Utah (Mrs. LOVE) is rectifying that.

Mr. Speaker, I want to encourage my colleagues to support that and to vote “yes” for this very important bill.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is important for us to understand the support that community banks have gotten from this side of the aisle.

I know that my colleagues on the opposite side of the aisle, oftentimes, advance the argument that they are the only ones who care about community banks and that we don't understand community banks. And, oftentimes, they have arguments that basically would have one conclude that we don't really advance the cause of community banks.

I would just like to remind my colleagues in this Congress of the work that we have done in support of community banks. We have supported, and successfully supported, less frequent exams for well-rated community banks with less than \$1 billion. The exam cycle is now 18 months instead of 12 months for these strong small banks.

We took into consideration the concerns of community banks about the examiners coming too often, disturbing the banks, oftentimes, tying up the personnel in the bank. So we agreed to not have them come in every 12 months and to extend that so that 18 months will give some relief to the community banks so that they don't have to deal with the auditors in such a way that disturbs the bank.

We also moved successfully to eliminate an annual privacy notice for community banks and credit unions whose policies have not changed and the consumer has already notified. Well, we did that. We eliminated these annual privacy notices for the community banks and for credit unions who have not changed their policies, and there is no need to have to continue to insist that they have these annual privacy notices.

Well, we went further with less stringent SEC registration rules for small thrifts, providing parity with other banks; and access to credit for privately insured credit unions, allowing them to join the Federal Home Loan Banks program; improving mortgage licensing for community banks and credit unions by allowing regulator access to the nationwide mortgage licensing system and registry, while maintaining confidentiality protections.

I just cite this because it is so important to understand what we have done on this side of the aisle to ensure that our community banks are strong, that they are there for our communities, that they provide the loans, that they

assist in developing our communities. What we don't understand oftentimes is why our friends on the opposite side of the aisle, in the name of community banks, will come with proposals that hurt community banks.

We have pointed out that our friends on the opposite side of the aisle have gone so far as to try and get everyone to believe that we should increase this amount of debt that they could carry up to \$10 billion. That is totally irresponsible, totally. And even when they attempted to go to \$5 billion, totally irresponsible, down to \$3 billion, because I guess they just say: Well, we have to try to get some more opportunities for small banks to carry this debt.

Well, they don't answer the question about what happens when these small community banks are burdened with debt that they cannot take care of, that they cannot pay. They don't talk about the fact that that is going to cause the community bank to close. And they certainly don't talk about putting them in a position where they will be brought up.

So I would simply say for those of us who have proven our support for community banks and who continue to engage with community banks about what we can do to ensure their strength, to ensure that they are there to provide the loans in the neighborhoods and in the communities that they serve, I think we have identified ourselves and we have defined ourselves. We would simply ask those who are listening to this debate to continue to know and understand what is happening between these different sides of the aisle, to look at what we have done, and to understand how we have been helpful in our support for community banks.

Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield myself 10 seconds to simply use a term popularized on the other side of the aisle. These are crumbs, deregulatory crumbs, offered by the ranking member when, in fact, she and others on the other side of the aisle have their handprints all over Dodd-Frank, which 90 percent of community bankers will tell you is the number one reason they are going out of business, which is why we have to enact this bill.

Mr. Speaker, I am now pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS), the vice chairman of our Subcommittee on Financial Institutions and Consumer Credit.

Mr. ROTHFUS. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I rise today to express my support for H.R. 4771, the Small Bank Holding Company Relief Act.

I also want to thank my colleague from Utah, Representative LOVE, for her hard work on this important issue.

We have extensively discussed the challenges that small banks face in the current regulatory environment, both

on the House floor and in the Financial Services Committee, including, just yesterday, a debate on the Mortgage Choice Act.

These challenges contribute to the continued retreat of community banks from small towns and underserved communities across our country, including those that dot my district in the hills and valleys of western Pennsylvania.

This hurts families and Main Street businesses by depriving them of the access to financial services that they desperately need.

The Small Bank Holding Company Relief Act will allow more institutions to operate under the Small Bank Holding Company Policy Statement, which will help them raise additional capital by issuing debt.

It will also make it easier for covered institutions to form new holding companies, fund existing holding companies, and make acquisitions.

Altogether, this is a smart, targeted bill that will help more small financial institutions grow and adjust to the changing economic and regulatory landscape.

Mr. Speaker, I urge my colleagues to support this legislation.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to remind my colleagues on the opposite side of the aisle that the community banks with \$1 billion to \$5 billion in assets already have sufficient access to capital markets and, as a group, are exhibiting help and resilience.

Raising a threshold to exempt banks with over \$1 billion from important minimum leverage and capital requirements will do little more than encourage banks to take on debt—as I have reminded you time and time again today—endangering their soundness and potentially depriving their customers of much-needed banking services should the bank fail.

Setting the consolidated assets threshold at \$1 billion was a bipartisan decision that struck a balance between allowing small banks to access capital to better serve their customers and ensuring their safety and soundness. Raising the threshold would be an unnecessary and risky change.

Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I am now pleased to yield 2 minutes to the gentleman from Florida (Mr. ROSS), vice chairman of the Housing and Insurance Subcommittee.

Mr. ROSS. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I thank my colleague, Mrs. LOVE, from Utah for presenting this bill.

Mr. Speaker, I stand here in support of H.R. 4771.

It is said that all politics are local, but might I also suggest that all economic growth is local as well. Local in the sense of small businesses. Small

businesses, the moms and pops who put their ideas at risk in order to create their American Dream of growing a business and creating jobs.

Yet, what does it take?

It takes access to capital. Yet, since Dodd-Frank, we have not seen that access to capital available to our small businesses, who so desperately need it, in order to grow our economies, especially at the community level.

In fact, might I even suggest that Dodd-Frank has only one attribute in terms of job growth, and that is the creation of the one fastest growing job out there: compliance officer—compliance officers that banks and financial institutions now have to hire in order to meet regulatory burdens that take away from the bottom line of consumers who want to achieve the American Dream.

Mr. Speaker, H.R. 4771, the Small Bank Holding Company Relief Act, will allow that access to capital that is so desperately needed at the local level, and I encourage my colleagues to support this bill.

□ 1200

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Okay. So we have heard it again. We hate Dodd-Frank. We hate Dodd-Frank. We hate the Consumer Financial Protection Bureau. We don't believe that Dodd-Frank should have created the reforms that they did.

Just forget about the fact that there was a subprime meltdown in 2008, that this country went into a recession, almost a depression. Throw all of that out of the window. Forget about what was happening when the big banks failed and we bailed them all out. Forget about reforms.

Oh, how much we hate Dodd-Frank. We just blame Dodd-Frank for everything.

Please. I think that, as credible legislators, we are beyond the point of wrapping up everything that we don't like and accusing Dodd-Frank reforms for causing problems to everything and everybody, including the community banks. The fact of the matter is, if we want to strengthen, preserve, and make sure community banks are available to our communities, we won't take on public policy that would put them at risk with having more debt than they can take care of, and we won't put them at risk of being bought up and these mergers taking place.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield myself 10 seconds just to request of the ranking member, on her time, if she will begin to name the community banks that were responsible for the 2008 financial crisis, ostensibly, that was supposed to be answered by Dodd-Frank. She will have some time to think about that.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ZELDIN).

Mr. ZELDIN. Mr. Speaker, I rise in strong support of H.R. 4771, the Small Bank Holding Company Relief Act, and I commend my friend from Utah, MIA LOVE, for her amazing leadership on this important issue and her tireless effort to bring relief to the community banks that lend to small businesses and families in my district and in towns all across America.

By reforming the onerous one-size-fits-all regulations mandated by the Dodd-Frank law that roped small community financial institutions in with large global too-big-to-fail megafirms, this commonsense bill will give community banks and the customers they serve more clarity and allow them to focus on their important mission of lending to homeowners and businesses.

This legislation also makes it easier for small- and medium-sized institutions subject to Dodd-Frank mandates to form new holding companies, fund existing holding companies, and make acquisitions by issuing debt at the holding company level.

Now that they are subject to the Basel III capital requirements, many community banks have found it difficult to access and raise capital.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENSARLING. I yield the gentleman from New York an additional 30 seconds.

Mr. ZELDIN. The consequence of this choke hold on community lending means less mortgages, less small business loans, and less economic growth. H.R. 4771 fixes this and facilitates the ability of community banks and savings institutions to raise needed capital.

I urge adoption of this bill.

Ms. MAXINE WATERS of California. Mr. Speaker, I have no further requests for time and I am prepared to close, so I yield myself the balance of my time.

Mr. Speaker, Democrats support targeted, measured relief for our community financial institutions. We recognize that these smaller banks and credit unions intimately know their communities and how best to serve them. But we also know that changes to the rules that are designed to ensure that community banks are safe and sound can have unintended consequences.

While community banks did not cause the 2008 financial crisis, they were at the center of another crisis just two decades before. When I came to the Financial Services Committee, thousands of savings and loan holding companies were failing and causing serious harm to the communities they were supposed to serve. This was due, in part, to the fact that lawmakers thought it was wise to weaken safeguards on these savings and loan holding companies, allowing them to take on more leverage and offer riskier products. I fear that Congress will again pass legislation today that will ultimately cause harm to both the very community banks we want to help and the hardworking Americans that rely on them.

And now, Republicans are trying to raise the threshold as high as possible. In the chairman's "Wrong Choice Act," he would raise the threshold tenfold, to \$10 billion. At the end of last Congress, Republicans sought to raise it to \$5 billion. A few months ago, the Trump administration recommended raising it to \$2 billion, and now, a little less than 3 years after we reached a bipartisan compromise, we are inexplicably considering legislation to raise it to \$3 billion.

I tried to tell you just a few moments ago, they don't know. They are just throwing it up against the wall: whatever we can get. Next they will be asking for \$20 billion. No, you have moved away from \$10 billion; you have moved away from \$5 billion; now you are at \$3 billion. Your President wants \$2 billion. We say, leave it as it is.

Mr. Speaker, if you are listening to this and feeling dizzy, it is understandable. None of these levels are backed by the same careful consideration Congress gave to the threshold 2 years ago, and I am afraid it is exactly the kind of legislating that set the groundwork for the savings and loan crisis and left thousands of communities without access to banking services.

When I came on, Members of Congress were fleeing the old Banking Committee. They wanted to get out of there because they had been responsible for public policy that had put the S&L business at risk, and now that was all failing. They were fleeing it, and they were punishing people, all the new Members coming on, and making them go on this committee because they knew that they had nobody else to serve on it.

So I have been there. I have seen it. I have experienced it. I am a part of Dodd-Frank reforms. I served on the conference committee. I worked with Dodd. I worked with Frank. I know what we should be doing.

Before I close, I would like to remind my colleagues that this bill and many of the other one-off financial services bills Republicans are pushing should really be viewed as setting the table for the dangerous deregulatory package making it through the Senate. That package, which our committee has not even considered to thoroughly understand the interactions of all the rollbacks it contains, weakens oversight of Wall Street and the Nation's largest banks under the guise of community bank relief.

H.R. 4771 is one of the many provisions in the Senate bill that, when taken together, will risk further bailouts and harm homeownership in America. Every time this House passes another provision of that bigger bill, we make it more likely that critical safeguards and protections will be eviscerated at the expense of our Nation's homeowners and consumers.

I urge all Members to soundly reject H.R. 4771 today and to reject the larger Senate legislation if it comes to the House. I comfortably say, despite the

fact that my friends on the opposite side of the aisle are trying to frame this in a certain way, they really don't know what they are doing. Reject this bill.

I yield back the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. DAVIDSON), a hardworking member of the Financial Services Committee.

Mr. DAVIDSON. Mr. Speaker, I rise today to offer my support for H.R. 4771, the Small Bank Holding Company Relief Act. This bill is another example of the rollback of burdensome regulations of the Dodd-Frank Act, which Barney Frank himself says missed the mark, particularly with respect to small banks.

I appreciate the Member opposed calling attention to Democrats who have worked across the aisle to benefit community banks. In fact, 11 of them support this bill in our committee, and I appreciate them for doing that. I appreciate the cosponsors who are Democrats, who worked across the aisle with my colleague, Mrs. LOVE, to pass this good bill through our committee, and I look forward to seeing more colleagues pass this in a bipartisan way across the floor of the House today.

How about giving small institutions a chance to start taking back some of their market share? Instead of too big to fail, what Dodd-Frank has done is made things so that small banks are too small to succeed. These exemptions that are in this bill make it easier for small bank holding companies to raise capital, to issue debt.

Under the current capital requirements, small businesses just can't compete with the larger banks, and the large banks have celebrated this in their own statements, celebrating the effect of Dodd-Frank in protecting their market share and helping them grow it.

Under current capital requirements, that is what we have seen: bigger banks getting bigger, and smaller banks getting fewer. We need to give community banks the ability to breathe from the regulatory burden that has been shoved down their throats. And if you want to make big banks smaller, you can try to regulate them more, but we have demonstrated that is their competitive advantage.

Frankly, all benchmarks are easier to audit. Just picking a number here in D.C. is easier to audit, and this is a compromise to what would be a good solution to look at systemic risk.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENSARLING. I yield the gentleman from Ohio an additional 30 seconds.

Mr. DAVIDSON. We are losing nearly one community bank a day, and that is having a devastating impact on local businesses and communities. I urge all of our colleagues to support H.R. 4771.

Mr. HENSARLING. Mr. Speaker, may I inquire how much time is remaining.

The SPEAKER pro tempore. The gentleman from Texas has 4¼ minutes remaining.

Mr. HENSARLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, our community financial institutions play a vital role in our local communities, particularly in rural areas like the Fifth District of Texas, our east Texas counties, and yet they are being crushed, crushed by the sheer weight, volume, complexity, and expense of regulation brought about by Dodd-Frank.

I hear so much from the ranking member about how much her side of the aisle cares about community banks, but their words are belied by their actions in supporting Dodd-Frank, supposedly meant for Wall Street, but it is hurting Main Street.

We have a bill before us today, Mr. Speaker, H.R. 4771, that will give a little bit of ability for community banks to protect themselves from the onslaught of this regulatory burden. The whole idea, again, Mr. Speaker, is to ensure that community banks can at least gather and merge amongst themselves so they are not gobbled up by the big banks that are vilified by the other side of the aisle in the first place.

Again, Mr. Speaker, this is actually—you wouldn't know it from the ranking member—a bipartisan proposal, supported by almost half—half—of the Democrats on the Financial Services Committee. And again, there is great bipartisan work on our committee. Almost three-quarters of our bills are bipartisan; it is just few of them that are supported by our ranking member.

Let's do one small thing today. Let's have the House do one small thing today, Mr. Speaker, that will help them survive a day more so that they can lend money to a hardworking family to buy that first home, so that they can lend money to somebody to realize their American Dream of perhaps starting their own small business. After having to get that paycheck at the local factory for so many years, now they can finally go out and start their own small business. Maybe it is a matter of sending the first kid to college.

But all of this, all of this disappears. These hopes and dreams disappear with our community banks who are still failing, unfortunately, at the rate of one approximately every other day. This is unacceptable. This is totally unacceptable.

So we have one deregulatory measure here—one—to help our community banks survive. And we hear from so many of them, Mr. Speaker.

Here is one from Indiana that says:

Regulations have significantly reduced our ability to make judgment calls on credit decisions. When I first came to First Savings Bank, I had a number of people tell me that the First Savings Bank gave them their first loan, probably when they didn't deserve it. Today, they are business and civic leaders. And I guess we made the right call then. However, today we cannot make that call. Washington has made that call, and the answer is no.

One reason, one voice of one banker telling us why we need the bill from the gentlewoman from Utah.

Here is another from a banker in Texas, who said:

When I started banking, the community bank business model was built around bankers helping their communities to thrive. Today, customers are confused when they have to sign so many papers to open a deposit account or borrow money. I can only think of one explanation, and that is our government thinks our customers are too stupid to come into the bank and negotiate a private transaction with their banker, the community banker that they go to church with, the community banker whose kids go to school with the customers' kids, and the community banker whose wife is in the local charity with the wives of the banker's customers' wives.

□ 1215

Here is another one from Nevada:

I have been a banker for over 30 years, and I have never been more discouraged than I am now. Good bankers are fleeing the industry. The days of making a commonsense decision for the benefit of a customer are gone. For me, retirement can't come soon enough.

I have got binders and binders full of these testimonies, Mr. Speaker. As the local community banks leave, so leave the credit opportunities of so many low- and moderate-income Americans. It has got to stop.

Mr. Speaker, it is time for the House to enact H.R. 4771. Let's stop the carnage, let's encourage community bank living, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 725, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HENSARLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 582. An act to amend the Communications Act of 1934 to require multi-line telephone systems to have a configuration that permits users to directly initiate a call to 9-1-1 without dialing any additional digit, code, prefix, or post-fix, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

IMPROVING RURAL CALL QUALITY AND RELIABILITY ACT OF 2017

Mr. LANCE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 96) to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 96

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 "Improving Rural Call Quality and Reliability Act of 2017".

SEC. 2. ENSURING THE INTEGRITY OF VOICE COMMUNICATIONS.

Part II of title II of the Communications Act of 1934 (47 U.S.C. 251 et seq.) is amended by adding at the end the following:

"SEC. 262. ENSURING THE INTEGRITY OF VOICE COMMUNICATIONS.

"(a) REGISTRATION AND COMPLIANCE BY INTERMEDIATE PROVIDERS.—An intermediate provider that offers or holds itself out as offering the capability to transmit covered voice communications from one destination to another and that charges any rate to any other entity (including an affiliated entity) for the transmission shall—

"(1) register with the Commission; and

"(2) comply with the service quality standards for such transmission to be established by the Commission under subsection (c)(1)(B).

"(b) REQUIRED USE OF REGISTERED INTERMEDIATE PROVIDERS.—A covered provider may not use an intermediate provider to transmit covered voice communications unless such intermediate provider is registered under subsection (a)(1).

"(c) COMMISSION RULES.—

"(1) IN GENERAL.—

"(A) REGISTRY.—Not later than 180 days after the date of enactment of this section, the Commission shall promulgate rules to establish a registry to record registrations under subsection (a)(1).

"(B) SERVICE QUALITY STANDARDS.—Not later than 1 year after the date of enactment of this section, the Commission shall promulgate rules to establish service quality standards for the transmission of covered voice communications by intermediate providers.

"(2) REQUIREMENTS.—In promulgating the rules required by paragraph (1), the Commission shall—

"(A) ensure the integrity of the transmission of covered voice communications to all customers in the United States; and

"(B) prevent unjust or unreasonable discrimination among areas of the United States in the delivery of covered voice communications.

“(d) PUBLIC AVAILABILITY OF REGISTRY.—The Commission shall make the registry established under subsection (c)(1)(A) publicly available on the website of the Commission.

“(e) SCOPE OF APPLICATION.—The requirements of this section shall apply regardless of the format by which any communication or service is provided, the protocol or format by which the transmission of such communication or service is achieved, or the regulatory classification of such communication or service.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the regulatory classification of any communication or service.

“(g) EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to preempt or expand the authority of a State public utility commission or other relevant State agency to collect data, or investigate and enforce State law and regulations, regarding the completion of intrastate voice communications, regardless of the format by which any communication or service is provided, the protocol or format by which the transmission of such communication or service is achieved, or the regulatory classification of such communication or service.

“(h) EXCEPTION.—The requirement under subsection (a)(2) to comply with the service quality standards established under subsection (c)(1)(B) shall not apply to a covered provider that—

“(1) on or before the date that is 1 year after the date of enactment of this section, has certified as a Safe Harbor provider under section 64.2107(a) of title 47, Code of Federal Regulations, or any successor regulation; and

“(2) continues to meet the requirements under such section 64.2107(a).

“(i) DEFINITIONS.—In this section:

“(1) COVERED PROVIDER.—The term ‘covered provider’ has the meaning given the term in section 64.2101 of title 47, Code of Federal Regulations, or any successor there-to.

“(2) COVERED VOICE COMMUNICATION.—The term ‘covered voice communication’ means a voice communication (including any related signaling information) that is generated—

“(A) from the placement of a call from a connection using a North American Numbering Plan resource or a call placed to a connection using such a numbering resource; and

“(B) through any service provided by a covered provider.

“(3) INTERMEDIATE PROVIDER.—The term ‘intermediate provider’ means any entity that—

“(A) enters into a business arrangement with a covered provider or other intermediate provider for the specific purpose of carrying, routing, or transmitting voice traffic that is generated from the placement of a call placed—

“(i) from an end user connection using a North American Numbering Plan resource; or

“(ii) to an end user connection using such a numbering resource; and

“(B) does not itself, either directly or in conjunction with an affiliate, serve as a covered provider in the context of originating or terminating a given call.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. LANCE) and the gentleman from Pennsylvania (Mr. MICHAEL F. DOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. LANCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LANCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that we are considering S. 96 to improve rural call completion. S. 96 will require the Federal Communications Commission to establish call completion standards for intermediary providers that sometimes have not routed calls properly in rural areas of our country.

By focusing on these standards, we will ensure that the high-quality telephone service people in big cities may take for granted will be shared by those Americans living in harder-to-reach areas.

I appreciate the bipartisan work of Congressman DAVID YOUNG and Congressman PETER WELCH. Their companion bill, H.R. 460, passed the House on January 23, 2017.

I also thank Senator KLOBUCHAR and Senator THUNE for their work on rural call completion.

Without the bipartisan and bicameral work of all of these Members, we would not be here today.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise to support S. 96, the Improving Rural Call Quality and Reliability Act. It is a bipartisan bill championed by Representative DAVID YOUNG and cosponsored by a number of other Members, including Representatives WELCH and LOEBSACK from the Energy and Commerce Committee.

We deal with a lot of technologically complicated issues on the Subcommittee on Communications and Technology, but this bill aims to address the most essential function of our telephone system: making sure that all Americans' calls go through.

Many people take for granted our modern communications tools. But in rural America, even the basic function of connecting a call is sometimes next to impossible.

Consumers tell us often when they call rural areas, they are met with false busy signals or calls not even arriving, just silence.

This isn't just an important problem for rural Americans, but also for people in all of our districts who want to reach loved ones across the country and can't.

This status quo is unacceptable. We need reliable telephone service to keep us connected. It is too important for everyday life, particularly in the wake of the terrible natural disasters that swept through our country earlier this year.

It is clearer than ever that basic phone service is critical when responding to emergencies and critical for everything from finding a job to managing your health.

We know that problems with call completion are often related to intermediate providers—the middlemen hired to route calls. This bill requires intermediate providers to register with the FCC and comply with service quality standards. These commonsense steps should make it easier to figure out when providers are cutting corners or not doing their jobs.

Ultimately, the bill puts consumers first by helping them make sure that we can stay connected to one another.

S. 96 is a bipartisan bill that passed on suspension earlier this Congress and last Congress, and I urge my colleagues to support it today.

Mr. Speaker, I reserve the balance of my time.

Mr. LANCE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), the distinguished chair of the Communications and Technology Subcommittee of the Energy and Commerce Committee.

Mrs. BLACKBURN. Mr. Speaker, I thank the vice chairman, Mr. LANCE, for the work that he has done on this issue and the ranking member, Mr. DOYLE, for his work on this.

As Mr. DOYLE mentioned, many of these issues are complex, and they are things that we do approach on a bipartisan basis.

The bill that we have before us on rural call completion is something that Mr. YOUNG and Mr. WELCH have put time and effort into. They fully understand that while so many of us who work here in an area where a call going through is something that you just take for granted that it is going to happen, that in many parts of our districts, like my district in Tennessee with rural counties, many times you will have those dropped calls or they are degraded calls, or you cannot get the call to go through at all.

In times of emergency and in times of trauma for families, when they are trying desperately to get in touch with elderly parents or with home healthcare providers, to get that constant busy signal just adds to that stress of life and that concern for the wellbeing of those who are on the other end of that phone.

Mr. Speaker, I commend Mr. WELCH and Mr. YOUNG for the job that they have done to push forward with this legislation.

As was mentioned earlier, we have previously passed this in the House, and we are pleased that the Senate has moved forward, has taken this up; and we are seeking to finish this up and move it to the President's desk.

Mr. Speaker, I thank my colleagues, and I encourage everyone to support this legislation.

Mr. LANCE. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. YOUNG), who has worked so hard on this issue.

Mr. YOUNG of Iowa. Mr. Speaker, I rise today in strong support of the Improving Rural Call Quality and Reliability Act.

This is a bill that I introduced in a bipartisan fashion with my colleagues here on both sides of the aisle in the 114th Congress, and we passed it in 2016. Here in the 115th Congress, we passed it again, but we didn't quite get it to the finish line. But here we are.

I want to thank my Democratic colleague from Vermont (Mr. WELCH) for joining me in introducing the legislation. It is much needed.

I want to thank Senator KLOBUCHAR and Senator THUNE for finally getting the Senate to act on this important legislation. This is the Senate bill. To me, it doesn't matter whose name or what number is on this bill. It is about good policy getting through to the finish line.

Telephone companies often rely on intermediate providers to connect calls from larger networks to local service providers. All too often, especially in rural areas, those calls are poor quality, looped, dropped, not even connected, or disconnected.

This failure hurts our families, small businesses, farms, and consumers in rural America who are in need of emergency assistance, public services, or are simply trying to do business.

Families and businesses in rural America should have the same communication access as those living in urban areas. Improving rural call completion rates and quality are important to ensuring the strength of small towns and granting Americans the choice to live and thrive in whatever community is best for them and their family—rural, urban, or wherever.

Our bill will help address this problem by requiring providers to register with the FCC, the Federal Communications Commission, in order to meet quality standards and ensure reliable phone service in rural areas. It also prohibits providers from using intermediary routing services not registered with the FCC.

After years of hard work in Congress and by stakeholders spread throughout Iowa, across the heartland, and across the country, I am happy to see this meaningful legislation finally moving again, and I urge my colleagues to support this bill.

Mr. Speaker, I want to thank the Energy and Commerce Committee Chairman WALDEN; Ranking Member PAL-LONE; and the subcommittee chair and ranking member, Mrs. BLACKBURN and Mr. DOYLE, for their help and leadership on this issue.

Mr. LANCE. Mr. Speaker, I yield 2 minutes to the gentlewoman from South Dakota (Mrs. NOEM).

Mrs. NOEM. Mr. Speaker, I rise today to support the Improving Rural Call Quality and Reliability Act.

Most Americans can rely on their phone service to keep in touch with loved ones. They can respond to urgent work when away from their place of

business and respond to emergencies. But many of my constituents in South Dakota continue to have these critical calls dropped with absolutely no warning.

More specifically, companies in the business of routing voice calls sometimes purposely drop long-distance calls headed for remote areas as a way to save money.

While this is inexcusable just for the sheer inconvenience, some of these calls involve emergencies, leaving families in unnecessarily dangerous situations.

The provisions within this bill are simple. We simply direct the FCC to establish basic quality standards for providers that transmit voice calls. This will help ensure businesses, families, and emergency responders can count on phone calls being completed.

Mr. Speaker, I love living in a small town in America. It is where I grew up, and it is where I have chosen to raise my family.

Dependable phone service shouldn't be a question for those who make the choice to live in wide-open spaces, especially when we are making new, amazing technological advances on a daily basis.

Mr. Speaker, I urge my colleagues to pass this legislation and ensure that those in South Dakota and rural areas across the country can rely on their phone calls going through.

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, this is a good piece of legislation, and I hope all Members will vote for it when it comes to the floor.

Mr. Speaker, I yield back the balance of my time.

□ 1230

Mr. LANCE. Mr. Speaker, the House should pass this legislation unanimously. We are one country: urban, suburban, and rural, and this will help rural America.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BURGESS). The question is on the motion offered by the gentleman from New Jersey (Mr. LANCE) that the House suspend the rules and pass the bill, S. 96.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LANCE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

KARI'S LAW ACT OF 2017

Mr. LANCE. Mr. Speaker, I move to suspend the rules and concur in the

Senate amendment to the bill (H.R. 582) to amend the Communications Act of 1934 to require multi-line telephone systems to have a configuration that permits users to directly initiate a call to 9-1-1 without dialing any additional digit, code, prefix, or post-fix, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Beginning on page 4, strike line 10 and all that follows through page 5, line 2, and insert the following:

(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) shall apply with respect to a multi-line telephone system that is manufactured, imported, offered for first sale or lease, first sold or leased, or installed after the date that is 2 years after the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. YOUNG of Iowa). Pursuant to the rule, the gentleman from New Jersey (Mr. LANCE) and the gentleman from Pennsylvania (Mr. MICHAEL F. DOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. LANCE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to insert extraneous material in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LANCE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 582, or Kari's Law, was sponsored by my good friend, Congressman GOHMERT. This important bill passed earlier this Congress on January 23, 2017. I am pleased that at this time it will be sent to the President to be signed into law.

The residents of Texas know of a very painful story. Kari Hunt was murdered in a hotel room by her estranged husband in 2013. Kari's 9-year-old daughter did the exact right thing she knew to do, which was to call 911. Unfortunately, she did not know to dial another digit to get an outside line; and, parenthetically, I would not have known that.

This legislation will ensure that when you stay at a hotel, you can dial 911 and the call will go through without dialing another number. Kari's dad, Hank, and Mr. GOHMERT had been relentless advocates to make sure that this legislation becomes law. I commend their efforts and that of Senator KLOBUCHAR and her staff, along with Senator DEB FISCHER.

God bless Kari's family for not giving up and fighting for this law. It is impossible to express how important it is, especially as we approach the 50th anniversary of 911 service next week.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Senate amendment to H.R. 582, a bill that passed the House last Congress by voice vote.

I agree that we must do all we can to make sure that consumers using multiline telephone systems can directly dial 911 without having to dial additional digits first. These are the large enterprise phone systems that we use in big office buildings and hotels. Many of these phones require consumers to dial an extra 9 to get an outside line. Most of us know that, but too many people do not realize that you also have to dial 9 before dialing 911 on these phones, and if you don't dial the 9 first, you can't reach emergency services.

As you can imagine, in desperate situations, being able to quickly reach first responders can mean the difference between life and death.

This very issue led to a tragedy in Texas several years ago. Kari Dunn was killed while her 9-year-old daughter tried to call for help. Kari's daughter did what she thought she was supposed to do in an emergency, dial 911. But because the system she was using required her to dial that additional 9 first, she only heard silence on the other end.

Building on the Herculean effort of Kari Dunn's family, we are one step closer to fixing this problem once and for all.

H.R. 582 is an important step toward making our systems work better in an emergency. But for all the good this bill does, it still leaves work to be done. Specifically, these multiline systems still often fail to deliver accurate location information to first responders. That means that if someone calls 911 from this very building that we are sitting in, for instance, precious minutes could tick by as emergency personnel struggle to figure out where the call came from in this enormous complex.

That delay could be the difference between life and death. We must act to correct this problem, too, because making sure the call goes through is only helpful if public safety officials can find the caller.

Democrats tried to include such a provision in the version of this bill from last Congress, and at that time we received a commitment from Chairman WALDEN to work together on a separate bill to address this concern. We were not able to solve this problem last Congress, and we expect the commitment will carry over to this Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. LANCE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, again, I thank the vice chairman and the ranking member for their persistence on this measure. I also commend Mr. GOHMERT, who has worked with Kari's dad and has seen this through.

We are pleased to get this on its way to the President's desk. Indeed, we are going to continue to work on the enhanced 911 requirements because we do think that that is important. Technology allows more precise indications of exactly, precisely where phone calls are coming from. But solving this problem is one we need to do today.

All of us who are moms and dads and have children and grandchildren, you train them to dial 911. I am certain that that is what Kari did with her daughter: If there is ever an emergency, dial 911.

And the fact is that this required the preceding digit, an extra number, to be dialed in order to access that outside line that would have delivered that 911 call.

So as we look at 50 years of 911 service and Kari's 36th birthday, which is coming up tomorrow, it is so appropriate that we take this action. So I thank Mr. GOHMERT and the members of the committee who have continued the diligence on this.

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, at this time, it gives me great pleasure to yield such time as she may consume to the gentlewoman from the California (Ms. ESHOO), a valuable member of our Energy and Commerce Committee.

Ms. ESHOO. Mr. Speaker, I thank our terrific ranking member for yielding time to me and for his leadership and that of our colleagues on the other side of the aisle.

Kari's Law addresses a very serious problem and it has been outlined by Members on both sides of the aisle, and I support the bill.

But it is very important for those who are listening into this discussion this morning that when anyone dials 911 from a hotel, from a large building of several stories, from office buildings, from our office buildings where our offices are—10 floors, 20 floors, 30 floors—seconds really matter and they can make the difference between life or death. You should not have to dial 9 or some other prefix to get help.

We already know that that is what happened in this tragic situation where the 9-year-old daughter was witnessing the actual murder taking place by her father, the estranged husband of Kari. That woman lost her life.

So what is missing in this legislation is accuracy for multiline telephone systems. Once your call reaches the 911 call center, whomever answers that call needs to know exactly where you are to dispatch first responders. Now, if you are in a single-family home, it is easy. But if you are in any one of these buildings, hotels, or office buildings, the first responders have to go floor by floor. That takes a long time. We know because we walk from floor to floor just to get over to the Capitol. It takes us 7 or 8 minutes to get from Cannon House Office Building to the Capitol.

So if you call 911 again from the 10th floor of a 30-story office building, it takes first responders a long time to get there.

Oftentimes, during an emergency, individuals who have called in, they don't really know exactly where they are, or they are so panicked that they are blinded by what is going on that they can't express that to the dispatcher. That is why location technology is really important.

I offered an amendment when this bill was taken up at the Energy and Commerce Committee to include location technology. That was rejected by the majority, but they promised that they would work with me in order to bring that about.

Despite a lot of reaching out, et cetera, it didn't happen. I am once again offering legislation to establish that there will be location technology applied to multiline telephone systems. I think it is essential, and I don't know anyone who would disagree with that. It just didn't happen. It is not in this bill. But I think that it is important to highlight, as we celebrate the work that has been done, the important step that this takes, that there is a hole in it.

So as has been said by other Members, we are approaching the 50th anniversary next week of the first 911 call ever made in our country. I would like to urge my colleagues to work with me to build on the important progress that this bill represents, Kari's Law, to ensure that all multiline telephone systems provide a caller's location when they dial 911 so that the full breadth and depth of an emergency system actually reaches them.

Mr. Speaker, I thank our ranking member for yielding time to me.

Mr. LANCE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT), the principal sponsor.

Mr. GOHMERT. Mr. Speaker, I certainly thank my new friend, Mr. LEONARD LANCE, from New Jersey for his great help in marshaling this bill, and I appreciate the bipartisan support. I understand there is another element regarding location and there is some disagreement. I see the merit. I understand some have concerns.

But what we found out, just to go back, people have talked about how Kari Hunt was viscerously attacked by her estranged husband, and her little 9-year-old daughter calling 911. The way that was learned was—and by the way, she was not only stabbed 21 times, she was repeatedly struck. This is an attack that went on over several minutes.

Her brutal, mean-spirited estranged husband now says from prison: Well, I don't think it would have mattered if a 911 call had went through.

He was attacking her for several minutes. The police could get there in Marshall in a couple of minutes. It would have made all the difference.

□ 1245

But the way it was learned was that Hank had his little 9-year-old granddaughter in his lap after Kari was pronounced dead and was trying to console

her. She was weeping and said to her grandfather:

I don't know what happened. I kept dialing 911 and nothing ever happened. I would hang up, and I would dial 911, and nothing happened.

That is when Hank began to look into it and found out the situation. Then, after he brought it to my attention, we got to looking into it. The hotel associations and the other groups have been very helpful.

It turns out that it is not an expense. All it takes is the government directing to make sure these phones are programmed so that when you dial 911, it goes straight out. It won't cost anything. The programmers themselves have said: Hey, if you have a problem, let us know. We will come out and fix that for free.

So all it takes is this government saying: Just do it, so when a child or adult or anyone dials 911 it goes out.

I thank my friend, MARSHA BLACKBURN; I thank Senator KLOBUCHAR for her work; and my staff, Caralee Conklin and Andrew Keyes, particularly, for working on this.

Tomorrow, Kari would have turned 36. I believe that this will prevent any other Karis in the future from having their birthday celebrated after they are deceased. This will be a legacy for Kari and for Hank, who are the family, and for her daughter.

I thank everyone involved in making this happen, and I thank my Democrat friend for working with us.

Mr. LANCE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we all teach our kids. We teach them how to stay safe and how to respond in an emergency. They learn things like stop, drop, and roll for fires; don't talk to strangers; look both ways before you cross the street; and dial 911 in emergencies.

Unfortunately, there is no lesson explaining that on some phones you must dial 9 to get an outside line before you dial 911. Other phones even have additional numbers, and they are not the same for every phone system.

Multiline phone systems like those found in offices—our offices, hotels, and hospitals—make our lives easier by condensing multiple lines into a single phone. One feature of multiline phone systems is that, in order to get outside of the internal lines, you must dial a specific code or set of digits. It doesn't seem like a big deal or even necessarily life threatening, but to this young girl trying to save her mother, that is exactly what a multiline phone system in Marshall, Texas, became.

We have heard the story. In 2013, Kari Dunn was stabbed by her estranged husband while her daughter attempted to dial 911 multiple times. She knew the number to call to save her mother's life, but she didn't know to dial 9 to get an outside line. She didn't realize what a multiphone system represented. The

emergency personnel subsequently were not getting notified in time.

The Energy and Commerce Committee marked up this bill in a previous Congress and supported its passage into law. I was grateful to support the bill back then. I am grateful to Mr. GOHMERT for continuing to press this issue. I look forward to voting for this again.

This tragedy occurred in Texas, but it could have happened anywhere. In emergencies, every minute counts. We must remove obstacles to emergency response, and this bill does just that.

Mr. LANCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS).

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, it is a great day. I came down here, also, with Congresswoman ESHOO. We chair the bipartisan NextGen 9-1-1 Caucus. Fifty years is a great anniversary. The caucus has been around 50 years. It is one of those true bipartisan developments. When ANNA and I started, it was Conrad Burns in the Senate and Hillary Clinton on the Senate side.

When addressing 911 services and the problems that roll out when we have a successful program, there is nothing perfect. We have to come back and revisit. But it is like baseball, apple pie, and Chevrolet. What could be wrong with being focused on getting emergency services to people in need? That is why 911 is such a great service.

I want to thank my colleague from Texas (Mr. GOHMERT) for bringing this up.

We always have to keep changing and updating. As technology moves from the dial-up phone to the iPhone and we start doing text and we start doing video, the NextGen 9-1-1 Caucus works with industry, the telecommunications sector, and the Peace apps to make sure that our first-line responders have the best opportunity to find, as Anna said, what floor. That is a big issue.

Technology will overcome that some day, and we have to achieve what we can achieve now, but never shy away from the fact that we can always refine and get better. This is a good start.

I want to thank my colleague from Texas. I appreciate his work. I do appreciate my friends on the Democratic side for their commitment and support on this over the years, not just today.

Mr. MICHAEL F. DOYLE of Pennsylvania. I will close for our side now, Mr. Speaker.

Mr. Speaker, I want to first congratulate Representative GOHMERT and Senator KLOBUCHAR for this piece of legislation.

I hope that our friends on the Republican side will work with us to improve the location accuracy for these multiline systems. I think that is an important piece of unfinished business that we need to do to make this bill even better. We support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. LANCE. Mr. Speaker, this is the way Congress should work in a bicameral and a bipartisan capacity. I think those of us who serve on the Energy and Commerce Committee are very proud of our service there. It is the committee in the House of Representatives that sends the most bills to the floor—the most bills that pass, the most bills that pass in the Senate, and the most bills that reach the desk of the President of the United States. This was true of President Obama, as I am sure it will be true of President Trump.

This act will improve the lives of the American people. We mourn the loss of the terrible tragedy in Texas, but out of that terrible tragedy we hope to improve the American Nation, and this certainly will do that.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. LANCE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 582.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LANCE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 53 minutes p.m.), the House stood in recess.

□ 1615

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 4 o'clock and 15 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 2018.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 8, 2018, at 2:49 p.m.:

Appointment:

The National Council on Disability.

With best wishes, I am,

Sincerely,

KAREN L. HAAS.

SMALL BANK HOLDING COMPANY RELIEF ACT OF 2018

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on passage of the bill (H.R. 4771) to raise the consolidated assets threshold under the small bank holding company policy statement, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

The vote was taken by electronic device, and there were—yeas 280, nays 139, not voting 11, as follows:

[Roll No. 66]

YEAS—280

Abraham	Davis, Rodney	Jenkins (KS)
Aderholt	Delaney	Jenkins (WV)
Allen	Denham	Johnson (LA)
Amash	Dent	Johnson (OH)
Amodei	DeSantis	Johnson, Sam
Arrington	DesJarlais	Jordan
Babin	Diaz-Balart	Joyce (OH)
Bacon	Donovan	Katko
Banks (IN)	Duffy	Kelly (MS)
Barletta	Duncan (SC)	Kelly (PA)
Barr	Duncan (TN)	Kihuen
Barton	Dunn	Kind
Beatty	Emmer	King (IA)
Bera	Estes (KS)	King (NY)
Bergman	Esty (CT)	Kinzinger
Biggs	Farenthold	Knight
Bilirakis	Faso	Kuster (NH)
Bishop (GA)	Ferguson	Kustoff (TN)
Bishop (MI)	Fitzpatrick	Labrador
Bishop (UT)	Fleischmann	LaHood
Blackburn	Flores	LaMalfa
Blum	Fortenberry	Lamborn
Blunt Rochester	Fox	Lance
Bost	Frelinghuysen	Latta
Brady (TX)	Gaetz	Lawson (FL)
Brat	Gallagher	Lewis (MN)
Brooks (AL)	Garrett	Lipinski
Brooks (IN)	Gianforte	LoBiondo
Buchanan	Gibbs	Loebsack
Buck	Gohmert	Long
Bushon	Gonzalez (TX)	Loudermilk
Budd	Goodlatte	Love
Burgess	Gosar	Lucas
Bustos	Gottheimer	Luetkemeyer
Byrne	Gowdy	MacArthur
Calvert	Granger	Marchant
Carbajal	Graves (GA)	Marino
Carter (GA)	Graves (LA)	Marshall
Carter (TX)	Graves (MO)	Massie
Chabot	Green, Gene	Mast
Cheney	Griffith	McCarthy
Coffman	Grothman	McCaul
Cole	Guthrie	McClintock
Collins (GA)	Hanabusa	McHenry
Collins (NY)	Handel	McKinley
Comer	Harper	McMorris
Comstock	Harris	Rodgers
Conaway	Hartzler	McNerney
Connolly	Hensarling	McSally
Cook	Herrera Beutler	Meadows
Cooper	Hice, Jody B.	Meehan
Correa	Higgins (LA)	Meeks
Costa	Hill	Messer
Costello (PA)	Himes	Mitchell
Cramer	Holding	Moolenaar
Crawford	Hollingsworth	Mooney (WV)
Crist	Hudson	Mullin
Cuellar	Huizenga	Murphy (FL)
Culberson	Hultgren	Newhouse
Curbelo (FL)	Hunter	Noem
Curtis	Hurd	Nolan
Davidson	Issa	Norman

Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Palmer
Panetta
Paulsen
Pearce
Perry
Peters
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus

Rouzer
Royce (CA)
Ruiz
Ruppersberger
Russell
Rutherford
Sanford
Scalise
Schneider
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Soto
Stefanik
Stewart
Stivers
Suozi
Taylor
Tenney

Thompson (PA)
Thornberry
Tipton
Torres
Turner
Upton
Valadao
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Wasserman
Schultz
Watson Coleman
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 45 minutes p.m.), the House stood in recess.

□ 0320

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 3 o'clock and 20 minutes a.m.

NAYS—139

Adams
Aguilar
Bass
Beyer
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Butterfield
Capuano
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Courtney
Crowley
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Evans
Foster
Fudge

NOT VOTING—11

Barragán
Black
Bridenstine
Cummings

Frankel (FL)
Jones
Moulton
Ratcliffe

Moore
Nadler
Napolitano
Neal
Norcross
Palone
Pascarella
Payne
Pelosi
Perlmutter
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Richmond
Rosen
Roybal-Allard
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schrader
Serrano
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Tsongas
Vargas
Veasey
Velázquez
Visclosky
Walz
Waters, Maxine
Welch
Wilson (FL)
Yarmuth

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 2018.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 8, 2018, at 11:17 p.m.:

That the Senate agreed to without amendment H. Con. Res. 102.

With best wishes, I am,
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 9, 2018.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 9, 2018, at 2:41 a.m.:

That the Senate agreed to with an amendment H. Con. Res. 104.

That the Senate passed with an amendment H.R. 1301.

That the Senate passed with an amendment H.R. 1892.

With best wishes, I am,
Sincerely,

KAREN L. HAAS.

□ 1643

Ms. MCCOLLUM, Messrs. GARAMENDI and TED LIEU of California changed their vote from “yea” to “nay.”

Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, and Mr. SOTO

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 1892, HONORING HOMETOWN HEROES ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 115-551) on the resolution (H. Res. 734) providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 1892) to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 1892, HONORING HOMETOWN HEROES ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 734 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 734

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1892) to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty, with the Senate amendment to the House amendment to the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment to the House amendment to the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), the ranking member of the Rules Committee, pending which I yield myself such time as I may consume.

GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I rise in support of this rule and the underlying legislation. The rule provides for con-

sideration of the Senate amendment to the House amendment to the Senate amendment to H.R. 1892, the Bipartisan Budget Act of 2018.

Mr. Speaker, this 2-year budget agreement begins to repair our military and frees our armed services from the harmful spending caps and the devastating practice of funding our troops with stopgap spending bills. It raises defense discretionary spending levels in fiscal year 2018 by \$80 billion and nondefense levels by \$63 billion, while raising fiscal year 2019 levels by \$85 billion and \$63 billion respectively.

I have been told that this will move spending levels from 2009 spending levels to 2011 spending levels, consistent with what we had done during those periods of time.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

We saw a shutdown just over 2 weeks ago, and here we are again; I believe this is the fifth one since September. And since the Republicans control every branch of the government, we have to wonder what is going on here.

I stood in this same spot after midnight in 2013 and announced that the great government of the United States was closed for business. At that point, they were closed for business for 16 days, which means all the Federal buildings and parks were closed. The vendors who had little mom-and-pop stores, newspaper kiosks, and things at Federal businesses lost all the money, a lot of it, people with lunchrooms. The estimate was \$24 billion was lost to the Federal Government.

As I recall that particular one, that was because Senator CRUZ, a Republican from Texas, didn't like the Affordable Care Act and apparently was not in favor of giving healthcare to the American people.

The first shutdown that occurred when I first came here was during the Clinton administration, when Speaker Gingrich shut down the government of the United States because he was unhappy with the plane seat in Air Force One that had been assigned to him.

And 2 weeks ago, it was blamed on the Democrats, which is very strange, since the Democrats do not have the vote to shut down the House. Only the majority has those votes. And this is the first shutdown in history, as far as we can find, that the group of persons who control the House, the Senate, and the White House have given themselves a shutdown. It is a pretty sad day for us.

So here we are, 3:30 a.m., 3½ hours after a government shutdown once again. We have really got to stop this. I tell you, our fellow Americans are in a state of nervous anxiety. The stock market dropped 1,000 points in a single day, twice this week. We have perplexed the entire United States of America as well as large parts of the world.

And I would think that a reasonable person, looking at all this, would be understood to believe that perhaps Republicans are incapable of running the government because it is purely, purely government by nothing but crisis.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the distinguished gentlewoman for her help to make sure that the Rules Committee effectively and carefully got their work done this evening, and I want to thank the gentlewoman. I do know it is 3:30 in the morning, and the entire committee, the entire Rules Committee, was prepared on both sides, and I thank the gentlewoman and the staffs that were included.

Mr. Speaker, Members of Congress who are elected by their respective districts come to Washington to represent their districts. But perhaps, I think, more importantly, some bit of those people also take into account, not just the representation of their district, but the pride and authorship they have in particular about America, about being a part of America and us standing together.

Tonight, we are going to have a chance to say back to one of our Members who has come to Washington, D.C., representing her home of Puerto Rico, home territory of Puerto Rico, and to say back to her that this body offered its condolences for the storms that happened last year.

She stood up, representing Puerto Rico. She is a former Speaker of the House of Puerto Rico. She stands with the people of Puerto Rico. She has come and visited Member after Member after Member to sell to them, not only the attributes of how to fix Puerto Rico, but came and did the things legislatively.

With great, great admiration, I will tell you that our next speaker, who is a member of the Republican majority, has really done an outstanding job as a brand new Member of this body; and I am pleased that we can say tonight, included in this package is that disaster package that the House passed last, I think, October.

She has worked hard. She has had faith and confidence, not only in her home territory of Puerto Rico, but in her body here, the United States Congress.

Mr. Speaker, it is with extreme pride that I yield 5 minutes to the gentlewoman from Puerto Rico (Miss GONZÁLEZ-COLÓN), the former Speaker of the House of Puerto Rico.

Miss GONZÁLEZ-COLÓN of Puerto Rico. Mr. Speaker, I thank the chairman for allowing me to support this rule that will have, finally, this bill to be considered on this floor.

I think it is important to acknowledge that still, 5 months after the storm, after Hurricane Maria and Hurricane Irma hit Puerto Rico and the Virgin Islands, 30 percent of Puerto

Ricans are still without power. That is something that you will never expect in a U.S. territory or neither a State.

So that is one of the biggest reasons I stood here, at 3:30 in the morning. Why? Because it is time to show our deeds in terms of supporting a bill that will have the money to restore the power grid in Puerto Rico, to help the island to recover from the last hurricanes.

Also, we were facing a medical cliff in April of this year—a medical cliff that will put an end to the insurance to 680,000 patients in the island. That is the reason this bill is so important for Puerto Rico.

Actually, we have been waiting for 2 months. This bill has been stalled in the Senate, and I actually am very happy to see that agreement between Republicans and Democrats in the Senate voted 71–28 to have this bill here tonight.

Mr. Speaker, I need to say that today Congress will make a critical vote in terms of that we finally have a budget deal, and this is the time to vote, not for ideologies, but for the people, for American citizens all over the States. For the States and territories that were struck by disaster during the last year, this bill will provide billions of dollars, including improvement to Puerto Rico's electrical power network.

It also takes the steps to secure the island's Medicaid program and ensure that our people do not lose their health coverage. For the past year, I have been fighting to ensure Puerto Rico receives the money necessary to avoid that medical cliff now in April. This funding will give Puerto Rico and Congress the time to craft a long-term solution, not just for Puerto Rico, but for all U.S. territories, and help out the medical problems that we all face.

I want to thank, especially, the Speaker of the House, Speaker RYAN, the members of this leadership who have been supporting me all of the way; the chairmen, Chairman WALDEN, Chairman BURGESS, Chairman SESSIONS, Chairman FRELINGHUYSEN; and all members of this House leadership who have been working with me, visiting the island, even Members from the other side of the aisle, supporting Puerto Rico.

You know what? That is the hard work that we need to do for our people.

On the Senate side, I need to thank our special friend and advocate, Senator MARCO RUBIO, who has been supporting this issue since day one.

I also want to thank all Members of both Chambers willing to save Puerto Rico from near collapse and to help their fellow citizens in the island.

I urge my Democratic colleagues, if we want to help Puerto Rico, now is the time to do it. It is not just talking, it is time to act. It is time to vote for this kind of bill. We can't be hostage of another bill, and I do support having an immigration bill happen.

This is a disaster bill that has been included. It has been included in this

budget, and we must take action today. That is the reason; this is the time to show it, not by words, by acts. That is the reason I ask my colleagues to vote for this, not say just we want to help Puerto Rico. This is the time to show you really want to help Puerto Rico; you really want to help the island.

I understand that, as the Senate did a few minutes ago, we can come together and support what we are willing to do. In Puerto Rico, there are still a lot of things that need to be done. There are so many needs to be met. But let's continue to work together, as the Senate did today; and I hope, and I expect, the House can do the same thing.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

If we defeat the previous question, I will offer an amendment to the rule to bring up H.R. 3440, the Dream Act. This bipartisan, bicameral legislation must pass before the time runs out on hundreds of thousands of young people who were promised, by a previous administration, that if they registered and paid \$500, they could stay in the only country they know.

Without any warning, the new President invalidated the program and their lives. The things that they were promised were taken away, and those young people, a part of our lives, are living in fear. I really hope that we can do something about that. It is past time.

But I think what happened to them was most un-American.

So I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Mexico (Ms. MICHELLE LUJAN GRISHAM) to discuss our proposal.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, I stand here this morning for Nicole, Miriam, Antonio, Karen, Leo, Adriana, and hundreds of thousands of other young Americans who dream and pray for only one thing: that this esteemed body of elected Representatives, endowed with a solemn responsibility to enact laws, will see a piece of themselves in them; that they will see beyond the circumstances by which they came to call America home and, instead, see the American values that they hold deep in their heart of hearts.

I would surmise that there isn't one congressional district that isn't home to a DREAMer, and, by God, we are all lucky for it because, to our kids, DREAMers are their friends; to our students, DREAMers are their teachers; and to our seniors and elders, DREAMers are, in fact, their caretakers.

DREAMers are entrepreneurs with the grit and determination to do something with nothing, following in the footsteps of intrepid explorers who forged new paths that led us to amazing discoveries.

To our economy, DREAMers are a well-oiled engine of valedictorians, doctors, software engineers, and technicians hoping to give back to their communities. Their imagination and determination is a driving force in the offices of Fortune 500 companies and the Main Streets of our towns and cities.

And every year, for the next decade, DREAMer ingenuity and tenacity will quite literally pump billions into our economy. Their efforts help America grow faster and stronger. And collectively, for our Nation, they represent our future and are a reflection of our values.

DREAMers are wide-eyed American optimism. They work so hard because they are so grateful and, despite setbacks, they persevere. Despite struggles, they overcome, just as Americans always have. And in the face of unbelievable adversity, DREAMers beam the hopefulness and dynamism that gives meaning to the American promise.

Our Founders knew that our democracy wasn't perfect, but they believed that, as lawmakers and representatives, we would work every day to live up to the ideals they set forth. And today, we have an opportunity to do just that.

All we have to do is enshrine the promise that unlocked the incredible potential of these young Americans by passing the Dream Act now. With one vote, we have a chance to unite our country around young people who embody our belief that hard work actually pays off.

So I ask my colleagues to vote against the previous question so that we can immediately bring the Dream Act to the floor and provide certainty for Americans like Nicole, Miriam, Antonio, Karen, Leo, and Adriana who want to continue to contribute to the country that they love, the only country they have ever known. We cannot afford to wait another day.

□ 0340

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. MITCHELL), a member of the Republican leadership team.

Mr. MITCHELL. Mr. Speaker, at 3:40 in the morning, I am a little surprised that some of our colleagues wish to reprise history, but I guess so be it.

Some forget here that we passed all 12 appropriations bills in September, to no avail. They sit in the Senate requiring 60 votes.

I remember a few days ago I stood here and we talked about math with my colleagues, and the Republicans had 51 votes in the Senate. A democracy requires people work together.

The Senate decided not to do that, so we have ended up with a series of continuing resolutions, what I consider to

be an absolute travesty of governance. We have to fund the government in pieces. A month here, 6 weeks there.

The last CR, we almost had a deal. It seemed like there was an arrangement we would have to move forward to fund the government before the shutdown.

But, I will stress, some of our colleagues on the other side of the aisle in the other Chamber decided to throw the kitchen sink at it, demand their entire legislative agenda be put into a CR; DACA, which we are hearing tonight, then they came up with pensions. It was one thing after another of demands, using funding our military, funding our government, keeping the lights on as leverage for their political agenda.

We have a basic function here: keep the lights on.

The second thing the Constitution says is to preserve and protect our Nation, which means we have to fund our military. But some have felt this is not necessarily a priority of theirs if they can't get the other things they want when they want them.

We now have a bipartisan agreement that the Senate has sent over. It is far from perfect. I don't know if we will ever see perfect in this Chamber. In my 35 years of business, I rarely saw perfect, but you take progress and move on.

What does it do for us?

It fully funds defense at the level that Secretary Mattis requested so we can defend our Nation against the threats we see and take care of our military men and women.

It funds community health centers. I have 11 of them in my district. It provides 10-year funding for CHIP now—the Children's Health Insurance Program—near and dear to all of us.

It provides a down payment on infrastructure that is badly needed in this country.

It provides additional funding for opioid treatment in this Nation, a crisis that we face.

So, again, I am left to wonder why it is we want to defeat the rule to turn down this effort, this bipartisan agreement, to add another agenda in there. Why would my colleagues want to do that?

At some point in time we take progress. The Speaker has indicated we will deal with DACA. We will also move on to dealing with infrastructure. We will move on to workforce development. We have got serious policy issues to deal with, but the priority we have at this moment in time is to fund the government.

We have a bipartisan agreement in front of us that has cleared the Senate. It is now 3:43 a.m. I suggest we simply pass the rule, pass it, and go home and get on with policy next week.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado (Mr. POLIS), a distinguished member of the Rules Committee.

Mr. POLIS. Mr. Speaker, I am saddened that this body is descending

down a fiscally irresponsible path, a path to trillion-dollar deficits, a path to mortgaging the future for my children and yours.

To be clear, what this massive spending bill includes is a 14.6 percent increase in defense spending and a 12.2 percent increase in nondefense spending this year. Next year, a 15.1 percent increase in defense spending and 12.9 percent in nondefense spending.

The headlines in *The New York Times*, Mr. Speaker, says: "As Deficit Soars Toward \$1 trillion, Congress Shrugs and Keeps Spending."

I also want to quote from the *Los Angeles Times*. It says: "The budget deal also means that the United States probably will be returning to trillion-dollar annual deficits . . ."

When Trump took office about a year ago, the Congressional Budget Office projected the Nation's deficit would run between \$500 billion and \$700 billion. Now, with lower tax revenues and new spending, the deficit will blow past \$1 trillion in 2019.

To be fair, I have long argued that \$500 billion to \$700 billion deficits are too large. I have supported spending cuts, and I opposed the massive Republican giveaway to special interests through the tax reform bill.

It would be easy to say here, Mr. Speaker, that the Republicans own this deficit, the Republicans own this debt. But that is too easy, Mr. Speaker.

Do you know who owns this debt?

My family and yours. It is owned by the American people, Mr. Speaker, in the form of future taxation, in the form of future reduction in services, in the form of a future threat to Social Security and Medicare.

This fiscally irresponsible path has got to end. I will be opposing this bill, and I urge my colleagues on both sides of the aisle who care about the fiscal solvency of this Nation to join me in opposing this irresponsible spending bill.

As has been mentioned, this bill also fails to include comprehensive immigration reform or the Dream Act.

I would note that comprehensive immigration reform, which passed the Senate with a more than two-thirds vote a few years ago, would reduce our budget deficit by over \$200 billion in increased tax revenue and increased economic productivity.

While the Dream Act and similar measures haven't been formally scored, they also would contribute to reducing our budget deficit because hardworking Americans would be able to get jobs, pay taxes, and participate in the American Dream.

If this massive Republican spending bill passes, it will only dig our Nation deeper into a debt that will become harder and harder to ever emerge from.

Mr. Speaker, I urge my colleagues to reject this massive Republican spending bill and to get to work on fiscally responsible measures, like comprehensive immigration reform and the Dream Act; to reduce our budget def-

icit and, hopefully, eliminate it rather than bloat it further and further.

Mr. SESSIONS. Mr. Speaker, I include in the RECORD a Statement of Administration Policy, which is referred to as a SAP. It comes from the Executive Office of the President.

Mr. Speaker, if I could read the last paragraph: "If the Bipartisan Budget Act of 2018 were presented to the President in its current form, his advisors would recommend that he sign it into law."

STATEMENT OF ADMINISTRATION POLICY

SENATE AMENDMENT TO H.R. 1892—BIPARTISAN BUDGET ACT OF 2018—(SEN. MCCONNELL, R-KY)

The Administration supports Senate passage of the substitute amendment to H.R. 1892, the Bipartisan Budget Act of 2018. This amendment raises the defense spending caps for fiscal year (FY) 2018 and FY 2019, a key step toward fulfilling the President's promise to rebuild America's military and ensure funding would be provided to support the enacted National Defense Authorization Act for Fiscal Year 2018 (NDAA).

After years of dangerous spending reductions and an unpredictable budgetary environment perpetuated by numerous continuing resolutions, the Bipartisan Budget Act lays the groundwork for full funding of America's national defense, within the framework of the Administration's National Security and Defense Strategies and the NDAA. Passage of this legislation would ensure America is prepared to deter and, if necessary, defeat the full spectrum of threats from rival powers, rogue states, and terrorist organizations like the Islamic State of Iraq and Syria.

The Bipartisan Budget Act lays the groundwork for higher investments in several Administration priorities, including infrastructure and combating the opioid epidemic, and the Administration looks forward to working with the Congress to reflect the Administration's detailed funding priorities for the remainder of FY 2018 and for FY 2019 for both defense and non-defense needs.

At the same time, it is critical that the Congress work to decrease non-defense spending in other areas to reduce America's growing national debt. The Bipartisan Budget Act provides non-defense discretionary spending levels higher than the Administration deems necessary. Additionally, although the Bipartisan Budget Act does include some spending reductions, the Administration has proposed hundreds of billions of dollars in additional spending reductions that the Congress should also enact without delay in order to improve our fiscal state.

Further, the Administration recognizes the Congress's desire to provide significant funding for victims of the recent hurricanes and wildfires, as provided in the Bipartisan Budget Act and previously in the House-passed supplemental bill (H.R. 4667). The Administration looks forward to working with the Congress to ensure that adequate oversight is exercised over disaster-related funds to ensure that these funds reach the communities devastated by natural disasters and are not misapplied.

The Administration supports other components of the Bipartisan Budget Act, including greater certainty for the Children's Health Insurance Program, an extension of funding for Community Health Centers, and repeal of Obamacare's Independent Payment Advisory Board (IPAB). The IPAB authority allows an unelected, unaccountable board to undertake major changes to the Medicare program. The repeal of IPAB furthers the President's goal of repealing and replacing Obamacare.

The Administration also supports suspending the debt limit until March 2019 to provide the certainty to markets around the world that the United States will honor its obligations.

Furthermore, the Administration is concerned with future extensions of special interest tax deductions and benefits in the wake of tax cuts and reforms that were enacted in December 2017.

The President's top priority is to keep the Nation safe from those who wish to harm it, both at home and abroad. To do so, the United States military needs the resources provided in the Bipartisan Budget Act, which have previously been supported on a bipartisan basis in the NDAA and in multiple bills passed by the House.

If the Bipartisan Budget Act of 2018 were presented to the President in its current form, his advisors would recommend that he sign it into law.

Mr. SESSIONS. There should be no question about that, that the President of the United States is asking not only Members of Congress but the American people to understand how important it is to make sure that this government is up and running, to make sure that our military is funded, and that the men and women who protect this great Nation, those volunteers to our military, deserve a right to have us fully fund our military for the rest of the year.

I know and the Chair knows, Mr. Speaker, that this deal is only until March 23. But we should not ever allow our military to be put in harm's way. They are the ones who protect us, and for us putting them in harm's way without the money to protect them I think is bad timing and a bad way for us to extend our support to the military.

Mr. Speaker, I am pleased today, at 10 minutes to 4 o'clock Eastern time, that we can say we are going to move forward with this bill that fully funds the military for the rest of the year. I will ask our Members at the very end, accordingly, to please support this underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a distinguished member of the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise because I believe we ought to help the DREAMers. My Republican colleagues have said they want to help the DREAMers as well, yet they have done nothing.

I am deeply frustrated, angry, and disappointed that in the greatest deliberative body in the world, we are constantly prevented from deliberating.

Mr. Speaker, I urge my colleagues on both sides of the aisle to defeat the previous question so we can bring up the Dream Act so we can help nearly a million people in this country, mostly young people who came here when they were very, very young, who know no other country but this country as their own.

We ought to find a way to protect them, to give them peace of mind. That shouldn't be a radical idea. Yet we can't seem to ever bring to the floor a remedy, a solution to help these people.

Speaker RYAN, when he took the gavel in 2015, promised a return to regular order. He said: "We need to let every Member contribute." He also said: "We ought to open up the process and let people participate."

Well, there is a bipartisan group here who believe we ought to protect the DREAMers, who have a solution: the Dream Act. Let us bring it to the floor, have a debate, and vote on it. If my Republican colleagues don't want to vote for it, they can vote "no." But we ought to have a debate on this.

This is a big-enough deal. This is an important enough issue where we ought to have this debate. It really is frustrating that at this late hour we can't even get a commitment from the Speaker of the House to bring this issue to the floor.

This spending bill that we are talking about, this budget deal, would pass overwhelmingly. All Democrats, I am sure, would support it if the Speaker would just make one promise, and that is that we can bring a bill to the floor, a bill that we think is appropriate, to help the DREAMers. That is it.

If my Republican friends don't want to support it, they can vote "no." But to not let an issue like this be debated on the floor, to not think it is important enough to bring before the full House, is unconscionable.

I don't know whether my friends on the other side of the aisle have met DREAMers or not, but they have been here. They have been knocking on your door. These are incredible people. They contribute to this country in so many ways. They have led efforts to help protect people who have been victims of hurricanes all throughout this country. They have saved lives. They serve in our military.

All we want is a vote. That is it. And I just, for the life of me, can't quite understand why this is such a heavy lift.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, I urge my colleagues to vote "no" on the previous question so we can have this debate. I am tired of all the excuses. I am tired of all the reasons that we are being given why we can't debate this issue. This is important. These are real people. These are members of our community. They are our neighbors. The time has come for us to act.

Mr. Speaker, I urge my colleagues to vote "no" on the previous question. Let's have this debate. Let's protect the DREAMers. Let's do the right thing. But enough of the excuses. Enough of the excuses. It is time to vote.

Mr. SESSIONS. Mr. Speaker, this past year, 80 members of our armed

services lost their lives in training and noncombat-related fatalities. We are going to attempt tonight, not wait, to pass a bill which will offer funding for our military.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding to me.

I thank the members of the Rules Committee, all of them, for the great service they provide to the House of Representatives, this great House of the people.

I wish that the Speaker would treat the House of the people with the dignity that it deserves by giving us an opportunity, just an opportunity, for him to say that he would bring legislation to the floor, the Hurd-Aguilar bill for one, and then the other pieces of legislation regarding DACA so that the House could work its will under the queen-of-the-hill rule.

Last night, Mr. CLYBURN, the assistant leader; Mr. HOYER, the Democratic whip; and I sent a letter to the Speaker. It said: "Dear Mr. Speaker: In the spirit of bipartisanship, we write again to reiterate our sincere desire to ensure that the government remains open and that the priorities of the American people are properly addressed. As you know, Democrats have been clear that we support a budget agreement that ensures our men and women in uniform have the resources they need to protect our country and that America's middle class and working families have the tools they need to succeed. As part of this agreement, we have always expected that the House and the Senate would address the issue of DACA and the DREAMers."

"Most of our Members believe that this budget agreement is a reasonable compromise to address America's military strength and critical domestic priorities, like fighting the opioid crisis, boosting the National Institutes of Health, moving forward to resolve the pension crisis, caring for our veterans, making college more affordable, and investing in childcare for working families."

The agenda that I read was what we fought for and obtained in the budget agreement. We did not object to the large amount of money that was in the bill for defense, although some had asked: What is the purpose? What is the mission?

We said: Let's go forward with that. But to keep faith with the budget agreement, we insisted that the increases in defense would be met by increases on the domestic side.

So we have fought this fight. This is a success for us to get, as I said, the opioid crisis, boosting the NIH, the pension crisis, caring for our veterans, making college more affordable, and investing in childcare for our working families. This was the fight we had

with the Republicans because they have a reluctance to support domestic spending.

So the fact that this came to agreement after months of going back and forth on the caps, I think, is very important to recognize.

But, again, writing to the Speaker: "We are writing to again reiterate our request that you make a public statement regarding the scheduling of a vote on a DACA bill. Our request is that you publicly state that you will schedule a vote to consider the bipartisan Hurd-Aguilar bill and any other DACA bills that you wish to consider under a Queen of the Hill rule," as I mentioned earlier.

"We strongly believe that Members of the House and their constituents deserve the same dignity that Leader MCCONNELL has extended to Members of the Senate by allowing for a vote on this issue.

"Thank you for your immediate attention to this letter."

So we haven't heard back from the Speaker on this, but I do support defeating the previous question.

One of the gentlemen on the other asked: Why would anybody vote against this bill? Why would anybody vote against this rule?

Well, because we have an opportunity right here to take matters into our own hands. Defeat the previous question so that we can take up the Dream Act.

That would be the House working its will, because we do know that the Dream Act has support on both sides of the aisle. We thank our Republican colleagues, those who have spoken out publicly, for their courage in supporting this protection.

If another country said that they were going to deport 800,000 people or place in jeopardy their protections under the law, we would be appalled. We would criticize them. So how can we, the United States of America—give me your poor—you know Emma Lazarus. I don't have to go into it right now.

□ 0400

But I do. We all carry it in our hearts. So I urge a "no" on the previous question because a "yes" would have allowed us to bring up the Dream Act.

I really want to disabuse anyone in this body of any idea that we are not there to support our men and women in uniform and to give them the resources they need to keep themselves and our Nation safe. But I do recognize also that what our military are protecting is the greatest country that ever existed in the history of the world, the United States of America.

What is the United States of America?

It is a country governed by a constitution that has been a beacon to the world. It is a country populated by the beautiful diversity of America. It is a country that has a beautiful patrimony

given to us by God, our natural beauty. Fighting for those values is what we try to do in this bill.

Why can't we extend the hand of friendship and protection to our DREAMers?

Mr. Speaker, I urge a "no" vote on the previous question.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, may I inquire of my colleague if he has any further speakers?

Mr. SESSIONS. Mr. Speaker, I would advise the gentlewoman I will be closing as soon as she does.

Ms. SLAUGHTER. Mr. Speaker, I am prepared to close, and I yield myself the balance of my time.

Mr. Speaker, let's acknowledge that a deal like this could have come much sooner if the majority tried bipartisanship from the very beginning. Instead, our Nation has had to go through four short-term funding fights and two government shutdowns to arrive at where we are this morning. All of that was entirely preventable. It was brought on by the majority's inability to get its work done.

It was little more than a week ago that President Trump stood in this Chamber and gave his State of the Union Address. In it, he proclaimed: "I call upon all of us to set aside our differences, to seek out common ground, and to summon the unity we need to deliver for the people."

That was Tuesday. But the following Tuesday, the President said that he would love to see a shutdown. He keeps injecting incredible confusion and uncertainty as to what he actually would be willing to sign into law. I am aware that my colleague, Mr. SESSIONS, did assure us that he wants to sign this bill.

Mr. Speaker, it has been an awful long night, and it didn't need to be. We don't need to take up every crisis to the very brink. Since you control every lever of power in this government, you have failed the most basic responsibility: to run this government in a sensible and intelligent way. Everybody—all of us—know, whether we want to admit it or not, that this is no way to run a government and certainly not a government as important as the one we were sent here to represent.

I also urge a "no" vote on the previous question so the House can take up the Dream Act because time is so quickly running out on those young people. It would be a blot on our conscience for the rest of our lives if we did nothing to help.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank the gentleman, my friend and colleague, the ranking member of the Rules Committee; and the entire Rules Committee, Republicans and Democrats; and our staffs for their work late tonight and well into the morning.

Mr. Speaker, there was a question about the President of the United States and his advice that he has provided to this body. The President of the United States has indicated through a Statement of Administration Policy that there would be an expectation the President would sign this bill.

What does this mean?

This means that, as quickly as we can accomplish this rule, the underlying legislation, and the vote, perhaps as early as 7 o'clock this morning or earlier, the President of the United States may sign that; meaning that the American people could wake up today with confidence that the United States Senate and the United States House of Representatives has averted a further problem through the leadership of making sure that we move forward to fund the government.

Make no mistake about it: there will be people who vote "yes" and people who vote "no," and that is up to them. But, Mr. Speaker, tonight I would ask every Member of this body for that "aye" vote to do the right thing to fund the government.

Mr. Speaker, I urge my colleagues to support this rule and the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 734 OFFERED BY
MS. SLAUGHTER OF NEW YORK

At the end of the resolution, add the following new sections:

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3440) to authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 3440.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote

against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on:

Adoption of the resolution, if ordered; and

Suspending the rules and passing S. 96, if ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 186, not voting 20, as follows:

[Roll No. 67]

YEAS—224

Abraham	Gowdy	Olson
Aderholt	Granger	Palmer
Allen	Graves (GA)	Paulsen
Amash	Graves (LA)	Pearce
Amodei	Graves (MO)	Perry
Arrington	Griffith	Pittenger
Babin	Grothman	Poe (TX)
Bacon	Guthrie	Poliquin
Banks (IN)	Handel	Posey
Barletta	Harper	Ratcliffe
Barr	Harris	Reed
Barton	Hartzler	Reichert
Bergman	Hensarling	Rice (SC)
Biggs	Herrera Beutler	Roby
Bilirakis	Hice, Jody B.	Roe (TN)
Bishop (MI)	Higgins (LA)	Rogers (AL)
Blackburn	Hill	Rogers (KY)
Bost	Holding	Rohrabacher
Brady (TX)	Hollingsworth	Rokita
Brat	Huizenga	Rouzer
Brooks (AL)	Hultgren	Royce (CA)
Brooks (IN)	Hunter	Russell
Buchanan	Hurd	Rutherford
Buck	Issa	Sanford
Bucshon	Jenkins (KS)	Scalise
Budd	Jenkins (WV)	Schweikert
Burgess	Johnson (LA)	Scott, Austin
Byrne	Johnson (OH)	Sensenbrenner
Calvert	Johnson, Sam	Sessions
Carter (GA)	Jordan	Shimkus
Carter (TX)	Joyce (OH)	Shuster
Chabot	Katko	Simpson
Cheney	Kelly (MS)	Smith (MO)
Coffman	Kelly (PA)	Smith (NE)
Cole	King (IA)	Smith (NJ)
Collins (GA)	King (NY)	Smith (TX)
Collins (NY)	Kinzing	Smucker
Comer	Knight	Stefanik
Comstock	Kustoff (TN)	Stewart
Conaway	Labrador	Stivers
Cook	LaMalfa	Taylor
Costello (PA)	Lamborn	Tenney
Cramer	Lance	Thompson (PA)
Crawford	Latta	Thornberry
Culberson	Lewis (MN)	Tipton
Curbelo (FL)	LoBiondo	Trott
Curtis	Long	Upton
Davidson	Loudermilk	Valadao
Davis, Rodney	Love	Wagner
Denham	Lucas	Walberg
Dent	Luetkemeyer	Walden
DeSantis	MacArthur	Walker
DesJarlais	Marchant	Walorski
Diaz-Balart	Marino	Walters, Mimi
Donovan	Marshall	Weber (TX)
Duffy	Massie	Webster (FL)
Duncan (SC)	Mast	Wenstrup
Duncan (TN)	McCarthy	Westerman
Dunn	McCaul	Williams
Emmer	McClintock	Wilson (SC)
Estes (KS)	McHenry	Wittman
Farenthold	McKinley	Womack
Faso	McMorris	Woodall
Ferguson	Rodgers	Yoder
Fleischmann	McSally	Young (AK)
Flores	Meadows	Young (IA)
Fortenberry	Meehan	Zeldin
Foxx	Messer	
Frelinghuysen	Mitchell	
Gaetz	Moolenaar	
Gallagher	Mooney (WV)	
Garrett	Mullin	
Gianforte	Newhouse	
Gibbs	Noem	
Gohmert	Norman	
Goodlatte	Nunes	

NAYS—186

Adams	Gomez	O'Rourke
Aguiar	Gonzalez (TX)	Pallone
Barragán	Gottheimer	Panetta
Bass	Green, Al	Pascarell
Beatty	Green, Gene	Payne
Bera	Grijalva	Pelosi
Beyer	Gutiérrez	Perlmutter
Bishop (GA)	Hanabusa	Peters
Blumenauer	Hastings	Peterson
Blunt Rochester	Heck	Pingree
Bonamici	Higgins (NY)	Pocan
Boyle, Brendan	Himes	Polis
F.	Hoyer	Price (NC)
Brady (PA)	Huffman	Quigley
Brown (MD)	Jackson Lee	Raskin
Brownley (CA)	Jayapal	Rice (NY)
Bustos	Jeffries	Richmond
Butterfield	Johnson, E. B.	Rosen
Capuano	Keating	Roybal-Allard
Carbajal	Kelly (IL)	Ruiz
Cárdenas	Kennedy	Ruppersberger
Carson (IN)	Khan	Rush
Castor (FL)	Kihuen	Ryan (OH)
Castro (TX)	Kildee	Sánchez
Chu, Judy	Kilmer	Sarbanes
Ciциline	Kind	Schakowsky
Clark (MA)	Krishnamoorthi	Schiff
Clarke (NY)	Kuster (NH)	Schneider
Clay	Langevin	Schrader
Cleaver	Larsen (WA)	Scott (VA)
Clyburn	Larson (CT)	Scott, David
Cohen	Lawrence	Serrano
Connolly	Lawson (FL)	Sewell (AL)
Cooper	Lee	Shea-Porter
Correa	Levin	Sherman
Costa	Lieu, Ted	Sinema
Courtney	Lipinski	Sires
Crist	Loebuck	Slattery
Crowley	Lofgren	Smith (WA)
Cuellar	Lowenthal	Soto
Davis, Danny	Lowe	Speier
DeGette	Lujan Grisham,	Suozi
Delaney	M.	Swalwell (CA)
DeLauro	Lujan, Ben Ray	Takano
DelBene	Lynch	Thompson (CA)
Demings	Maloney,	Thompson (MS)
DeSaulnier	Carolyn B.	Titus
Deutch	Maloney, Sean	Tonko
Dingell	Matsui	Torres
Doggett	McCollum	Tsongas
Doyle, Michael	McEachin	Vargas
F.	McGovern	Veasey
Ellison	McNerney	Vela
Engel	Meeks	Velázquez
Eshoo	Meng	Visclosky
Españat	Moore	Walz
Esty (CT)	Moulton	Wasserman
Evans	Murphy (FL)	Schultz
Foster	Nadler	Waters, Maxine
Frankel (FL)	Napolitano	Watson Coleman
Fudge	Neal	Welch
Gabbard	Nolan	Wilson (FL)
Gallego	Norcross	Yarmuth
Garamendi	O'Halleran	

NOT VOTING—20

□ 0431

Mr. GOTTHEIMER changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. FITZPATRICK. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 67.

Mr. HUDSON. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 67.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 193, not voting 13, as follows:

[Roll No. 68]

YEAS—224

Abraham	Granger	Palmer
Aderholt	Graves (GA)	Paulsen
Allen	Graves (LA)	Pearce
Amodel	Graves (MO)	Pittenger
Arrington	Griffith	Poe (TX)
Babin	Grothman	Poliquin
Bacon	Guthrie	Ratcliffe
Banks (IN)	Handel	Reed
Barletta	Harper	Reichert
Barr	Harris	Renacci
Barton	Hartzler	Rice (SC)
Bergman	Hensarling	Roby
Bilirakis	Herrera Beutler	Roe (TN)
Bishop (MI)	Hice, Jody B.	Rogers (AL)
Blackburn	Higgins (LA)	Rogers (KY)
Bost	Hill	Rohrabacher
Brady (TX)	Holding	Rokita
Brat	Hollingsworth	Rooney, Francis
Brooks (AL)	Hudson	Rooney, Thomas J.
Brooks (IN)	Huizenga	Ros-Lehtinen
Buchanan	Hultgren	Roskam
Buck	Hunter	Ross
Bucshon	Hurd	Rothfus
Budd	Issa	Rouzer
Burgess	Jenkins (KS)	Royce (CA)
Byrne	Jenkins (WV)	Russell
Calvert	Johnson (LA)	Rutherford
Carter (GA)	Johnson (OH)	Sanford
Carter (TX)	Johnson, Sam	Scalise
Chabot	Joyce (OH)	Schneider
Cheney	Katko	Schweikert
Coffman	Kelly (MS)	Scott, Austin
Cole	Kelly (PA)	Sensenbrenner
Collins (GA)	King (IA)	Sessions
Collins (NY)	King (NY)	Shimkus
Comer	Kinzinger	Shuster
Comstock	Knight	Simpson
Conaway	Kustoff (TN)	Sinema
Cook	Labrador	Smith (MO)
Costello (PA)	LaHood	Smith (NE)
Cramer	LaMalfa	Smith (NJ)
Crawford	Lamborn	Smith (TX)
Culberson	Lance	Smucker
Curbelo (FL)	Latta	Stefanik
Curtis	Lewis (MN)	Stewart
Davidson	LoBiondo	Stivers
Davis, Rodney	Long	Taylor
Denham	Loudermilk	Tenney
Dent	Love	Thompson (PA)
DeSantis	Lucas	Thornberry
DesJarlais	Luetkemeyer	Tipton
Diaz-Balart	MacArthur	Trott
Donovan	Marchant	Upton
Duffy	Marino	Valadao
Duncan (SC)	Marshall	Wagner
Duncan (TN)	Mast	Walberg
Dunn	McCarthy	Walden
Emmer	McCaul	Walker
Estes (KS)	McClintock	Walorski
Farenthold	McHenry	Walters, Mimi
Faso	McKinley	Weber (TX)
Ferguson	McMorris	Webster (FL)
Fitzpatrick	Rodgers	Wenstrup
Fleischmann	McSally	Westerman
Flores	Meehan	Williams
Fortenberry	Messer	Wilson (SC)
Fox	Mitchell	Wittman
Frelinghuysen	Moolenaar	Womack
Gaetz	Mooney (WV)	Woodall
Gallagher	Mullin	Yoder
Garrett	Murphy (FL)	Young (AK)
Gianforte	Newhouse	Young (IA)
Gibbs	Noem	Zeldin
Gohmert	Norman	
Goodlatte	Nunes	
Gowdy	Olson	

NAYS—193

Adams	Biggs	Brown (MD)
Aguilar	Bishop (GA)	Brownley (CA)
Amash	Blumenauer	Bustos
Barragán	Blunt Rochester	Butterfield
Bass	Bonamici	Capuano
Beatty	Boyle, Brendan F.	Carbajal
Bera	Brady (PA)	Cárdenas
Beyer		Carson (IN)

Cartwright	Jayapal	Pelosi
Castor (FL)	Jeffries	Perlmutter
Castro (TX)	Johnson (GA)	Perry
Chu, Judy	Johnson, E. B.	Peters
Cicilline	Jordan	Peterson
Clarke (MA)	Keating	Pingree
Clarke (NY)	Kelly (IL)	Pocan
Clay	Kennedy	Polis
Cleaver	Khanna	Posey
Clyburn	Kihuen	Price (NC)
Cohen	Kildee	Quigley
Connolly	Kilmer	Raskin
Cooper	Kind	Rice (NY)
Correa	Krishnamoorthi	Richmond
Costa	Kuster (NH)	Rosen
Courtney	Langevin	Roybal-Allard
Crist	Larsen (WA)	Ruiz
Crowley	Larson (CT)	Ruppersberger
Cuellar	Lawrence	Rush
Davis, Danny	Lawson (FL)	Ryan (OH)
DeGette	Lee	Sánchez
Delaney	Levin	Sarbanes
DeLauro	Lewis (GA)	Schakowsky
DeBene	Lieu, Ted	Schiff
Demings	Lipinski	Schrader
DeSaulnier	Loeb sack	Scott (VA)
Deutch	Lofgren	Scott, David
Dingell	Lowenthal	Serrano
Doggett	Lowe y	Sewell (AL)
Doyle, Michael F.	Lujan Grisham, M.	Shea-Porter
Ellison	Luján, Ben Ray	Sherman
Engel	Lynch	Sires
Eshoo	Maloney,	Slaughter
Espallat	Carolyn B.	Smith (WA)
Esty (CT)	Maloney, Sean	Soto
Evans	Massie	Speier
Foster	Matsui	Suozzi
Frankel (FL)	McCollum	Swalwell (CA)
Fudge	McEachin	Takano
Gabbard	McGovern	Thompson (CA)
Gallego	McNerney	Thompson (MS)
Garamendi	Meadows	Titus
Gomez	Meeks	Tonko
Gonzalez (TX)	Meng	Torres
Gottheimer	Moore	Tsongas
Green, Al	Moulton	Vargas
Green, Gene	Nadler	Veasey
Grijalva	Napolitano	Vela
Gutiérrez	Neal	Velázquez
Hanabusa	Nolan	Visclosky
Hastings	Norcross	Walz
Heck	O'Halleran	Wasserman
Higgins (NY)	O'Rourke	Schultz
Himes	Pallone	Waters, Maxine
Hoyer	Panetta	Watson Coleman
Huffman	Pascrell	Welch
Jackson Lee	Payne	Wilson (FL)
		Yarmuth

NOT VOTING—13

Bishop (UT)	Davis (CA)	Palazzo
Black	DeFazio	Turner
Blum	Gosar	Yoho
Bridenstine	Jones	
Cummings	Kaptur	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 0439

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. YOHO. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 67 and "yea" on rollcall No. 68.

IMPROVING RURAL CALL QUALITY AND RELIABILITY ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 96) to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimi-

nation among areas of the United States in the delivery of such communications.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. LANCE) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 0440

HONORING HOMETOWN HEROES ACT

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the further discussion of H.R. 1892.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, pursuant to House Resolution 734, I call up the bill (H.R. 1892) to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty, with the Senate amendment to the House amendment to the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment to the House amendment to the Senate amendment.

Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Bipartisan Budget Act of 2018".

DIVISION B—SUPPLEMENTAL APPROPRIATIONS, TAX RELIEF, AND MEDICAID CHANGES RELATING TO CERTAIN DISASTERS AND FURTHER EXTENSION OF CONTINUING APPROPRIATIONS

Subdivision 1—Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018

The following sums in this subdivision are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2018 and for other purposes, namely:

TITLE I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL PROGRAMS

PROCESSING, RESEARCH AND MARKETING

OFFICE OF THE SECRETARY

For an additional amount for the "Office of the Secretary", \$2,360,000,000, which shall remain available until December 31, 2019, for necessary expenses related to crops, trees, bushes, and vine losses related to the consequences of Hurricanes Harvey, Irma, Maria, and other

hurricanes and wildfires occurring in calendar year 2017 under such terms and conditions as determined by the Secretary: Provided, That the Secretary may provide assistance for such losses in the form of block grants to eligible states and territories: Provided further, That the total amount of payments received under this heading and applicable policies of crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the Noninsured Crop Disaster Assistance Program (NAP) under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall not exceed 85 percent of the loss as determined by the Secretary: Provided further, That the total amount of payments received under this heading for producers who did not obtain a policy or plan of insurance for an insurable commodity for the 2017 crop year, or 2018 crop year as applicable, under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses or did not file the required paperwork and pay the service fee by the applicable State filing deadline for a noninsurable commodity for the 2017 crop year, or 2018 crop year as applicable, under NAP for the crop incurring the losses shall not exceed 65 percent of the loss as determined by the Secretary: Provided further, That producers receiving payments under this heading, as determined by the Secretary, shall be required to purchase crop insurance where crop insurance is available for the next two available crop years, and producers receiving payments under this heading shall be required to purchase coverage under NAP where crop insurance is not available in the next two available crop years, as determined by the Secretary: Provided further, That, not later than 90 days after the end of fiscal year 2018, the Secretary shall submit a report to the Congress specifying the type, amount, and method of such assistance by state and territory and the status of the amounts obligated and plans for further expenditure and include improvements that can be made to Federal Crop Insurance policies, either administratively or legislatively, to increase participation, particularly among underserved producers, in higher levels of coverage in future years for crops qualifying for assistance under this heading: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, \$2,500,000, to remain available until expended, for oversight and audit of programs, grants, and activities funded by this subdivision and administered by the Department of Agriculture: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for “Buildings and Facilities”, \$22,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the “Emergency Conservation Program”, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria and of wildfires occurring in calendar year 2017, and other natural disasters, \$400,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emer-

gency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATURAL RESOURCES CONSERVATION SERVICE WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for “Watershed and Flood Prevention Operations”, for necessary expenses for the Emergency Watershed Protection Program related to the consequences of Hurricanes Harvey, Irma, and Maria and of wildfires occurring in calendar year 2017, and other natural disasters, \$541,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL DEVELOPMENT PROGRAMS

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for “Rural Housing Insurance Fund Program Account”, \$18,672,000, to remain available until September 30, 2019, for the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for the rehabilitation of section 515 rental housing (42 U.S.C. 1485) in areas impacted by Hurricanes Harvey, Irma, and Maria where owners were not required to carry national flood insurance: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

For an additional amount for the “Rural Water and Waste Disposal Program Account”, \$165,475,000, to remain available until expended, for grants to repair drinking water systems and sewer and solid waste disposal systems impacted by Hurricanes Harvey, Irma, and Maria: Provided, That not to exceed \$2,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(22) of the Consolidated Farm and Rural Development Act: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the “Special Supplemental Nutrition Program for Women, Infants, and Children”, \$14,000,000, to remain available until September 30, 2019, for infrastructure grants to the Commonwealth of Puerto Rico and the U.S. Virgin Islands to assist in the repair and restoration of buildings, equipment, technology, and other infrastructure damaged as a consequence of Hurricanes Irma and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COMMODITY ASSISTANCE PROGRAM

For an additional amount for “Commodity Assistance Program” for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), \$24,000,000, to remain available until September 30, 2019, for necessary expenses of those jurisdictions that received a major disaster or emergency declaration pursuant to section

401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191) related to the consequences of Hurricanes Harvey, Irma, and Maria or due to wildfires in 2017: Provided, That notwithstanding any other provisions of the Emergency Food Assistance Act of 1983, the Secretary of Agriculture may provide resources to Puerto Rico, the Virgin Islands of the United States, and affected States, as determined by the Secretary, to assist affected families and individuals without regard to sections 204 and 214 of such Act (7 U.S.C. 7508, 7515) by allocating additional funds and funds for administrative expenses from resources specifically appropriated, transferred, or reprogrammed: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Buildings and Facilities”, \$7,600,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount may be transferred to “Department of Health and Human Services—Food and Drug Administration—Salaries and Expenses” for costs related to repair of facilities, for replacement of equipment, and for other increases in facility-related costs: Provided further, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds appropriated by this paragraph: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 20101. (a) Section 1501(b) of the Agricultural Act of 2014 (7 U.S.C. 9081(b)) is amended—

(1) in paragraph (1), in the matter before subparagraph (A), by inserting “sold livestock for a reduced sale price, or both” after “normal mortality,”;

(2) in paragraph (2), by striking “applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.” and inserting the following:

“affected livestock, as determined by the Secretary, on, as applicable—

“(A) the day before the date of death of the livestock; or

“(B) the day before the date of the event that caused the harm to the livestock that resulted in a reduced sale price.”; and

(3) by adding at the end the following new paragraph:

“(4) A payment made under paragraph (1) to an eligible producer on a farm that sold livestock for a reduced sale price shall—

“(A) be made if the sale occurs within a reasonable period following the event, as determined by the Secretary; and

“(B) be reduced by the amount that the producer received for the sale.”.

(b) Section 1501(d)(1) of the Agricultural Act of 2014 (7 U.S.C. 9081(d)(1)) is amended by striking “not more than \$20,000,000 of”.

(c) Section 1501(e)(4)(C) of the Agricultural Act of 2014 (7 U.S.C. 9081(e)(4)(C)) is amended by striking “500 acres” and inserting “1,000 acres”.

(d) Section 1501 of the Agricultural Act of 2014 (7 U.S.C. 9081) is amended—

(1) in subsection (e)(4)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C), as amended by subsection (c), as subparagraph (B); and

(2) in subsection (f)(2), by striking “subsection (e)” and inserting “subsections (b) and (e)”.

(e) Section 1501 of the Agricultural Act of 2014 (7 U.S.C. 9081), as amended by this section, shall apply with respect to losses described in such section 1501 incurred on or after January 1, 2017.

(f) The amounts provided by subsections (a) through (e) for fiscal year 2018 are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS (INCLUDING TRANSFERS OF FUNDS)

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for “Economic Development Assistance Programs” for necessary expenses related to flood mitigation, disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation as a result of Hurricanes Harvey, Irma, and Maria, and of wildfires and other natural disasters occurring in calendar year 2017 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$600,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That within the amount appropriated, up to 2 percent of funds may be transferred to the “Salaries and Expenses” account for administration and oversight activities: Provided further, That within the amount appropriated, \$1,000,000 shall be transferred to the “Office of Inspector General” account for carrying out investigations and audits related to the funding provided under this heading.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for “Operations, Research, and Facilities” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$120,904,000, to remain available until September 30, 2019, as follows:

(1) \$12,904,000 for repair and replacement of observing assets, Federal real property, and equipment;

(2) \$18,000,000 for marine debris assessment and removal;

(3) \$40,000,000 for mapping, charting, and geodesy services; and

(4) \$50,000,000 to improve weather forecasting, hurricane intensity forecasting and flood forecasting and mitigation capabilities, including data assimilation from ocean observing platforms and satellites:

Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this subdivision.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for “Procurement, Acquisition and Construction” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$79,232,000, to remain available until September 30, 2020, as follows:

(1) \$29,232,000 for repair and replacement of Federal real property and observing assets; and

(2) \$50,000,000 for improvements to operational and research weather supercomputing infrastructure and for improvement of satellite ground services used in hurricane intensity and track prediction:

Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this subdivision.

FISHERIES DISASTER ASSISTANCE

For an additional amount for “Fisheries Disaster Assistance” for necessary expenses associated with the mitigation of fishery disasters, \$200,000,000, to remain available until expended: Provided, That funds shall be used for mitigating the effects of commercial fishery failures and fishery resource disasters declared by the Secretary of Commerce in calendar year 2017, as well those declared by the Secretary to be a direct result of Hurricanes Harvey, Irma, or Maria: Provided further, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$2,500,000: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$21,200,000: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$11,500,000: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$16,000,000: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUILDINGS AND FACILITIES

For an additional amount for “Buildings and Facilities” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$34,000,000, to remain available until ex-

ended: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for “Construction and Environmental Compliance and Restoration” for repairs at National Aeronautics and Space Administration facilities damaged by hurricanes during 2017, \$81,300,000, to remain available until expended: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for “Research and Related Activities” for necessary expenses to repair National Science Foundation radio observatory facilities damaged by hurricanes that occurred during 2017, \$16,300,000, to remain available until expended: Provided, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the National Science Foundation shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this subdivision.

RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for “Payment to the Legal Services Corporation” to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria and of the calendar year 2017 wildfires, \$15,000,000: Provided, That the amount made available under this heading shall be used only to provide the mobile resources, technology, and disaster coordinators necessary to provide storm-related services to the Legal Services Corporation client population and only in the areas significantly affected by Hurricanes Harvey, Irma, and Maria and by the calendar year 2017 wildfires: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That none of the funds appropriated in this subdivision to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this subdivision to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2017 and 2018, respectively, and except that sections 501 and 503 of Public Law 104–134 (referenced by Public Law 105–119) shall not apply to the amount made available under this heading: Provided further, That, for the purposes of this subdivision, the Legal Services Corporation shall be considered an agency of the United States Government.

GENERAL PROVISION—THIS TITLE

SEC. 20201. (a) In recognition of the consistency of the Mid-Barataria Sediment Diversion,

Mid-Breton Sound Sediment Diversion, and Calcasieu Ship Channel Salinity Control Measures projects, as selected by the 2017 Louisiana Comprehensive Master Plan for a Sustainable Coast, with the findings and policy declarations in section 2(6) of the Marine Mammal Protection Act (16 U.S.C. 1361 et seq., as amended) regarding maintaining the health and stability of the marine ecosystem, within 120 days of the enactment of this section, the Secretary of Commerce shall issue a waiver pursuant to section 101(a)(3)(A) and this section to section 101(a) and section 102(a) of the Act, for such projects that will remain in effect for the duration of the construction, operations and maintenance of the projects. No rulemaking, permit, determination, or other condition or limitation shall be required when issuing a waiver pursuant to this section.

(b) Upon issuance of a waiver pursuant to this section, the State of Louisiana shall, in consultation with the Secretary of Commerce:

(1) To the extent practicable and consistent with the purposes of the projects, minimize impacts on marine mammal species and population stocks; and

(2) Monitor and evaluate the impacts of the projects on such species and population stocks.

TITLE III

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$20,110,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$267,796,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$17,920,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$20,916,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Maintenance, Defense-Wide”, \$2,650,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for “Operation and Maintenance, Army Reserve”, \$12,500,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the

Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for “Operation and Maintenance, Navy Reserve”, \$2,922,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for “Operation and Maintenance, Air Force Reserve”, \$5,770,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$55,471,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

OTHER PROCUREMENT, NAVY

For an additional amount for “Other Procurement, Navy” \$18,000,000, to remain available until September 30, 2020, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds” for the Navy Working Capital Fund, \$9,486,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for operation and maintenance for “Defense Health Program”, \$704,000, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

INVESTIGATIONS

For an additional amount for “Investigations” for necessary expenses related to the completion, or initiation and completion, of flood and storm damage reduction, including shore protection, studies which are currently authorized or which are authorized after the date of enactment of this subdivision, to reduce risk from future floods and hurricanes, at full Federal expense, \$135,000,000, to remain available

until expended: Provided, That of such amount, not less than \$75,000,000 is available for such studies in States and insular areas that were impacted by Hurricanes Harvey, Irma, and Maria: Provided further, That funds made available under this heading shall be for high-priority studies of projects in States and insular areas with more than one flood-related major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in calendar years 2014, 2015, 2016, or 2017: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, including new studies selected to be initiated using funds provided under this heading, beginning not later than 60 days after the enactment of this subdivision.

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses to address emergency situations at Corps of Engineers projects, and to construct, and rehabilitate and repair damages caused by natural disasters, to Corps of Engineers projects, \$15,055,000,000, to remain available until expended: Provided, That of such amount, \$15,000,000,000 is available to construct flood and storm damage reduction, including shore protection, projects which are currently authorized or which are authorized after the date of enactment of this subdivision, and flood and storm damage reduction, including shore protection, projects which have signed Chief’s Reports as of the date of enactment of this subdivision or which are studied using funds provided under the heading “Investigations” if the Secretary determines such projects to be technically feasible, economically justified, and environmentally acceptable, in States and insular areas with more than one flood-related major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in calendar years 2014, 2015, 2016, or 2017: Provided further, That of the amounts in the preceding proviso, not less than \$10,425,000,000 shall be available for such projects within States and insular areas that were impacted by Hurricanes Harvey, Irma, and Maria: Provided further, That all repair, rehabilitation, study, design, and construction of Corps of Engineers projects in Puerto Rico and the United States Virgin Islands, using funds provided under this heading, shall be conducted at full Federal expense: Provided further, That for projects receiving funding under this heading, the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to these funds: Provided further, That the completion of ongoing construction projects receiving funds provided under this heading shall be at full Federal expense with respect to such funds: Provided further, That using funds provided under this heading, the non-Federal cash contribution for projects eligible for funding pursuant to the first proviso shall be financed in accordance with the provisions of section 103(k) of Public Law 99-662 over a period of 30 years from the date of completion of the project or separable element: Provided further, That up to \$50,000,000 of the funds made available under this heading shall be used for continuing authorities projects to reduce the risk of flooding and storm damage: Provided further, That any projects using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring, where applicable, the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the

project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for “Mississippi River and Tributaries” for necessary expenses to address emergency situations at Corps of Engineers projects, and to construct, and rehabilitate and repair damages to Corps of Engineers projects, caused by natural disasters, \$770,000,000, to remain available until expended: Provided, That of such amount, \$400,000,000 is available to construct flood and storm damage reduction projects which are currently authorized or which are authorized after the date of enactment of this subdivision: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance” for necessary expenses to dredge Federal navigation projects in response to, and repair damages to Corps of Engineers Federal projects caused by, natural disasters, \$608,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters, as authorized by law, \$810,000,000, to remain available until expended: Provided, That funding utilized for authorized shore protection projects shall restore such projects to the full project profile at full Federal expense: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

EXPENSES

For an additional amount for “Expenses” for necessary expenses to administer and oversee the obligation and expenditure of amounts provided in this title for the Corps of Engineers, \$20,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this subdivision.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For an additional amount for “Electricity Delivery and Energy Reliability”, \$13,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, including technical assistance related to electric grids: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STRATEGIC PETROLEUM RESERVE

For an additional amount for “Strategic Petroleum Reserve”, \$8,716,000, to remain available until expended, for necessary expenses related to damages caused by Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 20401. In fiscal year 2018, and each fiscal year thereafter, the Chief of Engineers of the U.S. Army Corps of Engineers shall transmit to the Congress, after reasonable opportunity for comment, but without change, by the Assistant Secretary of the Army for Civil Works, a monthly report, the first of which shall be transmitted to Congress not later than 2 days after the date of enactment of this subdivision and monthly thereafter, which includes detailed estimates of damages to each Corps of Engineers project, caused by natural disasters or otherwise.

SEC. 20402. From the unobligated balances of amounts made available to the U.S. Army Corps of Engineers, \$518,900,000 under the heading “Corps of Engineers—Civil, Flood Control and Coastal Emergencies” and \$210,000,000 under the heading “Corps of Engineers—Civil, Operations and Maintenance” in title X of the Disaster Relief Appropriations Act, 2013 (Public Law 113–2; 127 Stat. 25) shall be transferred to “Corps of Engineers—Civil, Construction”, to remain available until expended, to rehabilitate, repair and construct Corps of Engineers projects: Provided, That those projects may only include construction expenses, including cost sharing, as described under the heading “Corps of Engineers—Civil, Construction” in title X of that Act or other construction expenses related to the consequences of Hurricane Sandy: Provided further, That amounts transferred pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Approp-

priations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the enactment of this subdivision.

TITLE V

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to be deposited in the “Federal Buildings Fund”, \$126,951,000, to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Maria, and Irma for repair and alteration of buildings under the custody and control of the Administrator of General Services, and real property management and related activities not otherwise provided for: Provided, That funds may be used to reimburse the “Federal Buildings Fund” for obligations incurred for this purpose prior to enactment of this subdivision: Provided further, That not more than \$15,000,000 shall be available for tenant improvements in damaged U.S. courthouses: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SMALL BUSINESS ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the “Office of Inspector General”, \$7,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the “Disaster Loans Program Account” for the cost of direct loans authorized by section 7(b) of the Small Business Act, \$1,652,000,000, to remain available until expended: Provided, That up to \$618,000,000 may be transferred to and merged with “Salaries and Expenses” for administrative expenses to carry out the disaster loan program authorized by section 7(b) of the Small Business Act: Provided further, That none of the funds provided under this heading may be used for indirect administrative expenses: Provided further, That the amount provided under this heading is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT, OPERATIONS, INTELLIGENCE, AND OVERSIGHT

OFFICE OF INSPECTOR GENERAL

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$25,000,000, to remain available until September 30, 2020, for audits and investigations of activities funded by this title: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$104,494,000, to remain available

until September 30, 2019: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That not more than \$39,400,000 may be used to carry out U.S. Customs and Border Protection activities in fiscal year 2018 in Puerto Rico and the United States Virgin Islands, in addition to any other amounts available for such purposes.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Procurement, Construction, and Improvements” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, including for the reconstruction of facilities affected, \$45,000,000, to remain available until September 30, 2022: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That funds are provided to carry out U.S. Customs and Border Protection activities in Puerto Rico and the United States Virgin Islands, in addition to any other amounts available for such purposes.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$30,905,000, to remain available until September 30, 2019: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Procurement, Construction, and Improvements” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$33,052,000, to remain available until September 30, 2022: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TRANSPORTATION SECURITY ADMINISTRATION OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$10,322,000, to remain available until September 30, 2019: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

COAST GUARD OPERATING EXPENSES

For an additional amount for “Operating Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$112,136,000, to remain available until September 30, 2019: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for “Environmental Compliance and Restoration” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$4,038,000, to remain available until September 30, 2022: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for Acquisition, Construction, and Improvements” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, Maria, and Matthew, \$718,919,000, to remain available until September 30, 2022: Provided, That, not later than 60 days after enactment of this subdivision, the Secretary of Homeland Security, or her designee, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds appropriated under this heading: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

FEDERAL EMERGENCY MANAGEMENT AGENCY OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$58,800,000, to remain available until September 30, 2019: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Procurement, Construction, and Improvements” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$1,200,000, to remain available until September 30, 2020: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER RELIEF FUND

For an additional amount for “Disaster Relief Fund” for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$23,500,000,000, to remain available until expended: Provided, That the Administrator of the Federal Emergency Management Agency shall publish on the Agency’s website not later than 5 days after an award of a public assistance grant under section 406 or 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172 or 5189f) that is in excess of \$1,000,000, the specifics of each such grant award: Provided further, That for any mission assignment or mission assignment task order to another Federal department or agency regarding a major disaster in excess of \$1,000,000, not later than 5 days after the issuance of such mission assignment or mission assignment task order, the Administrator shall publish on the Agency’s website the following: the name of the impacted State, the disaster declaration for such State, the assigned agency, the assistance requested, a description of the disaster, the total cost estimate, and the amount obligated: Provided further, That not later than 10 days after the last day of each month until a mission assignment or mission assignment task order described in the preceding proviso is completed and closed out, the Administrator shall update any changes to the total cost estimate and the amount obligated: Provided further, That for a disaster declaration related to Hurricanes Harvey, Irma, or Maria, the Administrator shall submit to the Committees on Appropriations of the House of Representatives and the Senate, not later than 5 days after the first day of each month beginning after the date of enactment of this subdivision, and shall publish on the Agency’s website, not later than 10 days after the first day of each such month, an esti-

mate or actual amount, if available, for the current fiscal year of the cost of the following categories of spending: public assistance, individual assistance, operations, mitigation, administrative, and any other relevant category (including emergency measures and disaster resources): Provided, further, That not later than 10 days after the first day of each month, the Administrator shall publish on the Agency’s website the report (referred to as the Disaster Relief Monthly Report) as required by Public Law 114-4: Provided further, That of the amounts provided under this heading for the Disaster Relief Fund, up to \$150,000,000 shall be transferred to the Disaster Assistance Direct Loan Program Account for the cost to lend a territory or possession of the United States that portion of assistance for which the territory or possession is responsible under the cost-sharing provisions of the major disaster declaration for Hurricanes Irma or Maria, as authorized under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162): Provided further, That of the amount provided under this paragraph for transfer, up to \$1,000,000 may be transferred to the Disaster Assistance Direct Loan Program Account for administrative expenses to carry out the Advance of Non-Federal Share program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162): Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

FEDERAL LAW ENFORCEMENT TRAINING CENTERS OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$5,374,000, to remain available until September 30, 2019: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Procurement, Construction, and Improvements” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$5,000,000, to remain available until September 30, 2022: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 20601. The Administrator of the Federal Emergency Management Agency may provide assistance, pursuant to section 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), for critical services as defined in section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for the duration of the recovery for incidents DR-4336-PR, DR-4339-PR, DR-4340-USVI, and DR-4335-USVI to—

(1) replace or restore the function of a facility or system to industry standards without regard to the pre-disaster condition of the facility or system; and

(2) replace or restore components of the facility or system not damaged by the disaster where necessary to fully effectuate the replacement or restoration of disaster-damaged components to restore the function of the facility or system to industry standards.

SEC. 20602. Notwithstanding section 404 or 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c and 5187), for fiscal years 2017 and 2018, the President shall provide hazard mitigation assistance

in accordance with such section 404 in any area in which assistance was provided under such section 420.

SEC. 20603. The third proviso of the second paragraph in title I of Public Law 115–72 under the heading “Federal Emergency Management Agency—Disaster Relief Fund” shall be amended by striking “180 days” and inserting “365 days”: Provided, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 20604. (a) DEFINITION OF PRIVATE NON-PROFIT FACILITY.—Section 102(11)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(11)(B)) is amended to read as follows:

“(A) IN GENERAL.—The term ‘private nonprofit facility’ means private nonprofit educational (without regard to the religious character of the facility), utility, irrigation, emergency, medical, rehabilitational, and temporary or permanent custodial care facilities (including those for the aged and disabled) and facilities on Indian reservations, as defined by the President.

“(B) ADDITIONAL FACILITIES.—In addition to the facilities described in subparagraph (A), the term ‘private nonprofit facility’ includes any private nonprofit facility that provides essential social services to the general public (including museums, zoos, performing arts facilities, community arts centers, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, broadcasting facilities, houses of worship, and facilities that provide health and safety services of a governmental nature), as defined by the President. No house of worship may be excluded from this definition because leadership or membership in the organization operating the house of worship is limited to persons who share a religious faith or practice.”.

(b) REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES.—Section 406(a)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(3)) is amended by adding at the end the following:

“(C) RELIGIOUS FACILITIES.—A church, synagogue, mosque, temple, or other house of worship, educational facility, or any other private nonprofit facility, shall be eligible for contributions under paragraph (1)(B), without regard to the religious character of the facility or the primary religious use of the facility. No house of worship, educational facility, or any other private nonprofit facility may be excluded from receiving contributions under paragraph (1)(B) because leadership or membership in the organization operating the house of worship is limited to persons who share a religious faith or practice.”.

(c) APPLICABILITY.—This section and the amendments made by this section shall apply—

(1) to the provision of assistance in response to a major disaster or emergency declared on or after August 23, 2017; or

(2) with respect to—

(A) any application for assistance that, as of the date of enactment of this Act, is pending before Federal Emergency Management Agency; and

(B) any application for assistance that has been denied, where a challenge to that denial is not yet finally resolved as of the date of enactment of this Act.

SEC. 20605. (a) The Federal share of assistance, including direct Federal assistance, provided under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173), with respect to a major disaster declared pursuant to such Act for damages resulting from a wildfire in calendar year 2017,

shall be 90 percent of the eligible costs under such section.

(b) The Federal share provided by subsection (a) shall apply to assistance provided before, on, or after the date of enactment of this Act.

FEDERAL COST-SHARE ADJUSTMENTS FOR REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES

SEC. 20606. Section 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(b)) is amended by inserting after paragraph (2) the following:

“(3) INCREASED FEDERAL SHARE.—

“(A) INCENTIVE MEASURES.—The President may provide incentives to a State or Tribal government to invest in measures that increase readiness for, and resilience from, a major disaster by recognizing such investments through a sliding scale that increases the minimum Federal share to 85 percent. Such measures may include—

“(i) the adoption of a mitigation plan approved under section 322;

“(ii) investments in disaster relief, insurance, and emergency management programs;

“(iii) encouraging the adoption and enforcement of the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities that may be eligible for assistance under this Act for the purpose of protecting the health, safety, and general welfare of the buildings’ users against disasters;

“(iv) facilitating participation in the community rating system; and

“(v) funding mitigation projects or granting tax incentives for projects that reduce risk.

“(B) COMPREHENSIVE GUIDANCE.—Not later than 1 year after the date of enactment of this paragraph, the President, acting through the Administrator, shall issue comprehensive guidance to State and Tribal governments regarding the measures and investments, weighted appropriately based on actuarial assessments of eligible actions, that will be recognized for the purpose of increasing the Federal share under this section. Guidance shall ensure that the agency’s review of eligible measures and investments does not unduly delay determining the appropriate Federal cost share.

“(C) REPORT.—One year after the issuance of the guidance required by subparagraph (B), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the analysis of the Federal cost shares paid under this section.

“(D) SAVINGS CLAUSE.—Nothing in this paragraph prevents the President from increasing the Federal cost share above 85 percent.”.

SEC. 20607. Division F of the Consolidated Appropriations Act, 2017, is amended by inserting the following at the end of Title V:

“SEC. 545. (a) PREMIUM PAY AUTHORITY.—During calendar year 2017, any premium pay that is funded, either directly or through reimbursement, by the ‘Federal Emergency Management Agency—Disaster Relief Fund’ shall be exempted from the aggregate of basic pay and premium pay calculated under section 5547(a) of title 5, United States Code, and any other provision of law limiting the aggregate amount of premium pay payable on a biweekly or calendar year basis.

“(b) OVERTIME AUTHORITY.—During calendar year 2017, any overtime that is funded, either directly or through reimbursement, by the ‘Federal Emergency Management Agency—Disaster Relief Fund’ shall be exempted from any annual limit on the amount of overtime payable in a calendar or fiscal year.

“(c) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—In determining whether an em-

ployee’s pay exceeds the applicable annual rate of basic pay payable under section 5307 of title 5, United States Code, the head of an Executive agency shall not include pay exempted under this section.

“(d) LIMITATION OF PAY AUTHORITY.—Pay exempted from otherwise applicable limits under subsection (a) shall not cause the aggregate pay earned for the calendar year in which the exempted pay is earned to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code.

“(e) EFFECTIVE DATE.—This section shall take effect as if enacted on December 31, 2016.”.

TITLE VII

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$210,629,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the “Historic Preservation Fund” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$50,000,000, to remain available until September 30, 2019, including costs to States and territories necessary to complete compliance activities required by section 306108 of title 54, United States Code (formerly section 106 of the National Historic Preservation Act) and costs needed to administer the program: Provided, That grants shall only be available for areas that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further, That individual grants shall not be subject to a non-Federal matching requirement: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$207,600,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for “Surveys, Investigations, and Research” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, and in those areas impacted by a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) with respect to wildfires in 2017, \$42,246,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For an additional amount for “Technical Assistance” for financial management expenses related to the consequences of Hurricanes Irma

and Maria, \$3,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$2,500,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ENVIRONMENTAL PROTECTION AGENCY

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for “Hazardous Substance Superfund” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$6,200,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For an additional amount for “Leaking Underground Storage Tank Fund” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$7,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for “State and Tribal Assistance Grants” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria for the hazardous waste financial assistance grants program and for other solid waste management activities, \$50,000,000, to remain available until expended: Provided, That none of these funds allocated within Region 2 shall be subject to cost share requirements under section 3011(b) of the Solid Waste Disposal Act: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION—ENVIRONMENTAL PROTECTION AGENCY

Of amounts previously appropriated for capitalization grants for the State Revolving Funds under title VI of the Federal Water Pollution Control Act or under section 1452 of the Safe Drinking Water Act to a State or territory included as part of a disaster declaration related to Hurricanes Irma and Maria, all existing grant funds that are available but not drawn down shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3) of the Federal Water Pollution Control Act nor the matching requirements of section 1452(e) of the Safe Drinking Water Act and shall be awarded to such state or territory: Provided, That, notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act or section 1452(f) of the Safe Drinking Water Act, the state or territory shall utilize the full amount of such funds, excluding existing loans, to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: Provided further, That such funds may be used for eligible projects whose purpose is to repair damage incurred as a result of Hurricanes Irma and Maria, reduce flood damage risk and vulnerability or to enhance resiliency to rapid hydro-

logic change or a natural disaster at treatment works as defined by section 212 of the Federal Water Pollution Control Act or a public drinking water system under section 1452 of the Safe Drinking Water Act: Provided further, That any project involving the repair or replacement of a lead service line shall replace the entire lead service line, not just a portion.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for “State and Private Forestry” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$7,500,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FOREST SYSTEM

For an additional amount for “National Forest System” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, \$20,652,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for “Capital Improvement and Maintenance” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, and the 2017 fire season, \$91,600,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 20701. Agencies receiving funds appropriated by this title shall each provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds by account, beginning not later than 90 days after enactment of this Act.

TITLE VIII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Training and Employment Services”, \$100,000,000, for the dislocated workers assistance national reserve for necessary expenses directly related to the consequences of Hurricanes Harvey, Maria, and Irma and those jurisdictions that received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) due to wildfires in 2017, which shall be available from the date of enactment of this subdivision through September 30, 2019: Provided, That the Secretary of Labor may transfer up to \$2,500,000 of such funds to any other Department of Labor account for reconstruction and recovery needs, including worker protection activities: Provided further, That these sums may be used to replace grant funds previously obligated to the impacted areas: Provided further, That of the amount provided, up to \$500,000, to remain available until expended, shall be transferred to “Office of Inspector General” for oversight of activities responding to such hurricanes and wildfires: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOB CORPS

For an additional amount for “Job Corps” for construction, rehabilitation and acquisition for Job Corps Centers in Puerto Rico, \$30,900,000, which shall be available upon the date of enactment of this subdivision and remain available for obligation through June 30, 2021: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—DEPARTMENT OF LABOR

DEFERRAL OF INTEREST PAYMENTS FOR VIRGIN ISLANDS

SEC. 20801. Notwithstanding any other provision of law, the interest payment of the Virgin Islands that was due under section 1202(b)(1) of the Social Security Act on September 29, 2017, shall not be due until September 28, 2018, and no interest shall accrue on such amount through September 28, 2018: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FLEXIBILITY IN USE OF FUNDS UNDER WIOA

SEC. 20802. (a) IN GENERAL.—Notwithstanding section 133(b)(4) of the Workforce Innovation and Opportunity Act, in States, as defined by section 3(56) of such Act, affected by Hurricanes Harvey, Irma, and Maria, a local board, as defined by section 3(33) of such Act, in a local area, as defined by section 3(32) of such Act, affected by such Hurricanes may transfer, if such transfer is approved by the Governor, up to 100 percent of the funds allocated to the local area for Program Years 2016 and 2017 for Youth Workforce Investment activities under paragraphs (2) or (3) of section 128(b) of such Act, for Adult employment and training activities under paragraphs (2)(A) or (3) of section 133(b) of such Act, or for Dislocated Worker employment and training activities under paragraph (2)(B) of section 133(b) of such Act among—

- (1) adult employment and training activities;
- (2) dislocated worker employment and training activities; and
- (3) youth workforce investment activities.

(b) THE VIRGIN ISLANDS.—Except for the funds reserved to carry out required statewide activities under sections 127(b) and 134(a)(2) of the Workforce Innovation and Opportunity Act, the Governor of the Virgin Islands may authorize the transfer of up to 100 percent of the remaining funds provided to the Virgin Islands for Program Years 2016 and 2017 for Youth Workforce Investment activities under section 127(b)(1)(B) of such Act, for Adult employment and training activities under section 132(b)(1)(A) of such Act, or for Dislocated Worker employment and training activities under section 133(b)(2)(A) of such Act among—

- (1) adult employment and training activities;
- (2) dislocated worker employment and training activities; and
- (3) youth workforce investment activities.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “CDC-Wide Activities and Program Support”, \$200,000,000, to remain available until September 30, 2020, for response, recovery, preparation, mitigation, and other expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds appropriated by this paragraph: Provided further, That of the amount provided, not less than \$6,000,000 shall be transferred to the “Buildings and Facilities” account for the purposes provided herein: Provided further, That

such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

For an additional amount for fiscal year 2018 for “Office of the Director”, \$50,000,000, to remain available until September 30, 2020, for response, recovery, and other expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That obligations incurred for these purposes prior to the date of enactment of this subdivision may be charged to funds appropriated by this paragraph: Provided further, That funds appropriated by this paragraph may be used for construction grants or contracts under section 404I of the Public Health Service Act without regard to section 404I(c)(2): Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for “Children and Families Services Programs”, \$650,000,000, to remain available until September 30, 2021, for Head Start programs, for necessary expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria, including making payments under the Head Start Act: Provided, That none of the funds appropriated in this paragraph shall be included in the calculation of the “base grant” in subsequent fiscal years, as such term is defined in sections 640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of the Head Start Act: Provided further, That funds appropriated in this paragraph are not subject to the allocation requirements of section 640(a) of the Head Start Act: Provided further, That funds appropriated in this paragraph shall not be available for costs that are reimbursed by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance: Provided further, That up to \$12,500,000 shall be available for Federal administrative expenses: Provided further, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds appropriated under this heading: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for the “Public Health and Social Services Emergency Fund”, \$162,000,000, to remain available until September 30, 2020, for response, recovery, preparation, mitigation and other expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria, including activities authorized under section 319(a) of the Public Health Service Act (referred to in this subdivision as the “PHS Act”): Provided, That of the amount provided, \$60,000,000 shall be transferred to “Health Resources and Services Administration—Primary Health Care”, for expenses related to the consequences of Hurricanes Harvey, Irma, and Maria for disaster response and recovery, for the Health Centers Program under section 330 of the PHS Act: Provided further, That not less than \$50,000,000, of amounts transferred under the preceding proviso, shall be available for alteration, renovation, construction, equipment, and other capital improvement costs as necessary to meet the needs of areas affected by Hurricanes Harvey, Irma, and Maria: Provided further, That the time limitation in section

330(e)(3) of the PHS Act shall not apply to funds made available under the preceding proviso: Provided further, That of the amount provided, not less than \$20,000,000 shall be transferred to “Substance Abuse and Mental Health Services Administration—Health Surveillance and Program Support” for grants, contracts, and cooperative agreements for behavioral health treatment, crisis counseling, and other related helplines, and for other similar programs to provide support to individuals impacted by Hurricanes Harvey, Irma, and Maria: Provided further, That of the amount provided, up to \$2,000,000, to remain available until expended, shall be transferred to “Office of the Secretary—Office of Inspector General” for oversight of activities responding to such hurricanes: Provided further, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds appropriated under this heading: Provided further, That funds appropriated in this paragraph shall not be available for costs that are reimbursed by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIRECT HIRE AUTHORITY FOR CERTAIN EMERGENCY RESPONSE POSITIONS

SEC. 20803. (a) IN GENERAL.—As the Secretary of Health and Human Services determines necessary to respond to a critical hiring need for emergency response positions, after providing public notice and without regard to the provisions of sections 3309 through 3319 of title 5, United States Code, the Secretary may appoint candidates directly to the following positions, consistent with subsection (b), to perform critical work directly relating to the consequences of Hurricanes Harvey, Irma, and Maria:

(1) Intermittent disaster-response personnel in the National Disaster Medical System, under section 2812 of the Public Health Service Act (42 U.S.C. 300hh–11).

(2) Term or temporary related positions in the Centers for Disease Control and Prevention and the Office of the Assistant Secretary for Preparedness and Response.

(b) EXPIRATION.—The authority under subsection (a) shall expire 270 days after the date of enactment of this section.

DEPARTMENT OF EDUCATION

HURRICANE EDUCATION RECOVERY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Hurricane Education Recovery” for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, or wildfires in 2017 for which a major disaster or emergency has been declared under sections 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5190) (referred to under this heading as “covered disaster or emergency”), \$2,700,000,000, to remain available through September 30, 2022, for assisting in meeting the educational needs of individuals affected by a covered disaster or emergency: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That—

(1) such funds shall be used—

(A) to make awards to eligible entities for immediate aid to restart school operations, in accordance with paragraph (2);

(B) for temporary emergency impact aid for displaced students, in accordance with paragraph (2);

(C) for emergency assistance to institutions of higher education and students attending insti-

tutions of higher education in an area directly affected by a covered disaster or emergency in accordance with paragraph (3);

(D) for payments to institutions of higher education to help defray the unexpected expenses associated with enrolling displaced students from institutions of higher education directly affected by a covered disaster or emergency, in accordance with paragraph (4); and

(E) to provide assistance to local educational agencies serving homeless children and youth in accordance with paragraph (5);

(2) immediate aid to restart school operations and temporary emergency impact aid for displaced students described in subparagraphs (A) and (B) of paragraph (1) shall be provided under the statutory terms and conditions that applied to assistance under sections 102 and 107 of title IV of division B of Public Law 109–148, respectively, except that such sections shall be applied so that—

(A) each reference to a major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) shall be to a major disaster or emergency declared by the President in accordance with section 401 or 501, respectively, of such Act;

(B) each reference to Hurricane Katrina or Hurricane Rita shall be a reference to a covered disaster or emergency;

(C) each reference to August 22, 2005 shall be to the date that is one week prior to the date that the major disaster or emergency was declared for the area;

(D) each reference to the States of Louisiana, Mississippi, Alabama, and Texas shall be to the States or territories affected by a covered disaster or emergency, and each reference to the State educational agencies of Louisiana, Mississippi, Alabama, or Texas shall be a reference to the State educational agencies that serve the states or territories affected by a covered disaster or emergency;

(E) each reference to the 2005–2006 school year shall be to the 2017–2018 school year;

(F) the references in section 102(h)(1) of title IV of division B of Public Law 109–148 to the number of non-public and public elementary schools and secondary schools in the State shall be to the number of students in non-public and public elementary schools and secondary schools in the State, and the reference in such section to the National Center for Data Statistics Common Core of Data for the 2003–2004 school year shall be to the most recent and appropriate data set for the 2016–2017 school year;

(G) in determining the amount of immediate aid provided to restart school operations as described in section 102(b) of title IV of division B of Public Law 109–148, the Secretary shall consider the number of students enrolled, during the 2016–2017 school year, in elementary schools and secondary schools that were closed as a result of a covered disaster or emergency;

(H) in determining the amount of emergency impact aid that a State educational agency is eligible to receive under paragraph (1)(B), the Secretary shall, subject to section 107(d)(1)(B) of such title, provide—

(i) \$9,000 for each displaced student who is an English learner, as that term is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

(ii) \$10,000 for each displaced student who is a child with a disability (regardless of whether the child is an English learner); and

(iii) \$8,500 for each displaced student who is not a child with a disability or an English learner;

(I) with respect to the emergency impact aid provided under paragraph (1)(B), the Secretary may modify the State educational agency and local educational agency application timelines in section 107(c) of such title; and

(J) each reference to a public elementary school may include, as determined by the local educational agency, a publicly-funded preschool

program that enrolls children below the age of kindergarten entry and is part of an elementary school;

(3) \$100,000,000 of the funds made available under this heading shall be for programs authorized under subpart 3 of Part A, part C of title IV and part B of title VII of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq., 1138 et seq.) for institutions located in an area affected by a covered disaster or emergency, and students enrolled in such institutions, except that—

(A) any requirements relating to matching, Federal share, reservation of funds, or maintenance of effort under such parts that would otherwise be applicable to that assistance shall not apply;

(B) such assistance may be used for student financial assistance;

(C) such assistance may also be used for faculty and staff salaries, equipment, student supplies and instruments, or any purpose authorized under the Higher Education Act of 1965, by institutions of higher education that are located in areas affected by a covered disaster or emergency; and

(D) the Secretary shall prioritize, to the extent possible, students who are homeless or at risk of becoming homeless as a result of displacement, and institutions that have sustained extensive damage, by a covered disaster or emergency;

(4) up to \$75,000,000 of the funds made available under this heading shall be for payments to institutions of higher education to help defray the unexpected expenses associated with enrolling displaced students from institutions of higher education at which operations have been disrupted by a covered disaster or emergency, in accordance with criteria established by the Secretary and made publicly available;

(5) \$25,000,000 of the funds made available under this heading shall be available to provide assistance to local educational agencies serving homeless children and youths displaced by a covered disaster or emergency, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435) and with section 106 of title IV of division B of Public Law 109–148, except that funds shall be disbursed based on demonstrated need and the number of homeless children and youth enrolled as a result of displacement by a covered disaster or emergency;

(6) section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, shall not apply to activities under this heading;

(7) \$4,000,000 of the funds made available under this heading, to remain available until expended, shall be transferred to the Office of the Inspector General of the Department of Education for oversight of activities supported with funds appropriated under this heading, and up to \$3,000,000 of the funds made available under this heading shall be for program administration;

(8) up to \$35,000,000 of the funds made available under this heading shall be to carry out activities authorized under section 4631(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7281(b)): Provided, That obligations incurred for the purposes provided herein prior to the date of enactment of this subdivision may be charged to funds appropriated under this paragraph;

(9) the Secretary may waive, modify, or provide extensions for certain requirements of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) for affected individuals, affected students, and affected institutions in covered disaster or emergency areas in the same manner as the Secretary was authorized to waive, modify, or provide extensions for certain requirements of such Act under provisions of subtitle B of title IV of division B of Public Law 109–148 for affected individuals, affected students, and affected institutions in areas affected by Hurricane Katrina and Hurricane Rita, except that the cost associ-

ated with any action taken by the Secretary under this paragraph is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(10) if any provision under this heading or application of such provision to any person or circumstance is held to be unconstitutional, the remainder of the provisions under this heading and the application of such provisions to any person or circumstance shall not be affected thereby.

GENERAL PROVISION—DEPARTMENT OF EDUCATION

SEC. 20804. (a) Notwithstanding any other provision of law, the Secretary of Education is hereby authorized to forgive any outstanding balance owed to the Department of Education under the HBCU Hurricane Supplemental Loan program established pursuant to section 2601 of Public Law 109–234, as modified by section 307 of title III of division F of the Consolidated Appropriations Act, 2012 (Public Law 112–74), as carried forward by the Continuing Appropriations Resolution, 2013 (Public Law 112–175).

(b) There are authorized to be appropriated, and there are hereby appropriated, such sums as may be necessary to carry out subsection (a): Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balance Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE (INCLUDING TRANSFER OF FUNDS)

SEC. 20805. Funds appropriated to the Department of Health and Human Services by this title may be transferred to, and merged with, other appropriation accounts under the headings “Centers for Disease Control and Prevention” and “Public Health and Social Services Emergency Fund” for the purposes specified in this title following consultation with the Office of Management and Budget: Provided, That the Committees on Appropriations in the House of Representatives and the Senate shall be notified 10 days in advance of any such transfer: Provided further, That, upon a determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation: Provided further, That none of the funds made available by this title may be transferred pursuant to the authority in section 205 of division H of Public Law 115–31 or section 241(a) of the PHS Act.

SEC. 20806. Not later than 30 days after enactment of this subdivision, the Secretary of Health and Human Services shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations: Provided, That such plans shall be updated and submitted to the Committees on Appropriations every 60 days until all funds are expended or expire.

SEC. 20807. Unless otherwise provided for by this title, the additional amounts appropriated by this title to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2018.

TITLE IX

LEGISLATIVE BRANCH

GOVERNMENT ACCOUNTABILITY OFFICE SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$14,000,000, to remain available until expended, for audits and investigations relating to Hurricanes Harvey, Irma, and Maria and the 2017 wildfires: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE X

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, \$201,636,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That none of the funds made available to the Navy and Marine Corps for recovery efforts related to Hurricanes Harvey, Irma, and Maria in this subdivision shall be available for obligation until the Committees on Appropriations of the House of Representatives and the Senate receive form 1391 for each specific request: Provided further, That, not later than 60 days after enactment of this subdivision, the Secretary of the Navy, or his designee, shall submit to the Committees on Appropriations of House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: Provided further, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for “Military Construction, Army National Guard”, \$519,345,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That none of the funds made available to the Army National Guard for recovery efforts related to Hurricanes Harvey, Irma, and Maria in this subdivision shall be available for obligation until the Committees on Appropriations of the House of Representatives and the Senate receive form 1391 for each specific request: Provided further, That, not later than 60 days after enactment of this subdivision, the Director of the Army National Guard, or his designee, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: Provided further, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION MEDICAL SERVICES

For an additional amount for “Medical Services”, \$11,075,000, to remain available until September 30, 2019, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL SUPPORT AND COMPLIANCE

For an additional amount for “Medical Support and Compliance”, \$3,209,000, to remain available until September 30, 2019, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL FACILITIES

For an additional amount for “Medical Facilities”, \$75,108,000, to remain available until

September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That none of these funds shall be available for obligation until the Secretary of Veterans Affairs submits to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

For an additional amount for “Construction, Minor Projects”, \$4,088,000, to remain available until September 30, 2022, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—THIS TITLE

SEC. 21001. Notwithstanding section 18236(b) of title 10, United States Code, the Secretary of Defense shall contribute to Puerto Rico, 100 percent of the total cost of construction (including the cost of architectural, engineering and design services) for the acquisition, construction, expansion, rehabilitation, or conversion of the Arroyo readiness center under paragraph (5) of section 18233(a) of title 10, United States Code.

TITLE XI

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for “Operations”, \$35,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, and other hurricanes occurring in calendar year 2017: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for “Facilities and Equipment”, \$79,589,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria, and other hurricanes occurring in calendar year 2017: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the “Emergency Relief Program” as authorized under section 125 of title 23, United States Code, \$1,374,000,000, to remain available until expended: Provided, That notwithstanding section 125(d)(4) of title 23, United States Code, no limitation on the total obligations for projects under section 125 of such title shall apply to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands for fiscal year 2018 and fiscal year 2019: Provided further, That notwithstanding subsection (e) of section 120 of title 23, United States Code, for this fiscal year and hereafter, the Federal share for Emergency Relief funds made available under section 125 of such title to respond to damage caused by Hurricanes Irma and Maria, shall be 100 percent for

Puerto Rico: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL TRANSIT ADMINISTRATION

PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

For an additional amount for the “Public Transportation Emergency Relief Program” as authorized under section 5324 of title 49, United States Code, \$330,000,000 to remain available until expended, for transit systems affected by Hurricanes Harvey, Irma, and Maria with major disaster declarations in 2017: Provided, That not more than three-quarters of one percent of the funds for public transportation emergency relief shall be available for administrative expenses and ongoing program management oversight as authorized under sections 5334 and 5338(f)(2) of such title and shall be in addition to any other appropriations for such purpose: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

For an additional amount for “Operations and Training”, \$10,000,000, to remain available until expended, for necessary expenses, including for dredging, related to damage to Maritime Administration facilities resulting from Hurricane Harvey: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—DEPARTMENT OF TRANSPORTATION

SEC. 21101. Notwithstanding 49 U.S.C. 5302, for fiscal years 2018, 2019, and 2020 the Secretary of Transportation shall treat an area as an “urbanized area” for purposes of 49 U.S.C. 5307 and 5336(a) until the next decennial census following the enactment of this Act if the area was defined and designated as an “urbanized” area by the Secretary of Commerce in the 2000 decennial census and the population of such area fell below 50,000 after the 2000 decennial census as a result of a major disaster: Provided, That an area treated as an “urbanized area” for purposes of this section shall be assigned the population and square miles of the urbanized area designated by the Secretary of Commerce in the 2000 decennial census: Provided further, That the term “major disaster” has the meaning given such term in section 102(2) of the Disaster Relief Act of 1974 (42 U.S.C. 5122(2)).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Community Development Fund”, \$28,000,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major declared disaster that occurred in 2017 (except as otherwise provided under this heading) pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That funds shall be awarded directly to the State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974) at the discretion of the Sec-

retary: Provided further, That of the amounts made available under this heading, up to \$16,000,000,000 shall be allocated to meet unmet needs for grantees that have received or will receive allocations under this heading for major declared disasters that occurred in 2017 or under the same heading of Division B of Public Law 115–56, except that, of the amounts made available under this proviso, no less than \$11,000,000,000 shall be allocated to the States and units of local government affected by Hurricane Maria, and of such amounts allocated to such grantees affected by Hurricane Maria, \$2,000,000,000 shall be used to provide enhanced or improved electrical power systems: Provided further, That to the extent amounts under the previous proviso are insufficient to meet all unmet needs, the allocation amounts related to infrastructure shall be reduced proportionally based on the total infrastructure needs of all grantees: Provided further, That of the amounts made available under this heading, no less than \$12,000,000,000 shall be allocated for mitigation activities to all grantees of funding provided under this heading, section 420 of division L of Public Law 114–113, section 145 of division C of Public Law 114–223, section 192 of division C of Public Law 114–223 (as added by section 101(3) of division A of Public Law 114–254), section 421 of division K of Public Law 115–31, and the same heading in division B of Public Law 115–56, and that such mitigation activities shall be subject to the same terms and conditions under this subdivision, as determined by the Secretary: Provided further, That all such grantees shall receive an allocation of funds under the preceding proviso in the same proportion that the amount of funds each grantee received or will receive under the second proviso of this heading or the headings and sections specified in the previous proviso bears to the amount of all funds provided to all grantees specified in the previous proviso: Provided further, That of the amounts made available under the second and fourth provisos of this heading, the Secretary shall allocate to all such grantees an aggregate amount not less than 33 percent of each such amounts of funds provided under this heading within 60 days after the enactment of this subdivision based on the best available data (especially with respect to data for all such grantees affected by Hurricanes Harvey, Irma, and Maria), and shall allocate no less than 100 percent of the funds provided under this heading by no later than December 1, 2018: Provided further, That the Secretary shall not prohibit the use of funds made available under this heading and the same heading in division B of Public Law 115–56 for non-federal share as authorized by section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)): Provided further, That of the amounts made available under this heading, grantees may establish grant programs to assist small businesses for working capital purposes to aid in recovery: Provided further, That as a condition of making any grant, the Secretary shall certify in advance that such grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), to ensure timely expenditure of funds, to maintain comprehensive websites regarding all disaster recovery activities assisted with these funds, and to detect and prevent waste, fraud, and abuse of funds: Provided further, That with respect to any such duplication of benefits, the Secretary and any grantee under this section shall not take into consideration or reduce the amount provided to any applicant for assistance from the grantee where such applicant applied for and was approved, but declined assistance related to such major declared disasters that occurred in 2014, 2015, 2016, and 2017 from the Small Business Administration under section 7(b) of the Small

Business Act (15 U.S.C. 636(b)): Provided further, That the Secretary shall require grantees to maintain on a public website information containing common reporting criteria established by the Department that permits individuals and entities awaiting assistance and the general public to see how all grant funds are used, including copies of all relevant procurement documents, grantee administrative contracts and details of ongoing procurement processes, as determined by the Secretary: Provided further, That prior to the obligation of funds a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306): Provided further, That a State, unit of general local government, or Indian tribe may use up to 5 percent of its allocation for administrative costs: Provided further, That the sixth proviso under this heading in the Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (division B of Public Law 115–56) is amended by striking “State or subdivision thereof” and inserting “State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302))”: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: Provided further, That, notwithstanding the preceding proviso, recipients of funds provided under this heading that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, 408(c)(4), or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit: Provided further, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review, approval or permit under the preceding proviso or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That the Secretary shall publish via notice in the Federal Register any waiver, or alternative requirement, to any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver or alternative requirement: Provided further, That the eighth proviso under

this heading in the Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (division B of Public Law 115–56) is amended by inserting “408(c)(4),” after “407,”: Provided further, That of the amounts made available under this heading, up to \$15,000,000 shall be made available for capacity building and technical assistance, including assistance on contracting and procurement processes, to support States, units of general local government, or Indian tribes (and their subrecipients) that receive allocations pursuant to this heading, received disaster recovery allocations under the same heading in Public Law 115–56, or may receive similar allocations for disaster recovery in future appropriations Acts: Provided further, That of the amounts made available under this heading, up to \$10,000,000 shall be transferred, in aggregate, to “Department of Housing and Urban Development—Program Office Salaries and Expenses—Community Planning and Development” for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts under this heading: Provided further, That the amount specified in the preceding proviso shall be combined with funds appropriated under the same heading and for the same purpose in Public Law 115–56 and the aggregate of such amounts shall be available for any of the purposes specified under this heading or the same heading in Public Law 115–56 without limitation: Provided further, That, of the funds made available under this heading, \$10,000,000 shall be transferred to the Office of the Inspector General for necessary costs of overseeing and auditing funds made available under this heading: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That amounts repurposed pursuant to this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 21102. Any funds made available under the heading “Community Development Fund” under this subdivision that remain available, after the other funds under such heading have been allocated for necessary expenses for activities authorized under such heading, shall be used for additional mitigation activities in the most impacted and distressed areas resulting from a major declared disaster that occurred in 2014, 2015, 2016 or 2017: Provided, That such remaining funds shall be awarded to grantees of funding provided for disaster relief under the heading “Community Development Fund” in this subdivision, section 420 of division L of Public Law 114–113, section 145 of division C of Public Law 114–223, section 192 of division C of Public Law 114–223 (as added by section 101(3) of division A of Public Law 114–254), section 421 of division K of Public Law 115–31, and the same heading in division B of Public Law 115–56 subject to the same terms and conditions under this subdivision and such Acts respectively: Provided further, That each such grantee shall receive an allocation from such remaining funds in the same proportion that the amount of funds such grantee received under this subdivision and under the Acts specified in the previous proviso bears to the amount of all funds provided to all grantees specified in the previous proviso.

SEC. 21103. For 2018, the Secretary of Housing and Urban Development may make temporary adjustments to the section 8 housing choice voucher annual renewal funding allocations and administrative fee eligibility determinations

for public housing agencies located in the most impacted and distressed areas in which a major Presidentially declared disaster occurred during 2017 under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), to avoid significant adverse funding impacts that would otherwise result from the disaster, or to facilitate leasing up to a public housing agency’s authorized level of units under contract (but not to exceed such level), upon request by and in consultation with a public housing agency and supported by documentation as required by the Secretary that demonstrates the need for the adjustment.

TITLE XII

GENERAL PROVISIONS—THIS SUBDIVISION

SEC. 21201. Each amount appropriated or made available by this subdivision is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 21202. No part of any appropriation contained in this subdivision shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 21203. Unless otherwise provided for by this subdivision, the additional amounts appropriated by this subdivision to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2018.

SEC. 21204. Each amount designated in this subdivision by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 21205. For purposes of this subdivision, the consequences or impacts of any hurricane shall include damages caused by the storm at any time during the entirety of its duration as a cyclone, as defined by the National Hurricane Center.

SEC. 21206. Any amount appropriated by this subdivision, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this subdivision shall retain such designation.

SEC. 21207. The terms and conditions applicable to the funds provided in this subdivision, including those provided by this title, shall also apply to the funds made available in division B of Public Law 115–56 and in division A of Public Law 115–72.

SEC. 21208. (a) Section 305 of division A of the Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115–72) is amended—

(1) in subsection (a)—

(A) by striking “(1) Not later than December 31, 2017,” and inserting “Not later than March 31, 2018,”; and

(B) by striking paragraph (2); and

(2) in subsection (b), by striking “receiving funds under this division” and inserting “expending more than \$10,000,000 of funds provided by this division and division B of Public Law 115–56 in any one fiscal year”.

(b) Section 305 of division A of the Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115–72), as amended by this section, shall apply to funds appropriated by this division as if they had been appropriated by that division.

(c) In order to proactively prepare for oversight of future disaster relief funding, not later than one year after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue standard guidance for Federal agencies to use in designing internal control plans for disaster relief funding. This

guidance shall leverage existing internal control review processes and shall include, at a minimum, the following elements:

(1) Robust criteria for identifying and documenting incremental risks and mitigating controls related to the funding.

(2) Guidance for documenting the linkage between the incremental risks related to disaster funding and efforts to address known internal control risks.

SEC. 21209. Any agency or department provided funding in excess of \$3,000,000,000 by this subdivision, including the Federal Emergency Management Agency, the Department of Housing and Urban Development, and the Corps of Engineers, is directed to provide a report to the Committees on Appropriations of the House of Representatives and the Senate regarding its efforts to provide adequate resources and technical assistance for small, low-income communities affected by natural disasters.

SEC. 21210. (a) Not later than 180 days after the date of enactment of this subdivision and in coordination with the Administrator of the Federal Emergency Management Agency, with support and contributions from the Secretary of the Treasury, the Secretary of Energy, and other Federal agencies having responsibilities defined under the National Disaster Recovery Framework, the Governor of the Commonwealth of Puerto Rico shall submit to Congress a report describing the Commonwealth's 12- and 24-month economic and disaster recovery plan that—

(1) defines the priorities, goals, and expected outcomes of the recovery effort for the Commonwealth, based on damage assessments prepared pursuant to Federal law, if applicable, including—

- (A) housing;
- (B) economic issues, including workforce development and industry expansion and cultivation;
- (C) health and social services;
- (D) natural and cultural resources;
- (E) governance and civic institutions;
- (F) electric power systems and grid restoration;

(G) environmental issues, including solid waste facilities; and

(H) other infrastructure systems, including repair, restoration, replacement, and improvement of public infrastructure such as water and wastewater treatment facilities, communications networks, and transportation infrastructure;

(2) is consistent with—

(A) the Commonwealth's fiscal capacity to provide long-term operation and maintenance of rebuilt or replaced assets;

(B) alternative procedures and associated programmatic guidance adopted by the Administrator of the Federal Emergency Management Agency pursuant to section 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189f); and

(C) actions as may be necessary to mitigate vulnerabilities to future extreme weather events and natural disasters and increase community resilience, including encouraging the adoption and enforcement of the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities for the purpose of protecting the health, safety, and general welfare of the buildings' users against disasters;

(3) promotes transparency and accountability through appropriate public notification, outreach, and hearings;

(4) identifies performance metrics for assessing and reporting on the progress toward achieving the Commonwealth's recovery goals, as identified under paragraph (1);

(5) is developed in coordination with the Oversight Board established under PROMESA; and

(6) is certified by that Oversight Board to be consistent with the purpose set forth in section 101(a) of PROMESA (48 U.S.C. 2121(a)).

(b) At the end of every 30-day period before the submission of the report described in subsection (a), the Governor of the Commonwealth of Puerto Rico, in coordination with the Administrator of the Federal Emergency Management Agency, shall provide to Congress interim status updates on progress developing such report.

(c) At the end of every 180-day period after the submission of the report described in subsection (a), the Governor of the Commonwealth of Puerto Rico, in coordination with the Administrator of the Federal Emergency Management Agency, shall make public a report on progress achieving the goals set forth in such report.

(d) During the development, and after the submission, of the report required in subsection (a), the Oversight Board may provide to Congress reports on the status of coordination with the Governor of Puerto Rico.

(e) Amounts made available by this subdivision to a covered territory for response to or recovery from Hurricane Irma or Hurricane Maria in an aggregate amount greater than \$10,000,000 may be reviewed by the Oversight Board under the Oversight Board's authority under 204(b)(2) of PROMESA (48 U.S.C. 2144(b)(2)).

(f) When developing a Fiscal Plan while the recovery plan required under subsection (a) is in development and in effect, the Oversight Board shall use and incorporate, to the greatest extent feasible, damage assessments prepared pursuant to Federal law.

(g) For purposes of this section, the terms "covered territory" and "Oversight Board" have the meaning given those term in section 5 of PROMESA (48 U.S.C. 2104).

This subdivision may be cited as the "Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018".

SUBDIVISION 2—TAX RELIEF AND MEDICAID CHANGES RELATING TO CERTAIN DISASTERS

TITLE I—CALIFORNIA FIRES

SEC. 20101. DEFINITIONS.

For purposes of this title—

(1) **CALIFORNIA WILDFIRE DISASTER ZONE.**—The term "California wildfire disaster zone" means that portion of the California wildfire disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of wildfires in California.

(2) **CALIFORNIA WILDFIRE DISASTER AREA.**—The term "California wildfire disaster area" means an area with respect to which between January 1, 2017 through January 18, 2018 a major disaster has been declared by the President under section 401 of such Act by reason of wildfires in California.

SEC. 20102. SPECIAL DISASTER-RELATED RULES FOR USE OF RETIREMENT FUNDS.

(a) **TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.**—

(1) **IN GENERAL.**—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified wildfire distribution.

(2) **AGGREGATE DOLLAR LIMITATION.**—

(A) **IN GENERAL.**—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified wildfire distributions for any taxable year shall not exceed the excess (if any) of—

(i) \$100,000, over

(ii) the aggregate amounts treated as qualified wildfire distributions received by such individual for all prior taxable years.

(B) **TREATMENT OF PLAN DISTRIBUTIONS.**—If a distribution to an individual would (without regard to subparagraph (A)) be a qualified wildfire distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified wildfire distribution, unless the aggregate amount of such

distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds \$100,000.

(C) **CONTROLLED GROUP.**—For purposes of subparagraph (B), the term "controlled group" means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

(3) **AMOUNT DISTRIBUTED MAY BE REPAID.**—

(A) **IN GENERAL.**—Any individual who receives a qualified wildfire distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), of the Internal Revenue Code of 1986, as the case may be.

(B) **TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.**—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a qualified wildfire distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified wildfire distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(C) **TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.**—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a qualified wildfire distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified wildfire distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) **DEFINITIONS.**—For purposes of this subsection—

(A) **QUALIFIED WILDFIRE DISTRIBUTION.**—Except as provided in paragraph (2), the term "qualified wildfire distribution" means any distribution from an eligible retirement plan made on or after October 8, 2017, and before January 1, 2019, to an individual whose principal place of abode during any portion of the period from October 8, 2017, to December 31, 2017, is located in the California wildfire disaster area and who has sustained an economic loss by reason of the wildfires to which the declaration of such area relates.

(B) **ELIGIBLE RETIREMENT PLAN.**—The term "eligible retirement plan" shall have the meaning given such term by section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(5) **INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.**—

(A) **IN GENERAL.**—In the case of any qualified wildfire distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable-year period beginning with such taxable year.

(B) **SPECIAL RULE.**—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(6) **SPECIAL RULES.**—

(A) **EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.**—For purposes of sections

401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified wildfire distributions shall not be treated as eligible rollover distributions.

(B) **QUALIFIED WILDFIRE DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.**—For purposes the Internal Revenue Code of 1986, a qualified wildfire distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

(b) **RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.**—

(1) **RECONTRIBUTIONS.**—

(A) **IN GENERAL.**—Any individual who received a qualified distribution may, during the period beginning on October 8, 2017, and ending on June 30, 2018, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), of such Code, as the case may be.

(B) **TREATMENT OF REPAYMENTS.**—Rules similar to the rules of subparagraphs (B) and (C) of subsection (a)(3) shall apply for purposes of this subsection.

(2) **QUALIFIED DISTRIBUTION.**—For purposes of this subsection, the term “qualified distribution” means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F), of the Internal Revenue Code of 1986,

(B) received after March 31, 2017, and before January 15, 2018, and

(C) which was to be used to purchase or construct a principal residence in the California wildfire disaster area but which was not so purchased or constructed on account of the wildfires to which the declaration of such area relates.

(c) **LOANS FROM QUALIFIED PLANS.**—

(1) **INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.**—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual made during the period beginning on the date of the enactment of this Act and ending on December 31, 2018—

(A) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting “\$100,000” for “\$50,000”, and

(B) clause (ii) of such section shall be applied by substituting “the present value of the nonforfeitable accrued benefit of the employee under the plan” for “one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan”.

(2) **DELAY OF REPAYMENT.**—In the case of a qualified individual with an outstanding loan on or after October 8, 2017, from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning on October 8, 2017, and ending on December 31, 2018, such due date shall be delayed for 1 year,

(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, the period described in subparagraph (A) shall be disregarded.

(3) **QUALIFIED INDIVIDUAL.**—For purposes of this subsection, the term “qualified individual” means any individual whose principal place of

abode during any portion of the period from October 8, 2017, to December 31, 2017, is located in the California wildfire disaster area and who has sustained an economic loss by reason of wildfires to which the declaration of such area relates.

(d) **PROVISIONS RELATING TO PLAN AMENDMENTS.**—

(1) **IN GENERAL.**—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) **AMENDMENTS TO WHICH SUBSECTION APPLIES.**—

(A) **IN GENERAL.**—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any provision of this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2019, or such later date as the Secretary may prescribe. In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) **CONDITIONS.**—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date that this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by this section or such regulation, the effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 20103. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY CALIFORNIA WILDFIRES.

(a) **IN GENERAL.**—For purposes of section 38 of the Internal Revenue Code of 1986, in the case of an eligible employer, the California wildfire employee retention credit shall be treated as a credit listed in subsection (b) of such section.

For purposes of this subsection, the California wildfire employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed \$6,000.

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

(1) **ELIGIBLE EMPLOYER.**—The term “eligible employer” means any employer—

(A) which conducted an active trade or business on October 8, 2017, in the California wildfire disaster zone, and

(B) with respect to whom the trade or business described in subparagraph (A) is inoperable on any day after October 8, 2017, and before January 1, 2018, as a result of damage sustained by reason of the wildfires to which such declaration of such area relates.

(2) **ELIGIBLE EMPLOYEE.**—The term “eligible employee” means with respect to an eligible employer an employee whose principal place of employment on October 8, 2017, with such eligible employer was in the California wildfire disaster zone.

(3) **QUALIFIED WAGES.**—The term “qualified wages” means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible em-

ployer with respect to an eligible employee on any day after October 8, 2017, and before January 1, 2018, which occurs during the period—

(A) beginning on the date on which the trade or business described in paragraph (1) first became inoperable at the principal place of employment of the employee immediately before the wildfires to which the declaration of the California wildfire disaster area relates, and

(B) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(c) **CERTAIN RULES TO APPLY.**—For purposes of this section, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) of the Internal Revenue Code of 1986, shall apply.

(d) **EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.**—An employee shall not be treated as an eligible employee for purposes of this section for any period with respect to any employer if such employer is allowed a credit under section 51 of the Internal Revenue Code of 1986 with respect to such employee for such period.

SEC. 20104. ADDITIONAL DISASTER-RELATED TAX RELIEF PROVISIONS.

(a) **TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.**—

(1) **IN GENERAL.**—Except as otherwise provided in paragraph (2), subsection (b) of section 170 of the Internal Revenue Code of 1986 shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of such section to other contributions.

(2) **TREATMENT OF EXCESS CONTRIBUTIONS.**—For purposes of section 170 of the Internal Revenue Code of 1986—

(A) **INDIVIDUALS.**—In the case of an individual—

(i) **LIMITATION.**—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (H) of section 170(b)(1) of such Code) over the amount of all other charitable contributions allowed under section 170(b)(1) of such Code.

(ii) **CARRYOVER.**—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of clause (i), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

(B) **CORPORATIONS.**—In the case of a corporation—

(i) **LIMITATION.**—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(ii) **CARRYOVER.**—Rules similar to the rules of subparagraph (A)(ii) shall apply for purposes of this subparagraph.

(3) **EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.**—So much of any deduction allowed under section 170 of the Internal Revenue Code of 1986 as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68 of such Code.

(4) **QUALIFIED CONTRIBUTIONS.**—

(A) **IN GENERAL.**—For purposes of this subsection, the term “qualified contribution” means any charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) if—

(i) such contribution—

(I) is paid during the period beginning on October 8, 2017, and ending on December 31, 2018, in cash to an organization described in section 170(b)(1)(A) of such Code, and

(II) is made for relief efforts in the California wildfire disaster area,

(ii) the taxpayer obtains from such organization contemporaneous written acknowledgment (within the meaning of section 170(f)(8) of such Code) that such contribution was used (or is to be used) for relief efforts described in clause (i)(II), and

(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

(B) EXCEPTION.—Such term shall not include a contribution by a donor if the contribution is—

(i) to an organization described in section 509(a)(3) of the Internal Revenue Code of 1986, or

(ii) for the establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2) of such Code).

(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.

(b) SPECIAL RULES FOR QUALIFIED DISASTER-RELATED PERSONAL CASUALTY LOSSES.—

(1) IN GENERAL.—If an individual has a net disaster loss for any taxable year—

(A) the amount determined under section 165(h)(2)(A)(ii) of the Internal Revenue Code of 1986 shall be equal to the sum of—

(i) such net disaster loss, and

(ii) so much of the excess referred to in the matter preceding clause (i) of section 165(h)(2)(A) of such Code (reduced by the amount in clause (i) of this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual,

(B) section 165(h)(1) of such Code shall be applied by substituting “\$500” for “\$500 (\$100 for taxable years beginning after December 31, 2009)”;

(C) the standard deduction determined under section 63(c) of such Code shall be increased by the net disaster loss, and

(D) section 56(b)(1)(E) of such Code shall not apply to so much of the standard deduction as is attributable to the increase under subparagraph (C) of this paragraph.

(2) NET DISASTER LOSS.—For purposes of this subsection, the term “net disaster loss” means the excess of qualified disaster-related personal casualty losses over personal casualty gains (as defined in section 165(h)(3)(A) of the Internal Revenue Code of 1986).

(3) QUALIFIED DISASTER-RELATED PERSONAL CASUALTY LOSSES.—For purposes of this subsection, the term “qualified disaster-related personal casualty losses” means losses described in section 165(c)(3) of the Internal Revenue Code of 1986 which arise in the California wildfire disaster area on or after October 8, 2017, and which are attributable to the wildfires to which the declaration of such area relates.

(c) SPECIAL RULE FOR DETERMINING EARNED INCOME.—

(1) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year which includes any portion of the period from October 8, 2017, to December 31, 2017, is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(A) such earned income for the preceding taxable year, for

(B) such earned income for the taxable year which includes any portion of the period from October 8, 2017, to December 31, 2017.

(2) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term “qualified individual”

means any individual whose principal place of abode during any portion of the period from October 8, 2017, to December 31, 2017, was located—

(A) in the California wildfire disaster zone, or

(B) in the California wildfire disaster area (but outside the California wildfire disaster zone) and such individual was displaced from such principal place of abode by reason of the wildfires to which the declaration of such area relates.

(3) EARNED INCOME.—For purposes of this subsection, the term “earned income” has the meaning given such term under section 32(c) of the Internal Revenue Code of 1986.

(4) SPECIAL RULES.—

(A) APPLICATION TO JOINT RETURNS.—For purposes of paragraph (1), in the case of a joint return for a taxable year which includes any portion of the period from October 8, 2017, to December 31, 2017—

(i) such paragraph shall apply if either spouse is a qualified individual, and

(ii) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

(B) UNIFORM APPLICATION OF ELECTION.—Any election made under paragraph (1) shall apply with respect to both sections 24(d) and 32, of the Internal Revenue Code of 1986.

(C) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of the Internal Revenue Code of 1986, an incorrect use on a return of earned income pursuant to paragraph (1) shall be treated as a mathematical or clerical error.

(D) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this subsection, the Internal Revenue Code of 1986 shall be applied without regard to any substitution under paragraph (1).

TITLE II—TAX RELIEF FOR HURRICANES HARVEY, IRMA, AND MARIA

SEC. 20201. TAX RELIEF FOR HURRICANES HARVEY, IRMA, AND MARIA.

(a) MODIFICATION OF HURRICANES HARVEY AND IRMA DISASTER AREAS.—Subsections (a)(2) and (b)(2) of section 501 of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 (Public Law 115–63; 131 Stat. 1173) are both amended by striking “September 21, 2017” and inserting “October 17, 2017”.

(b) EMPLOYEE RETENTION CREDIT.—Subsections (a)(3), (b)(3), and (c)(3) of section 503 of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 (Public Law 115–63; 131 Stat. 1181) are each amended by striking “sections 51(i)(1) and 52” and inserting “sections 51(i)(1), 52, and 280C(a)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of title V of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 to which such amendments relate.

TITLE III—HURRICANE MARIA RELIEF FOR PUERTO RICO AND THE VIRGIN ISLANDS MEDICAID PROGRAMS

SEC. 20301. HURRICANE MARIA RELIEF FOR PUERTO RICO AND THE VIRGIN ISLANDS MEDICAID PROGRAMS.

(a) INCREASED CAPS.—Section 1108(g)(5) of the Social Security Act (42 U.S.C. 1308(g)(5)) is amended—

(1) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B), (C), (D), and (E)”; and

(2) by adding at the end the following new subparagraphs:

“(C) Subject to subparagraphs (D) and (E), for the period beginning January 1, 2018, and ending September 30, 2019—

“(i) the amount of the increase otherwise provided under subparagraphs (A) and (B) for Puerto Rico shall be further increased by \$3,600,000,000; and

“(ii) the amount of the increase otherwise provided under subparagraph (A) for the Virgin Islands shall be further increased by \$106,931,000.

“(D) For the period described in subparagraph (C), the amount of the increase otherwise provided under subparagraph (A)—

“(i) for Puerto Rico shall be further increased by \$1,200,000,000 if the Secretary certifies that Puerto Rico has taken reasonable and appropriate steps during such period, in accordance with a timeline established by the Secretary, to—

“(I) implement methods, satisfactory to the Secretary, for the collection and reporting of reliable data to the Transformed Medicaid Statistical Information System (T-MSIS) (or a successor system); and

“(II) demonstrate progress in establishing a State medicaid fraud control unit described in section 1903(q); and

“(ii) for the Virgin Islands shall be further increased by \$35,644,000 if the Secretary certifies that the Virgin Islands has taken reasonable and appropriate steps during such period, in accordance with a timeline established by the Secretary, to meet the conditions for certification specified in subclauses (I) and (II) of clause (i).

“(E) Notwithstanding any other provision of title XIX, during the period in which the additional funds provided under subparagraphs (C) and (D) are available for Puerto Rico and the Virgin Islands, respectively, with respect to payments from such additional funds for amounts expended by Puerto Rico and the Virgin Islands under such title, the Secretary shall increase the Federal medical assistance percentage or other rate that would otherwise apply to such payments to 100 percent.”.

(b) DISREGARD OF CERTAIN EXPENDITURES FROM SPENDING CAP.—Section 1108(g)(4) of the Social Security Act (42 U.S.C. 1308(g)(4)) is amended—

(1) by inserting “for a calendar quarter of such fiscal year,” after “section 1903(a)(3)”; and

(2) by striking “of such fiscal year for a calendar quarter of such fiscal year,” and inserting “of such fiscal year, and with respect to fiscal years beginning with fiscal year 2018, if the Virgin Islands qualifies for a payment under section 1903(a)(6) for a calendar quarter (beginning on or after January 1, 2018) of such fiscal year.”.

(c) REPORT TO CONGRESS.—Not later than July 1, 2018, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate that—

(1) describes the steps taken by Puerto Rico and the Virgin Islands to meet the conditions for certification specified in clauses (i) and (ii), respectively, of section 1108(g)(5)(D) of the Social Security Act (42 U.S.C. 1308(g)(5)(D)) (as amended by subsection (a) of this section); and

(2) specifies timelines for each such territory to, as a condition of eligibility for any additional increases in the amounts determined for Puerto Rico or the Virgin Islands, respectively, under subsection (g) of section 1108 of such Act (42 U.S.C. 1308) for purposes of payments under title XIX of such Act for fiscal year 2019, complete—

(A) implementation of methods, satisfactory to the Secretary, for the collection and reporting of reliable data to the Transformed Medicaid Statistical Information System (T-MSIS) (or a successor system); and

(B) the establishment of a State medicaid fraud control unit described in section 1903(q) of the Social Security Act (42 U.S.C. 1396d(q)).

TITLE IV—BUDGETARY EFFECTS

SEC. 20401. EMERGENCY DESIGNATION.

This subdivision is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

SEC. 20402. DESIGNATION IN SENATE.

In the Senate, this subdivision is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress),

the concurrent resolution on the budget for fiscal year 2018.

Subdivision 3—Further Extension of Continuing Appropriations Act, 2018

SEC. 20101. The Continuing Appropriations Act, 2018 (division D of Public Law 115–56) is further amended by—

(1) striking the date specified in section 106(3) and inserting “March 23, 2018”; and

(2) inserting after section 155 the following new sections:

“SEC. 156. In addition to amounts provided by section 101, amounts are provided for ‘Department of Commerce—Bureau of the Census—Periodic Census and Programs’ at a rate for operations of \$182,000,000 for an additional amount for the 2020 Decennial Census Program; and such amounts may be apportioned up to the rate for operations necessary to maintain the schedule and deliver the required data according to statutory deadlines in the 2020 Decennial Census Program.

“SEC. 157. Notwithstanding section 101, the matter preceding the first proviso and the first proviso under the heading ‘Power Marketing Administrations—Operation and Maintenance, Southeastern Power Administration’ in division D of Public Law 115–31 shall be applied by substituting ‘\$6,379,000’ for ‘\$1,000,000’ each place it appears.

“SEC. 158. As authorized by section 404 of the Bipartisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C. 6239 note), the Secretary of Energy shall draw down and sell not to exceed \$350,000,000 of crude oil from the Strategic Petroleum Reserve in fiscal year 2018: Provided, That the proceeds from such drawdown and sale shall be deposited into the ‘Energy Security and Infrastructure Modernization Fund’ (in this section referred to as the ‘Fund’) during fiscal year 2018: Provided further, That in addition to amounts otherwise made available by section 101, any amounts deposited in the Fund shall be made available and shall remain available until expended at a rate for operations of \$350,000,000, for necessary expenses in carrying out the Life Extension II project for the Strategic Petroleum Reserve.

“SEC. 159. Amounts made available by section 101 for ‘The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Fees of Jurors and Commissioners’ may be apportioned up to the rate for operations necessary to accommodate increased juror usage.

“SEC. 160. Section 144 of the Continuing Appropriations Act, 2018 (division D of Public Law 115–56), as amended by the Further Additional Continuing Appropriations Act, 2018 (division A of Public Law 115–96), is amended by (1) striking ‘\$11,761,000’ and inserting ‘\$22,247,000’, and (2) striking ‘\$1,104,000’ and inserting ‘\$1,987,000’.

“SEC. 161. Section 458(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)(4)) shall be applied by substituting ‘2018’ for ‘2017’.

“SEC. 162. For the purpose of carrying out section 435(a)(2) of the Higher Education Act of 1965 (HEA) (20 U.S.C. 1085(a)(2)), during the period covered by this Act the Secretary of Education may waive the requirement under section 435(a)(5)(A)(ii) of the HEA (20 U.S.C. 1085(a)(5)(A)(ii)) for an institution of higher education that offers an associate degree, is a public institution, and is located in an economically distressed county, defined as a county that ranks in the lowest 5 percent of all counties in the United States based on a national index of county economic status: Provided, That this section shall apply to an institution of higher education that otherwise would be ineligible to participate in a program under part A of title IV of the HEA on or after the date of enactment of this Act due to the application of section 435(a)(2) of the HEA.

“SEC. 163. Notwithstanding any other provision of law, funds made available by this Act for military construction, land acquisition, and family housing projects and activities may be

obligated and expended to carry out planning and design and military construction projects authorized by law: Provided, That funds and authority provided by this section may be used notwithstanding sections 102 and 104: Provided further, That such funds may be used only for projects identified by the Department of the Air Force in its January 29, 2018, letter sent to the Committees on Appropriations of both Houses of Congress detailing urgently needed fiscal year 2018 construction requirements.

“SEC. 164. (a) Section 116(h)(3)(D) of title 49, United States Code, is amended—

“(1) in clause (i), by striking ‘During the 2-year period beginning on the date of enactment of this section, the’; inserting ‘The’; and inserting the following after the first sentence: ‘Any such funds or limitation of obligations or portions thereof transferred to the Bureau may be transferred back to and merged with the original account.’; and

“(2) in clause (ii) by striking ‘During the 2-year period beginning on the date of enactment of this section, the’; inserting ‘The’; and inserting the following after the first sentence: ‘Any such funds or limitation of obligations or portions thereof transferred to the Bureau may be transferred back to and merged with the original account.’.

“(b) Section 503(l)(4) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 823(l)(4)) is amended—

“(1) in the heading by striking ‘Safety and operations account’ and inserting ‘National Surface Transportation and Innovative Finance Bureau account’; and

“(2) in subparagraph (A) by striking ‘Safety and Operations account of the Federal Railroad Administration’ and inserting ‘National Surface Transportation and Innovative Finance Bureau account’.

“SEC. 165. Section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v) shall be applied by substituting the date specified in section 106(3) for ‘September 30, 2017’.

This subdivision may be cited as the “Further Extension of Continuing Appropriations Act, 2018”.

DIVISION C—BUDGETARY AND OTHER MATTERS

SEC. 30001. TABLE OF CONTENTS.

The table of contents for this division is as follows:

DIVISION C—BUDGETARY AND OTHER MATTERS

Sec. 30001. Table of contents.

TITLE I—BUDGET ENFORCEMENT

Sec. 30101. Amendments to the Balanced Budget and Emergency Deficit Control Act of 1985.

Sec. 30102. Balances on the PAYGO Scorecards.

Sec. 30103. Authority for fiscal year 2019 budget resolution in the Senate.

Sec. 30104. Authority for fiscal year 2019 budget resolution in the House of Representatives.

Sec. 30105. Exercise of rulemaking powers.

TITLE II—OFFSETS

Sec. 30201. Customs user fees.

Sec. 30202. Aviation security service fees.

Sec. 30203. Extension of certain immigration fees.

Sec. 30204. Strategic Petroleum Reserve draw-down.

Sec. 30205. Elimination of surplus funds of Federal reserve banks.

Sec. 30206. Reemployment services and eligibility assessments.

TITLE III—TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT

Sec. 30301. Temporary extension of public debt limit.

TITLE IV—JOINT SELECT COMMITTEES

Subtitle A—Joint Select Committee on Solvency of Multiemployer Pension Plans

Sec. 30421. Definitions.

Sec. 30422. Establishment of Joint Select Committee.

Sec. 30423. Funding.

Sec. 30424. Consideration of joint committee bill in the Senate.

Subtitle B—Joint Select Committee on Budget and Appropriations Process Reform

Sec. 30441. Definitions.

Sec. 30442. Establishment of Joint Select Committee.

Sec. 30443. Funding.

Sec. 30444. Consideration of joint committee bill in the Senate.

TITLE I—BUDGET ENFORCEMENT

SEC. 30101. AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.

(a) REVISED DISCRETIONARY SPENDING LIMITS.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraphs (5) and (6) and inserting the following:

“(5) for fiscal year 2018—

“(A) for the revised security category, \$629,000,000,000 in new budget authority; and

“(B) for the revised nonsecurity category, \$579,000,000,000 in new budget authority;

“(6) for fiscal year 2019—

“(A) for the revised security category, \$647,000,000,000 in new budget authority; and

“(B) for the revised nonsecurity category, \$597,000,000,000 in new budget authority;”.

(b) DIRECT SPENDING ADJUSTMENTS FOR FISCAL YEARS 2018 AND 2019.—Section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), is amended—

(1) in paragraph (5)(B), in the matter preceding clause (i), by striking “and (11)” and inserting “(11), and (12)”;

(2) by adding at the end the following:

“(12) IMPLEMENTING DIRECT SPENDING REDUCTIONS FOR FISCAL YEARS 2018 AND 2019.—(A) OMB shall make the calculations necessary to implement the direct spending reductions calculated pursuant to paragraphs (3) and (4) without regard to the amendment made to section 251(c) revising the discretionary spending limits for fiscal years 2018 and 2019 by the Bipartisan Budget Act of 2018.

“(B) Paragraph (5)(B) shall not be implemented for fiscal years 2018 and 2019.”.

(c) EXTENSION OF DIRECT SPENDING REDUCTIONS THROUGH FISCAL YEAR 2027.—Section 251A(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking “for fiscal year 2022, for fiscal year 2023, for fiscal year 2024, and for fiscal year 2025” and inserting “for each of fiscal years 2022 through 2027”; and

(2) in subparagraph (C), in the matter preceding clause (i), by striking “fiscal year 2025” and inserting “fiscal year 2027”.

SEC. 30102. BALANCES ON THE PAYGO SCORECARDS.

Effective on the date of enactment of this Act, the balances on the PAYGO scorecards established pursuant to paragraphs (4) and (5) of section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)) shall be zero.

SEC. 30103. AUTHORITY FOR FISCAL YEAR 2019 BUDGET RESOLUTION IN THE SENATE.

(a) FISCAL YEAR 2019.—For purposes of enforcing the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) after April 15, 2018, and enforcing budgetary points of order in prior concurrent resolutions on the budget, the allocations, aggregates, and levels provided for in subsection (b) shall apply in the Senate in the same manner as for a concurrent resolution on the budget for fiscal year 2019 with appropriate budgetary levels for fiscal years 2020 through 2028.

(b) COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.—After April 15, 2018, but not later

than May 15, 2018, the Chairman of the Committee on the Budget of the Senate shall file—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2019 consistent with discretionary spending limits set forth in section 251(c)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this Act, for the purposes of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633);

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2019, 2019 through 2023, and 2019 through 2028 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purposes of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633);

(3) aggregate spending levels for fiscal year 2019 in accordance with the allocations established under paragraphs (1) and (2), for the purpose of enforcing section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642);

(4) aggregate revenue levels for fiscal years 2019, 2019 through 2023, and 2019 through 2028 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642); and

(5) levels of Social Security revenues and outlays for fiscal years 2019, 2019 through 2023, and 2019 through 2028 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633 and 642).

(c) **ADDITIONAL MATTER.**—The filing referred to in subsection (b) may also include for fiscal year 2019 the deficit-neutral reserve funds contained in title III of H. Con. Res. 71 (115th Congress) updated by one fiscal year.

(d) **EXPIRATION.**—This section shall expire if a concurrent resolution on the budget for fiscal year 2019 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

SEC. 30104. AUTHORITY FOR FISCAL YEAR 2019 BUDGET RESOLUTION IN THE HOUSE OF REPRESENTATIVES.

(a) **FISCAL YEAR 2019.**—If a concurrent resolution on the budget for fiscal year 2019 has not been adopted by April 15, 2018, for the purpose of enforcing the Congressional Budget Act of 1974, the allocations, aggregates, and levels provided for in subsection (b) shall apply in the House of Representatives after April 15, 2018, in the same manner as for a concurrent resolution on the budget for fiscal year 2019 with appropriate budgetary levels for fiscal year 2019 and for fiscal years 2020 through 2028.

(b) **COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.**—In the House of Representatives, the Chair of the Committee on the Budget shall submit a statement for publication in the Congressional Record after April 15, 2018, but not later than May 15, 2018, containing—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2019 for discretionary budget authority at the total level set forth in section 251(c)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this Act, and the outlays flowing therefrom, and committee allocations for fiscal year 2019 for current law mandatory budget authority and outlays, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal year 2019 and for the period of fiscal years 2019 through 2028 at the levels included in the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974; and

(3) aggregate spending levels for fiscal year 2019 and aggregate revenue levels for fiscal year 2019 and for the period of fiscal years 2019 through 2028, at the levels included in the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974.

(c) **ADDITIONAL MATTER.**—The statement referred to in subsection (b) may also include for fiscal year 2019, the matter contained in the provisions referred to in subsection (f)(1).

(d) **FISCAL YEAR 2019 ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS.**—If the statement referred to in subsection (b) is not filed by May 15, 2018, then the matter referred to in subsection (b)(1) shall be submitted by the Chair of the Committee on the Budget for publication in the Congressional Record on the next day that the House of Representatives is in session.

(e) **ADJUSTMENTS.**—The chair of the Committee on the Budget of the House of Representatives may adjust the levels included in the statement referred to in subsection (b) to reflect the budgetary effects of any legislation enacted during the 115th Congress that reduces the deficit or as otherwise necessary.

(f) **APPLICATION.**—Upon submission of the statement referred to in subsection (b)—

(1) all references in sections 5101 through 5112, sections 5201 through 5205, section 5301, and section 5401 of House Concurrent Resolution 71 (115th Congress) to a fiscal year shall be considered for all purposes in the House to be references to the succeeding fiscal year; and

(2) all references in the provisions referred to in paragraph (1) to allocations, aggregates, or other appropriate levels in “this concurrent resolution”, “the most recently agreed to concurrent resolution on the budget”, or “this resolution” shall be considered for all purposes in the House to be references to the allocations, aggregates, or other appropriate levels contained in the statement referred to in subsection (b), as adjusted.

(g) **EXPIRATION.**—Subsections (a) through (f) shall no longer apply if a concurrent resolution on the budget for fiscal year 2019 is agreed to by the Senate and House of Representatives.

SEC. 30105. EXERCISE OF RULEMAKING POWERS.

Sections 30103 and 30104 are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

TITLE II—OFFSETS

SEC. 30201. CUSTOMS USER FEES.

(a) **IN GENERAL.**—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking “January 14, 2026” and inserting “February 24, 2027”; and

(2) in subparagraph (B)(i), by striking “September 30, 2025” and inserting “September 30, 2027”.

(b) **RATE FOR MERCHANDISE PROCESSING FEES.**—Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 19 U.S.C. 3805 note) is amended by striking “January 14, 2026” and inserting “February 24, 2027”.

SEC. 30202. AVIATION SECURITY SERVICE FEES.

Paragraph (4) of section 44940(i) of title 49, United States Code, is amended by adding at the end the following new subparagraphs:

“(M) \$1,640,000,000 for fiscal year 2026.

“(N) \$1,680,000,000 for fiscal year 2027.”.

SEC. 30203. EXTENSION OF CERTAIN IMMIGRATION FEES.

(a) **VISA WAIVER PROGRAM.**—Section 217(h)(3)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(iii)) is amended by striking “September 30, 2020” and inserting “September 30, 2027”.

(b) **L–1 AND H–1B VISAS.**—Section 411 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by striking “September 30, 2025” each place it appears and inserting “September 30, 2027”.

SEC. 30204. STRATEGIC PETROLEUM RESERVE DRAWDOWN.

(a) **DRAWDOWN AND SALE.**—

(1) **IN GENERAL.**—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsection (b), the Secretary of Energy shall draw down and sell from the Strategic Petroleum Reserve—

(A) 30,000,000 barrels of crude oil during the period of fiscal years 2022 through 2025;

(B) 35,000,000 barrels of crude oil during fiscal year 2026; and

(C) 35,000,000 barrels of crude oil during fiscal year 2027.

(2) **DEPOSIT OF AMOUNTS RECEIVED FROM SALE.**—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(b) **EMERGENCY PROTECTION.**—The Secretary of Energy may not draw down and sell crude oil under this section in quantities that would limit the authority to sell petroleum products under subsection (h) of section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) in the full quantity authorized by that subsection.

(c) **STRATEGIC PETROLEUM DRAWDOWN CONDITIONS AND LIMITATIONS.**—

(1) **CONDITIONS.**—Section 161(h)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)(1)) is amended in subparagraph (B) by striking “shortage; and” and all that follows through “Secretary of” in subparagraph (C) and inserting the following: “shortage;

“(C) the Secretary has found that action taken under this subsection will not impair the ability of the United States to carry out obligations of the United States under the international energy program; and

“(D) the Secretary of”.

(2) **LIMITATIONS.**—Section 161(h)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)(2)) is amended by striking “450,000,000” each place it appears and inserting “350,000,000”.

SEC. 30205. ELIMINATION OF SURPLUS FUNDS OF FEDERAL RESERVE BANKS.

Section 7(a)(3)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is amended by striking “\$10,000,000,000” and inserting “\$7,500,000,000”.

SEC. 30206. REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS.

(a) **IN GENERAL.**—Title III of the Social Security Act (42 U.S.C. 501 et seq.) is amended by adding at the end the following:

“**SEC. 306. GRANTS TO STATES FOR REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS.**

“(a) **IN GENERAL.**—The Secretary of Labor (in this section referred to as the ‘Secretary’) shall

award grants under this section for a fiscal year to eligible States to conduct a program of reemployment services and eligibility assessments for individuals referred to reemployment services as described in section 303(j) for weeks in such fiscal year for which such individuals receive unemployment compensation.

“(b) PURPOSES.—The purposes of this section are to accomplish the following goals:

“(1) To improve employment outcomes of individuals that receive unemployment compensation and to reduce the average duration of receipt of such compensation through employment.

“(2) To strengthen program integrity and reduce improper payments of unemployment compensation by States through the detection and prevention of such payments to individuals who are not eligible for such compensation.

“(3) To promote alignment with the broader vision of the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) of increased program integration and service delivery for job seekers, including claimants for unemployment compensation.

“(4) To establish reemployment services and eligibility assessments as an entry point for individuals receiving unemployment compensation into other workforce system partner programs.

“(c) EVIDENCE-BASED STANDARDS.—

“(1) IN GENERAL.—In carrying out a State program of reemployment services and eligibility assessments using grant funds awarded to the State under this section, a State shall use such funds only for interventions demonstrated to reduce the number of weeks for which program participants receive unemployment compensation by improving employment outcomes for program participants.

“(2) EXPANDING EVIDENCE-BASED INTERVENTIONS.—In addition to the requirement imposed by paragraph (1), a State shall—

“(A) for fiscal years 2023 and 2024, use no less than 25 percent of the grant funds awarded to the State under this section for interventions with a high or moderate causal evidence rating that show a demonstrated capacity to improve employment and earnings outcomes for program participants;

“(B) for fiscal years 2025 and 2026, use no less than 40 percent of such grant funds for interventions described in subparagraph (A); and

“(C) for fiscal years beginning after fiscal year 2026, use no less than 50 percent of such grant funds for interventions described in subparagraph (A).

“(d) EVALUATIONS.—

“(1) REQUIRED EVALUATIONS.—Any intervention without a high or moderate causal evidence rating used by a State in carrying out a State program of reemployment services and eligibility assessments under this section shall be under evaluation at the time of use.

“(2) FUNDING LIMITATION.—A State shall use not more than 10 percent of grant funds awarded to the State under this section to conduct or cause to be conducted evaluations of interventions used in carrying out a program under this section (including evaluations conducted pursuant to paragraph (1)).

“(e) STATE PLAN.—

“(1) IN GENERAL.—As a condition of eligibility to receive a grant under this section for a fiscal year, a State shall submit to the Secretary, at such time and in such manner as the Secretary may require, a State plan that outlines how the State intends to conduct a program of reemployment services and eligibility assessments under this section, including—

“(A) assurances that, and a description of how, the program will provide—

“(i) proper notification to participating individuals of the program's eligibility conditions, requirements, and benefits, including the issuance of warnings and simple, clear notifications to ensure that participating individuals are fully aware of the consequences of failing to adhere to such requirements, including policies

related to non-attendance or non-fulfillment of work search requirements; and

“(ii) reasonable scheduling accommodations to maximize participation for eligible individuals;

“(B) assurances that, and a description of how, the program will conform with the purposes outlined in subsection (b) and satisfy the requirement to use evidence-based standards under subsection (c), including—

“(i) a description of the evidence-based interventions the State plans to use to speed reemployment;

“(ii) an explanation of how such interventions are appropriate to the population served; and

“(iii) if applicable, a description of the evaluation structure the State plans to use for interventions without at least a moderate or high causal evidence rating, which may include national evaluations conducted by the Department of Labor or by other entities; and

“(C) a description of any reemployment activities and evaluations conducted in the prior fiscal year, and any data collected on—

“(i) characteristics of program participants;

“(ii) the number of weeks for which program participants receive unemployment compensation; and

“(iii) employment and other outcomes for program participants consistent with State performance accountability measures provided by the State unemployment compensation program and in section 116(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(b)).

“(2) APPROVAL.—The Secretary shall approve any State plan, that is timely submitted to the Secretary, in such manner as the Secretary may require, that satisfies the conditions described in paragraph (1).

“(3) DISAPPROVAL AND REVISION.—If the Secretary determines that a State plan submitted pursuant to this subsection fails to satisfy the conditions described in paragraph (1), the Secretary shall—

“(A) disapprove such plan;

“(B) provide to the State, not later than 30 days after the date of receipt of the State plan, a written notice of such disapproval that includes a description of any portion of the plan that was not approved and the reason for the disapproval of each such portion; and

“(C) provide the State with an opportunity to correct any such failure and submit a revised State plan.

“(f) ALLOCATION OF FUNDS.—

“(1) BASE FUNDING.—

“(A) IN GENERAL.—For each fiscal year after fiscal year 2020, the Secretary shall allocate a percentage equal to the base funding percentage for such fiscal year of the funds made available for grants under this section among the States awarded such a grant for such fiscal year using a formula prescribed by the Secretary based on the rate of insured unemployment (as defined in section 203(e)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note)) in the State for a period to be determined by the Secretary. In developing such formula with respect to a State, the Secretary shall consider the importance of avoiding sharp reductions in grant funding to a State over time.

“(B) BASE FUNDING PERCENTAGE.—For purposes of subparagraph (A), the term ‘base funding percentage’ means—

“(i) for fiscal years 2021 through 2026, 89 percent; and

“(ii) for fiscal years after 2026, 84 percent.

“(2) RESERVATION FOR OUTCOME PAYMENTS.—

“(A) IN GENERAL.—Of the amounts made available for grants under this section for each fiscal year after 2020, the Secretary shall reserve a percentage equal to the outcome reservation percentage for such fiscal year for outcome payments to increase the amount otherwise awarded to a State under paragraph (1). Such outcome payments shall be paid to States conducting reemployment services and eligibility assessments under this section that, during the

previous fiscal year, met or exceeded the outcome goals provided in subsection (b)(1) related to reducing the average duration of receipt of unemployment compensation by improving employment outcomes.

“(B) OUTCOME RESERVATION PERCENTAGE.—For purposes of subparagraph (A), the term ‘outcome reservation percentage’ means—

“(i) for fiscal years 2021 through 2026, 10 percent; and

“(ii) for fiscal years after 2026, 15 percent.

“(3) RESERVATION FOR RESEARCH AND TECHNICAL ASSISTANCE.—Of the amounts made available for grants under this section for each fiscal year after 2020, the Secretary may reserve not more than 1 percent to conduct research and provide technical assistance to States.

“(4) CONSULTATION AND PUBLIC COMMENT.—Not later than September 30, 2019, the Secretary shall—

“(A) consult with the States and seek public comment in developing the allocation formula under paragraph (1) and the criteria for carrying out the reservations under paragraph (2); and

“(B) make publicly available the allocation formula and criteria developed pursuant to subclause (A).

“(g) NOTIFICATION TO CONGRESS.—Not later than 90 days prior to making any changes to the allocation formula or the criteria developed pursuant to subsection (f)(5)(A), the Secretary shall submit to Congress, including to the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives and the Committee on Finance and the Committee on Appropriations of the Senate, a notification of any such change.

“(h) SUPPLEMENT NOT SUPPLANT.—Funds made available to carry out this section shall be used to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would be expended to provide reemployment services and eligibility assessments to individuals receiving unemployment compensation, and in no case to supplant such Federal, State, or local public funds.

“(i) DEFINITIONS.—In this section:

“(1) CAUSAL EVIDENCE RATING.—The terms ‘high causal evidence rating’ and ‘moderate causal evidence rating’ shall have the meaning given such terms by the Secretary of Labor.

“(2) ELIGIBLE STATE.—The term ‘eligible State’ means a State that has in effect a State plan approved by the Secretary in accordance with subsection (e).

“(3) INTERVENTION.—The term ‘intervention’ means a service delivery strategy for the provision of State reemployment services and eligibility assessment activities under this section.

“(4) STATE.—The term ‘State’ has the meaning given the term in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

“(5) UNEMPLOYMENT COMPENSATION.—The term unemployment compensation means ‘regular compensation’, ‘extended compensation’, and ‘additional compensation’ (as such terms are defined by section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note)).”

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Labor shall submit to Congress a report to describe promising interventions used by States to provide reemployment assistance.

(c) ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended by adding at the end the following:

“(E) REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS.—

“(i) IN GENERAL.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies an amount for grants to States under section 306 of the Social Security Act, then the adjustment for that fiscal year

shall be the additional new budget authority provided in that Act for such grants for that fiscal year, but shall not exceed—

“(I) for fiscal year 2018, \$0;

“(II) for fiscal year 2019, \$33,000,000;

“(III) for fiscal year 2020, \$58,000,000; and

“(IV) for fiscal year 2021, \$83,000,000.

“(ii) DEFINITION.—As used in this subparagraph, the term ‘additional new budget authority’ means the amount provided for a fiscal year, in excess of \$117,000,000, in an appropriation Act and specified to pay for grants to States under section 306 of the Social Security Act.”.

(d) OTHER BUDGETARY ADJUSTMENTS.—Section 314 of the Congressional Budget Act of 1974 (2 U.S.C. 645) is amended by adding at the end the following:

“(g) ADJUSTMENT FOR REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS.—

“(1) IN GENERAL.—

“(A) ADJUSTMENTS.—If the Committee on Appropriations of either House reports an appropriation measure for any of fiscal years 2022 through 2027 that provides budget authority for grants under section 306 of the Social Security Act, or if a conference committee submits a conference report thereon, the chairman of the Committee on the Budget of the House of Representatives or the Senate shall make the adjustments referred to in subparagraph (B) to reflect the additional new budget authority provided for such grants in that measure or conference report and the outlays resulting therefrom, consistent with subparagraph (D).

“(B) TYPES OF ADJUSTMENTS.—The adjustments referred to in this subparagraph consist of adjustments to—

“(i) the discretionary spending limits for that fiscal year as set forth in the most recently adopted concurrent resolution on the budget;

“(ii) the allocations to the Committees on Appropriations of the Senate and the House of Representatives for that fiscal year under section 302(a); and

“(iii) the appropriate budget aggregates for that fiscal year in the most recently adopted concurrent resolution on the budget.

“(C) ENFORCEMENT.—The adjusted discretionary spending limits, allocations, and aggregates under this paragraph shall be considered the appropriate limits, allocations, and aggregates for purposes of congressional enforcement of this Act and concurrent budget resolutions under this Act.

“(D) LIMITATION.—No adjustment may be made under this subsection in excess of—

“(i) for fiscal year 2022, \$133,000,000;

“(ii) for fiscal year 2023, \$258,000,000;

“(iii) for fiscal year 2024, \$433,000,000;

“(iv) for fiscal year 2025, \$533,000,000;

“(v) for fiscal year 2026, \$608,000,000; and

“(vi) for fiscal year 2027, \$633,000,000.

“(E) DEFINITION.—As used in this subsection, the term ‘additional new budget authority’ means the amount provided for a fiscal year, in excess of \$117,000,000, in an appropriation measure or conference report (as the case may be) and specified to pay for grants to States under section 306 of the Social Security Act.

“(2) REPORT ON 302(B) LEVEL.—Following any adjustment made under paragraph (1), the Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised suballocations pursuant to section 302(b) to carry out this subsection.”.

TITLE III—TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT

SEC. 30301. TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT.

(a) IN GENERAL.—Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act and ending on March 1, 2019.

(b) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING EXTENSION PERIOD.—Effective on March 2, 2019, the limitation in effect under section 3101(b) of title 31, United States Code, shall be increased to the extent that—

(1) the face amount of obligations issued under chapter 31 of such title and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) outstanding on March 2, 2019, exceeds

(2) the face amount of such obligations outstanding on the date of the enactment of this Act.

(c) RESTORING CONGRESSIONAL AUTHORITY OVER THE NATIONAL DEBT.—

(1) EXTENSION LIMITED TO NECESSARY OBLIGATIONS.—An obligation shall not be taken into account under subsection (b)(1) unless the issuance of such obligation was necessary to fund a commitment incurred pursuant to law by the Federal Government that required payment before March 2, 2019.

(2) PROHIBITION ON CREATION OF CASH RESERVE DURING EXTENSION PERIOD.—The Secretary of the Treasury shall not issue obligations during the period specified in subsection (a) for the purpose of increasing the cash balance above normal operating balances in anticipation of the expiration of such period.

TITLE IV—JOINT SELECT COMMITTEES

Subtitle A—Joint Select Committee on Solvency of Multiemployer Pension Plans

SEC. 30421. DEFINITIONS.

In this subtitle—

(1) the term “joint committee” means the Joint Select Committee on Solvency of Multiemployer Pension Plans established under section 30422(a); and

(2) the term “joint committee bill” means a bill consisting of the proposed legislative language of the joint committee recommended in accordance with section 30422(b)(2)(B)(ii) and introduced under section 30424(a).

SEC. 30422. ESTABLISHMENT OF JOINT SELECT COMMITTEE.

(a) ESTABLISHMENT OF JOINT SELECT COMMITTEE.—There is established a joint select committee of Congress to be known as the “Joint Select Committee on Solvency of Multiemployer Pension Plans”.

(b) IMPLEMENTATION.—

(1) GOAL.—The goal of the joint committee is to improve the solvency of multiemployer pension plans and the Pension Benefit Guaranty Corporation.

(2) DUTIES.—

(A) IN GENERAL.—The joint committee shall provide recommendations and legislative language that will significantly improve the solvency of multiemployer pension plans and the Pension Benefit Guaranty Corporation.

(B) REPORT, RECOMMENDATIONS, AND LEGISLATIVE LANGUAGE.—

(i) IN GENERAL.—Not later than November 30, 2018, the joint committee shall vote on—

(I) a report that contains a detailed statement of the findings, conclusions, and recommendations of the joint committee; and

(II) proposed legislative language to carry out the recommendations described in subclause (I).

(ii) APPROVAL OF REPORT AND LEGISLATIVE LANGUAGE.—

(I) IN GENERAL.—The report of the joint committee and the proposed legislative language described in clause (i) shall only be approved upon receiving the votes of—

(aa) a majority of joint committee members appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate; and

(bb) a majority of joint committee members appointed by the Minority Leader of the House of Representatives and the Minority Leader of the Senate.

(II) AVAILABILITY.—The text of any report and proposed legislative language shall be publicly available in electronic form at least 24 hours prior to its consideration.

(iii) ADDITIONAL VIEWS.—A member of the joint committee who gives notice of an intention

to file supplemental, minority, or additional views at the time of the final joint committee vote on the approval of the report and legislative language under clause (ii) shall be entitled to 2 calendar days after the day of such notice in which to file such views in writing with the co-chairs. Such views shall then be included in the joint committee report and printed in the same volume, or part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the joint committee report may be printed and transmitted immediately without such views.

(iv) TRANSMISSION OF REPORT AND LEGISLATIVE LANGUAGE.—If the report and legislative language are approved by the joint committee pursuant to clause (ii), the joint committee shall submit the joint committee report and legislative language described in clause (i) to the President, the Vice President, the Speaker of the House of Representatives, and the majority and minority leaders of each House of Congress not later than 15 calendar days after such approval.

(v) REPORT AND LEGISLATIVE LANGUAGE TO BE MADE PUBLIC.—Upon the approval of the joint committee report and legislative language pursuant to clause (ii), the joint committee shall promptly make the full report and legislative language, and a record of any vote, available to the public.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The joint committee shall be composed of 16 members appointed pursuant to subparagraph (B).

(B) APPOINTMENT.—Members of the joint committee shall be appointed as follows:

(i) The Speaker of the House of Representatives shall appoint 4 members from among Members of the House of Representatives.

(ii) The Minority Leader of the House of Representatives shall appoint 4 members from among Members of the House of Representatives.

(iii) The Majority Leader of the Senate shall appoint 4 members from among Members of the Senate.

(iv) The Minority Leader of the Senate shall appoint 4 members from among Members of the Senate.

(C) CO-CHAIRS.—Two of the appointed members of the joint committee will serve as co-chairs. The Speaker of the House of Representatives and the Majority Leader of the Senate shall jointly appoint one co-chair, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall jointly appoint the second co-chair. The co-chairs shall be appointed not later than 14 calendar days after the date of enactment of this Act.

(D) DATE.—Members of the joint committee shall be appointed not later than 14 calendar days after the date of enactment of this Act.

(E) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the joint committee. Any vacancy in the joint committee shall not affect its powers, but shall be filled not later than 14 calendar days after the date on which the vacancy occurs, in the same manner as the original appointment was made. If a member of the joint committee ceases to be a Member of the House of Representatives or the Senate, as the case may be, the member is no longer a member of the joint committee and a vacancy shall exist.

(4) ADMINISTRATION.—

(A) IN GENERAL.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, there are authorized to be disbursed by the Senate the actual and necessary expenses of the joint committee approved by the co-chairs, subject to the rules and regulations of the Senate.

(B) EXPENSES.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, there are authorized to be appropriated for each fiscal year such sums as may be necessary, to be disbursed by the Secretary of the Senate on vouchers signed by the co-chairs.

(C) **QUORUM.**—Nine members of the joint committee shall constitute a quorum for purposes of voting and meeting, and 5 members of the joint committee shall constitute a quorum for holding hearings.

(D) **VOTING.**—No proxy voting shall be allowed on behalf of the members of the joint committee.

(E) **MEETINGS.**—

(i) **INITIAL MEETING.**—Not later than 30 calendar days after the date of enactment of this Act, the joint committee shall hold its first meeting.

(ii) **AGENDA.**—The co-chairs of the joint committee shall provide an agenda to the joint committee members not less than 48 hours in advance of any meeting.

(F) **HEARINGS.**—

(i) **IN GENERAL.**—The joint committee may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, require attendance of witnesses and production of books, papers, and documents, take such testimony, receive such evidence, and administer such oaths as the joint committee considers advisable.

(ii) **HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.**—

(I) **ANNOUNCEMENT.**—The co-chairs of the joint committee shall make a public announcement of the date, place, time, and subject matter of any hearing to be conducted, not less than 7 days in advance of such hearing, unless the co-chairs determine that there is good cause to begin such hearing at an earlier date.

(II) **EQUAL REPRESENTATION OF WITNESSES.**—Each co-chair shall be entitled to select an equal number of witnesses for each hearing held by the joint committee.

(III) **WRITTEN STATEMENT.**—A witness appearing before the joint committee shall file a written statement of proposed testimony at least 2 calendar days before the appearance of the witness, unless the requirement is waived by the co-chairs, following their determination that there is good cause for failure to comply with such requirement.

(G) **MINIMUM NUMBER OF PUBLIC MEETINGS AND HEARINGS.**—The joint committee shall hold—

(i) not less than a total of 5 public meetings or public hearings; and

(ii) not less than 3 public hearings, which may include field hearings.

(H) **TECHNICAL ASSISTANCE.**—Upon written request of the co-chairs, a Federal agency, including legislative branch agencies, shall provide technical assistance to the joint committee in order for the joint committee to carry out its duties.

(I) **STAFFING.**—

(i) **DETAILS.**—Employees of the legislative branch may be detailed to the joint committee on a nonreimbursable basis.

(ii) **STAFF DIRECTOR.**—The co-chairs, acting jointly, may designate one such employee as staff director of the joint committee.

(c) **ETHICAL STANDARDS.**—Members on the joint committee who serve in the House of Representatives shall be governed by the ethics rules and requirements of the House. Members of the Senate who serve on the joint committee shall comply with the ethics rules of the Senate.

(d) **TERMINATION.**—The joint committee shall terminate on December 31, 2018 or 30 days after submission of its report and legislative recommendations pursuant to this section whichever occurs first.

SEC. 30423. FUNDING.

To enable the joint committee to exercise its powers, functions, and duties under this subtitle, there are authorized to be paid not more than \$500,000 from the appropriations account for “Expenses of Inquiries and Investigations” of the Senate, such sums to be disbursed by the Secretary of the Senate, in accordance with Senate rules and procedures, upon vouchers

signed by the co-chairs. The funds authorized under this section shall be available during the period beginning on the date of enactment of this Act and ending on January 2, 2019.

SEC. 30424. CONSIDERATION OF JOINT COMMITTEE BILL IN THE SENATE.

(a) **INTRODUCTION.**—Upon receipt of proposed legislative language approved in accordance with section 30422(b)(2)(B)(ii), the language shall be introduced in the Senate (by request) on the next day on which the Senate is in session by the Majority Leader of the Senate or by a Member of the Senate designated by the Majority Leader of the Senate.

(b) **COMMITTEE CONSIDERATION.**—A joint committee bill introduced in the Senate under subsection (a) shall be jointly referred to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions, which committees shall report the bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, no later than 7 session days after introduction of the bill. If either committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(c) **MOTION TO PROCEED TO CONSIDERATION.**—

(I) **IN GENERAL.**—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a joint committee bill is reported or discharged from the Committee on Finance and the Committee on Health, Education, Labor, and Pensions, for the Majority Leader of the Senate or the Majority Leader’s designee to move to proceed to the consideration of the joint committee bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the joint committee bill at any time after the conclusion of such 2-day period.

(2) **CONSIDERATION OF MOTION.**—Consideration of the motion to proceed to the consideration of the joint committee bill and all debatable motions and appeals in connection therewith shall not exceed 10 hours, which shall be divided equally between the Majority and Minority Leaders or their designees. A motion to further limit debate is in order, shall require an affirmative vote of three-fifths of Members duly chosen and sworn, and is not debatable.

(3) **VOTE THRESHOLD.**—The motion to proceed to the consideration of the joint committee bill shall only be agreed to upon an affirmative vote of three-fifths of Members duly chosen and sworn.

(4) **LIMITATIONS.**—The motion is not subject to a motion to postpone. All points of order against the motion to proceed to the joint committee bill are waived. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(5) **DEADLINE.**—Not later than the last day of the 115th Congress, the Senate shall vote on a motion to proceed to the joint committee bill.

(6) **COMPANION MEASURES.**—For purposes of this subsection, the term “joint committee bill” includes a bill of the House of Representatives that is a companion measure to the joint committee bill introduced in the Senate.

(d) **RULES OF SENATE.**—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate, and as such is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a joint committee bill, and supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

Subtitle B—Joint Select Committee on Budget and Appropriations Process Reform

SEC. 30441. DEFINITIONS.

In this subtitle—

(1) the term “joint committee” means the Joint Select Committee on Budget and Appropriations Process Reform established under section 30442(a); and

(2) the term “joint committee bill” means a bill consisting of the proposed legislative language of the joint committee recommended in accordance with section 30442(b)(2)(B)(ii) and introduced under section 30444(a).

SEC. 30442. ESTABLISHMENT OF JOINT SELECT COMMITTEE.

(a) **ESTABLISHMENT OF JOINT SELECT COMMITTEE.**—There is established a joint select committee of Congress to be known as the “Joint Select Committee on Budget and Appropriations Process Reform”.

(b) **IMPLEMENTATION.**—

(1) **GOAL.**—The goal of the joint committee is to reform the budget and appropriations process.

(2) **DUTIES.**—

(A) **IN GENERAL.**—The joint committee shall provide recommendations and legislative language that will significantly reform the budget and appropriations process.

(B) **REPORT, RECOMMENDATIONS, AND LEGISLATIVE LANGUAGE.**—

(i) **IN GENERAL.**—Not later than November 30, 2018, the joint committee shall vote on—

(I) a report that contains a detailed statement of the findings, conclusions, and recommendations of the joint committee; and

(II) proposed legislative language to carry out the recommendations described in subclause (I).

(ii) **APPROVAL OF REPORT AND LEGISLATIVE LANGUAGE.**—

(I) **IN GENERAL.**—The report of the joint committee and the proposed legislative language described in clause (i) shall only be approved upon receiving the votes of—

(aa) a majority of joint committee members appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate; and

(bb) a majority of joint committee members appointed by the Minority Leader of the House of Representatives and the Minority Leader of the Senate.

(II) **AVAILABILITY.**—The text of any report and proposed legislative language shall be publicly available in electronic form at least 24 hours prior to its consideration.

(iii) **ADDITIONAL VIEWS.**—A member of the joint committee who gives notice of an intention to file supplemental, minority, or additional views at the time of the final joint committee vote on the approval of the report and legislative language under clause (ii) shall be entitled to 2 calendar days after the day of such notice in which to file such views in writing with the co-chairs. Such views shall then be included in the joint committee report and printed in the same volume, or part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the joint committee report may be printed and transmitted immediately without such views.

(iv) **TRANSMISSION OF REPORT AND LEGISLATIVE LANGUAGE.**—If the report and legislative language are approved by the joint committee pursuant to clause (ii), the joint committee shall submit the joint committee report and legislative language described in clause (i) to the President, the Vice President, the Speaker of the House of Representatives, and the majority and minority leaders of each House of Congress not later than 15 calendar days after such approval.

(v) **REPORT AND LEGISLATIVE LANGUAGE TO BE MADE PUBLIC.**—Upon the approval of the joint committee report and legislative language pursuant to clause (ii), the joint committee shall promptly make the full report and legislative language, and a record of any vote, available to the public.

(3) MEMBERSHIP.—

(A) *IN GENERAL.*—The joint committee shall be composed of 16 members appointed pursuant to subparagraph (B).

(B) *APPOINTMENT.*—Members of the joint committee shall be appointed as follows:

(i) The Speaker of the House of Representatives shall appoint 4 members from among Members of the House of Representatives.

(ii) The Minority Leader of the House of Representatives shall appoint 4 members from among Members of the House of Representatives.

(iii) The Majority Leader of the Senate shall appoint 4 members from among Members of the Senate.

(iv) The Minority Leader of the Senate shall appoint 4 members from among Members of the Senate.

(C) *CO-CHAIRS.*—Two of the appointed members of the joint committee will serve as co-chairs. The Speaker of the House of Representatives and the Majority Leader of the Senate shall jointly appoint one co-chair, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall jointly appoint the second co-chair. The co-chairs shall be appointed not later than 14 calendar days after the date of enactment of this Act.

(D) *DATE.*—Members of the joint committee shall be appointed not later than 14 calendar days after the date of enactment of this Act.

(E) *PERIOD OF APPOINTMENT.*—Members shall be appointed for the life of the joint committee. Any vacancy in the joint committee shall not affect its powers, but shall be filled not later than 14 calendar days after the date on which the vacancy occurs, in the same manner as the original appointment was made. If a member of the joint committee ceases to be a Member of the House of Representatives or the Senate, as the case may be, the member is no longer a member of the joint committee and a vacancy shall exist.

(4) ADMINISTRATION.—

(A) *IN GENERAL.*—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, there are authorized to be disbursed by the Senate the actual and necessary expenses of the joint committee approved by the co-chairs, subject to the rules and regulations of the Senate.

(B) *EXPENSES.*—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, there are authorized to be appropriated for each fiscal year such sums as may be necessary, to be disbursed by the Secretary of the Senate on vouchers signed by the co-chairs.

(C) *QUORUM.*—Nine members of the joint committee shall constitute a quorum for purposes of voting and meeting, and 5 members of the joint committee shall constitute a quorum for holding hearings.

(D) *VOTING.*—No proxy voting shall be allowed on behalf of the members of the joint committee.

(E) MEETINGS.—

(i) *INITIAL MEETING.*—Not later than 30 calendar days after the date of enactment of this Act, the joint committee shall hold its first meeting.

(ii) *AGENDA.*—The co-chairs of the joint committee shall provide an agenda to the joint committee members not less than 48 hours in advance of any meeting.

(F) HEARINGS.—

(i) *IN GENERAL.*—The joint committee may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, require attendance of witnesses and production of books, papers, and documents, take such testimony, receive such evidence, and administer such oaths as the joint committee considers advisable.

(ii) *HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.*—

(I) *ANNOUNCEMENT.*—The co-chairs of the joint committee shall make a public announce-

ment of the date, place, time, and subject matter of any hearing to be conducted, not less than 7 days in advance of such hearing, unless the co-chairs determine that there is good cause to begin such hearing at an earlier date.

(II) *EQUAL REPRESENTATION OF WITNESSES.*—Each co-chair shall be entitled to select an equal number of witnesses for each hearing held by the joint committee.

(III) *WRITTEN STATEMENT.*—A witness appearing before the joint committee shall file a written statement of proposed testimony at least 2 calendar days before the appearance of the witness, unless the requirement is waived by the co-chairs, following their determination that there is good cause for failure to comply with such requirement.

(G) *MINIMUM NUMBER OF PUBLIC MEETINGS AND HEARINGS.*—The joint committee shall hold—

(i) not less than a total of 5 public meetings or public hearings; and

(ii) not less than 3 public hearings, which may include field hearings.

(H) *TECHNICAL ASSISTANCE.*—Upon written request of the co-chairs, a Federal agency, including legislative branch agencies, shall provide technical assistance to the joint committee in order for the joint committee to carry out its duties.

(I) STAFFING.—

(i) *DETAILS.*—Employees of the legislative branch may be detailed to the joint committee on a nonreimbursable basis.

(ii) *STAFF DIRECTOR.*—The co-chairs, acting jointly, may designate one such employee as staff director of the joint committee.

(C) *ETHICAL STANDARDS.*—Members on the joint committee who serve in the House of Representatives shall be governed by the ethics rules and requirements of the House. Members of the Senate who serve on the joint committee shall comply with the ethics rules of the Senate.

(D) *TERMINATION.*—The joint committee shall terminate on December 31, 2018 or 30 days after submission of its report and legislative recommendations pursuant to this section which ever occurs first.

SEC. 30443. FUNDING.

To enable the joint committee to exercise its powers, functions, and duties under this subtitle, there are authorized to be paid not more than \$500,000 from the appropriations account for “Expenses of Inquiries and Investigations” of the Senate, such sums to be disbursed by the Secretary of the Senate, in accordance with Senate rules and procedures, upon vouchers signed by the co-chairs. The funds authorized under this section shall be available during the period beginning on the date of enactment of this Act and ending on January 2, 2019.

SEC. 30444. CONSIDERATION OF JOINT COMMITTEE BILL IN THE SENATE.

(A) *INTRODUCTION.*—Upon receipt of proposed legislative language approved in accordance with section 30442(b)(2)(B)(ii), the language shall be introduced in the Senate (by request) on the next day on which the Senate is in session by the Majority Leader of the Senate or by a Member of the Senate designated by the Majority Leader of the Senate.

(B) *COMMITTEE CONSIDERATION.*—A joint committee bill introduced in the Senate under subsection (a) shall be referred to the Committee on the Budget, which shall report the bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, no later than 7 session days after introduction of the bill. If the Committee on the Budget fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

(C) MOTION TO PROCEED TO CONSIDERATION.—

(I) *IN GENERAL.*—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in

order, not later than 2 days of session after the date on which a joint committee bill is reported or discharged from the Committee on the Budget, for the Majority Leader of the Senate or the Majority Leader’s designee to move to proceed to the consideration of the joint committee bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the joint committee bill at any time after the conclusion of such 2-day period.

(2) *CONSIDERATION OF MOTION.*—Consideration of the motion to proceed to the consideration of the joint committee bill and all debatable motions and appeals in connection therewith shall not exceed 10 hours, which shall be divided equally between the Majority and Minority Leaders or their designees. A motion to further limit debate is in order, shall require an affirmative vote of three-fifths of Members duly chosen and sworn, and is not debatable.

(3) *VOTE THRESHOLD.*—The motion to proceed to the consideration of the joint committee bill shall only be agreed to upon an affirmative vote of three-fifths of Members duly chosen and sworn.

(4) *LIMITATIONS.*—The motion is not subject to a motion to postpone. All points of order against the motion to proceed to the joint committee bill are waived. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(5) *DEADLINE.*—Not later than the last day of the 115th Congress, the Senate shall vote on a motion to proceed to the joint committee bill.

(d) *RULES OF SENATE.*—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate, and as such is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a joint committee bill, and supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

DIVISION D—REVENUE MEASURES**SEC. 40001. TABLE OF CONTENTS.**

The table of contents for this division is as follows:

DIVISION D—REVENUE MEASURES

Sec. 40001. Table of contents.

TITLE I—EXTENSION OF EXPIRING PROVISIONS

Sec. 40101. Amendment of Internal Revenue Code of 1986.

Subtitle A—Tax Relief for Families and Individuals

Sec. 40201. Extension of exclusion from gross income of discharge of qualified principal residence indebtedness.

Sec. 40202. Extension of mortgage insurance premiums treated as qualified residence interest.

Sec. 40203. Extension of above-the-line deduction for qualified tuition and related expenses.

Subtitle B—Incentives for Growth, Jobs, Investment, and Innovation

Sec. 40301. Extension of Indian employment tax credit.

Sec. 40302. Extension of railroad track maintenance credit.

Sec. 40303. Extension of mine rescue team training credit.

Sec. 40304. Extension of classification of certain race horses as 3-year property.

Sec. 40305. Extension of 7-year recovery period for motorsports entertainment complexes.

Sec. 40306. Extension of accelerated depreciation for business property on an Indian reservation.

Sec. 40307. Extension of election to expense mine safety equipment.
 Sec. 40308. Extension of special expensing rules for certain productions.
 Sec. 40309. Extension of deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
 Sec. 40310. Extension of special rule relating to qualified timber gain.
 Sec. 40311. Extension of empowerment zone tax incentives.
 Sec. 40312. Extension of American Samoa economic development credit.

Subtitle C—Incentives for Energy Production and Conservation

Sec. 40401. Extension of credit for nonbusiness energy property.
 Sec. 40402. Extension and modification of credit for residential energy property.
 Sec. 40403. Extension of credit for new qualified fuel cell motor vehicles.
 Sec. 40404. Extension of credit for alternative fuel vehicle refueling property.
 Sec. 40405. Extension of credit for 2-wheeled plug-in electric vehicles.
 Sec. 40406. Extension of second generation biofuel producer credit.
 Sec. 40407. Extension of biodiesel and renewable diesel incentives.
 Sec. 40408. Extension of production credit for Indian coal facilities.
 Sec. 40409. Extension of credits with respect to facilities producing energy from certain renewable resources.
 Sec. 40410. Extension of credit for energy-efficient new homes.
 Sec. 40411. Extension and phaseout of energy credit.
 Sec. 40412. Extension of special allowance for second generation biofuel plant property.
 Sec. 40413. Extension of energy efficient commercial buildings deduction.
 Sec. 40414. Extension of special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
 Sec. 40415. Extension of excise tax credits relating to alternative fuels.
 Sec. 40416. Extension of Oil Spill Liability Trust Fund financing rate.

Subtitle D—Modifications of Energy Incentives

Sec. 40501. Modifications of credit for production from advanced nuclear power facilities.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 41101. Amendment of Internal Revenue Code of 1986.
 Sec. 41102. Modifications to rum cover over.
 Sec. 41103. Extension of waiver of limitations with respect to excluding from gross income amounts received by wrongfully incarcerated individuals.
 Sec. 41104. Individuals held harmless on improper levy on retirement plans.
 Sec. 41105. Modification of user fee requirements for installment agreements.
 Sec. 41106. Form 1040SR for seniors.
 Sec. 41107. Attorneys fees relating to awards to whistleblowers.
 Sec. 41108. Clarification of whistleblower awards.
 Sec. 41109. Clarification regarding excise tax based on investment income of private colleges and universities.
 Sec. 41110. Exception from private foundation excess business holding tax for independently-operated philanthropic business holdings.
 Sec. 41111. Rule of construction for Craft Beverage Modernization and Tax Reform.
 Sec. 41112. Simplification of rules regarding records, statements, and returns.

Sec. 41113. Modification of rules governing hardship distributions.
 Sec. 41114. Modification of rules relating to hardship withdrawals from cash or deferred arrangements.
 Sec. 41115. Opportunity Zones rule for Puerto Rico.
 Sec. 41116. Tax home of certain citizens or residents of the United States living abroad.
 Sec. 41117. Treatment of foreign persons for returns relating to payments made in settlement of payment card and third party network transactions.
 Sec. 41118. Repeal of shift in time of payment of corporate estimated taxes.
 Sec. 41119. Enhancement of carbon dioxide sequestration credit.

TITLE I—EXTENSION OF EXPIRING PROVISIONS

SEC. 40101. AMENDMENT OF INTERNAL REVENUE CODE OF 1986.

Except as otherwise expressly provided, whenever in this title 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 Internal Revenue Code of 1986.

Subtitle A—Tax Relief for Families and Individuals

SEC. 40201. EXTENSION OF EXCLUSION FROM GROSS INCOME OF DISCHARGE OF QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.

(a) IN GENERAL.—Section 108(a)(1)(E) is amended by striking “January 1, 2017” each place it appears and inserting “January 1, 2018”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness after December 31, 2016.

SEC. 40202. EXTENSION OF MORTGAGE INSURANCE PREMIUMS TREATED AS QUALIFIED RESIDENCE INTEREST.

(a) IN GENERAL.—Subclause (I) of section 163(h)(3)(E)(iv) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2016.

SEC. 40203. EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Section 222(e) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

Subtitle B—Incentives for Growth, Jobs, Investment, and Innovation

SEC. 40301. EXTENSION OF INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Section 45A(f) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 40302. EXTENSION OF RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Section 45G(f) is amended by striking “January 1, 2017” and inserting “January 1, 2018”.

(b) EFFECTIVE DATE.—
 (1) IN GENERAL.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2016.

(2) SAFE HARBOR ASSIGNMENTS.—Assignments, including related expenditures paid or incurred, under paragraph (2) of section 45G(b) of the Internal Revenue Code of 1986 for taxable years ending after January 1, 2017, and before January 1, 2018, shall be treated as effective as of the

close of such taxable year if made pursuant to a written agreement entered into no later than 90 days following the date of the enactment of this Act.

SEC. 40303. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Section 45N(e) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 40304. EXTENSION OF CLASSIFICATION OF CERTAIN RACE HORSES AS 3-YEAR PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(A)(i) is amended—

(1) by striking “January 1, 2017” in subclause (I) and inserting “January 1, 2018”, and

(2) by striking “December 31, 2016” in subclause (II) and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40305. EXTENSION OF 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Section 168(i)(15)(D) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40306. EXTENSION OF ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Section 168(j)(9) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40307. EXTENSION OF ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Section 179E(g) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40308. EXTENSION OF SPECIAL EXPENSING RULES FOR CERTAIN PRODUCTIONS.

(a) IN GENERAL.—Section 181(g) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2016.

SEC. 40309. EXTENSION OF DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

For purposes of applying section 199(d)(8)(C) of the Internal Revenue Code of 1986 with respect to taxable years beginning during 2017, such section shall be applied—

(1) by substituting “first 12 taxable years” for “first 11 taxable years”, and

(2) by substituting “January 1, 2018” for “January 1, 2017”.

SEC. 40310. EXTENSION OF SPECIAL RULE RELATING TO QUALIFIED TIMBER GAIN.

For purposes of applying section 1201(b) of the Internal Revenue Code of 1986 with respect to taxable years beginning during 2017, such section shall be applied by substituting “2016 or 2017” for “2016”.

SEC. 40311. EXTENSION OF EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—
 (1) EXTENSION.—Section 1391(d)(1)(A)(i) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(2) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination

date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation if, after the date of the enactment of this section, the entity which made such nomination amends the nomination to provide for a new termination date in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a)(1) shall apply to taxable years beginning after December 31, 2016.

SEC. 40312. EXTENSION OF AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) **IN GENERAL.**—Section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) in subsection (d)—

(A) by striking “January 1, 2017” each place it appears and inserting “January 1, 2018”,

(B) by striking “first 11 taxable years” in paragraph (1) and inserting “first 12 taxable years”, and

(C) by striking “first 5 taxable years” in paragraph (2) and inserting “first 6 taxable years”, and

(2) in subsection (e), by adding at the end the following: “References in this subsection to section 199 of the Internal Revenue Code of 1986 shall be treated as references to such section as in effect before its repeal.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2016.

Subtitle C—Incentives for Energy Production and Conservation

SEC. 40401. EXTENSION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) **IN GENERAL.**—Section 25C(g)(2) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40402. EXTENSION AND MODIFICATION OF CREDIT FOR RESIDENTIAL ENERGY PROPERTY.

(a) **IN GENERAL.**—Section 25D(h) is amended by striking “December 31, 2016” and all that follows and inserting “December 31, 2021.”

(b) **PHASEOUT.**—

(1) **IN GENERAL.**—Section 25D(a) is amended by striking “the sum of—” and all that follows and inserting “the sum of the applicable percentages of—

“(1) the qualified solar electric property expenditures,

“(2) the qualified solar water heating property expenditures,

“(3) the qualified fuel cell property expenditures,

“(4) the qualified small wind energy property expenditures, and

“(5) the qualified geothermal heat pump property expenditures,

made by the taxpayer during such year.”

(2) **CONFORMING AMENDMENT.**—Section 25D(g) is amended by striking “paragraphs (1) and (2) of”.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40403. EXTENSION OF CREDIT FOR NEW QUALIFIED FUEL CELL MOTOR VEHICLES.

(a) **IN GENERAL.**—Section 30B(k)(1) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property purchased after December 31, 2016.

SEC. 40404. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) **IN GENERAL.**—Section 30C(g) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40405. EXTENSION OF CREDIT FOR 2-WHEELED PLUG-IN ELECTRIC VEHICLES.

(a) **IN GENERAL.**—Section 30D(g)(3)(E)(ii) is amended by striking “January 1, 2017” and inserting “January 1, 2018”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to vehicles acquired after December 31, 2016.

SEC. 40406. EXTENSION OF SECOND GENERATION BIOFUEL PRODUCER CREDIT.

(a) **IN GENERAL.**—Section 40(b)(6)(J)(i) is amended by striking “January 1, 2017” and inserting “January 1, 2018”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to qualified second generation biofuel production after December 31, 2016.

SEC. 40407. EXTENSION OF BIODIESEL AND RENEWABLE DIESEL INCENTIVES.

(a) **INCOME TAX CREDIT.**—

(1) **IN GENERAL.**—Subsection (g) of section 40A is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to fuel sold or used after December 31, 2016.

(b) **EXCISE TAX INCENTIVES.**—

(1) **IN GENERAL.**—Section 6426(c)(6) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(2) **PAYMENTS.**—Section 6427(e)(6)(B) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2016.

(4) **SPECIAL RULE FOR 2017.**—Notwithstanding any other provision of law, in the case of any biodiesel mixture credit properly determined under section 6426(c) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2017, and ending on December 31, 2017, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

SEC. 40408. EXTENSION OF PRODUCTION CREDIT FOR INDIAN COAL FACILITIES.

(a) **IN GENERAL.**—Section 45(e)(10)(A) is amended by striking “11-year period” each place it appears and inserting “12-year period”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to coal produced after December 31, 2016.

SEC. 40409. EXTENSION OF CREDITS WITH RESPECT TO FACILITIES PRODUCING ENERGY FROM CERTAIN RENEWABLE RESOURCES.

(a) **IN GENERAL.**—The following provisions of section 45(d) are each amended by striking “January 1, 2017” each place it appears and inserting “January 1, 2018”:

(1) Paragraph (2)(A).

(2) Paragraph (3)(A).

(3) Paragraph (4)(B).

(4) Paragraph (6).

(5) Paragraph (7).

(6) Paragraph (9).

(7) Paragraph (11)(B).

(b) **EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.**—Section 48(a)(5)(C)(ii) is amended by striking “January 1, 2017” and inserting “January 1, 2018”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2017.

SEC. 40410. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT NEW HOMES.

(a) **IN GENERAL.**—Section 45L(g) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to homes acquired after December 31, 2016.

SEC. 40411. EXTENSION AND PHASEOUT OF ENERGY CREDIT.

(a) **EXTENSION OF SOLAR AND THERMAL ENERGY PROPERTY.**—Section 48(a)(3)(A) is amended—

(1) by striking “periods ending before January 1, 2017” in clause (ii) and inserting “property the construction of which begins before January 1, 2022”, and

(2) by striking “periods ending before January 1, 2017” in clause (vii) and inserting “property the construction of which begins before January 1, 2022”.

(b) **PHASEOUT OF 30-PERCENT CREDIT RATE FOR FIBER-OPTIC SOLAR, QUALIFIED FUEL CELL, AND QUALIFIED SMALL WIND ENERGY PROPERTY.**—

(1) **IN GENERAL.**—Section 48(a) is amended by adding at the end the following new paragraph:

“(7) **PHASEOUT FOR FIBER-OPTIC SOLAR, QUALIFIED FUEL CELL, AND QUALIFIED SMALL WIND ENERGY PROPERTY.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), in the case of any qualified fuel cell property, qualified small wind property, or energy property described in paragraph (3)(A)(ii), the energy percentage determined under paragraph (2) shall be equal to—

“(i) in the case of any property the construction of which begins after December 31, 2019, and before January 1, 2021, 26 percent, and

“(ii) in the case of any property the construction of which begins after December 31, 2020, and before January 1, 2022, 22 percent.

“(B) **PLACED IN SERVICE DEADLINE.**—In the case of any energy property described in subparagraph (A) which is not placed in service before January 1, 2024, the energy percentage determined under paragraph (2) shall be equal to 0 percent.”

(2) **CONFORMING AMENDMENT.**—Section 48(a)(2)(A) is amended by striking “paragraph (6)” and inserting “paragraphs (6) and (7)”.

(3) **CLARIFICATION RELATING TO PHASEOUT FOR WIND FACILITIES.**—Section 48(a)(5)(E) is amended by inserting “which is treated as energy property by reason of this paragraph” after “using wind to produce electricity”.

(c) **EXTENSION OF QUALIFIED FUEL CELL PROPERTY.**—Section 48(c)(1)(D) is amended by striking “for any period after December 31, 2016” and inserting “the construction of which does not begin before January 1, 2022”.

(d) **EXTENSION OF QUALIFIED MICROTURBINE PROPERTY.**—Section 48(c)(2)(D) is amended by striking “for any period after December 31, 2016” and inserting “the construction of which does not begin before January 1, 2022”.

(e) **EXTENSION OF COMBINED HEAT AND POWER SYSTEM PROPERTY.**—Section 48(c)(3)(A)(iv) is amended by striking “which is placed in service before January 1, 2017” and inserting “the construction of which begins before January 1, 2022”.

(f) **EXTENSION OF QUALIFIED SMALL WIND ENERGY PROPERTY.**—Section 48(c)(4)(C) is amended by striking “for any period after December 31, 2016” and inserting “the construction of which does not begin before January 1, 2022”.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2016, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(2) EXTENSION OF COMBINED HEAT AND POWER SYSTEM PROPERTY.—The amendment made by subsection (e) shall apply to property placed in service after December 31, 2016.

(3) PHASEOUTS AND TERMINATIONS.—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 40412. EXTENSION OF SPECIAL ALLOWANCE FOR SECOND GENERATION BIOFUEL PLANT PROPERTY.

(a) IN GENERAL.—Section 168(l)(2)(D) is amended by striking “January 1, 2017” and inserting “January 1, 2018”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40413. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) IN GENERAL.—Section 179D(h) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2016.

SEC. 40414. EXTENSION OF SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Section 451(k)(3), as amended by section 13221 of Public Law 115-97, is amended by striking “January 1, 2017” and inserting “January 1, 2018”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after December 31, 2016.

SEC. 40415. EXTENSION OF EXCISE TAX CREDITS RELATING TO ALTERNATIVE FUELS.

(a) EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.—

(1) IN GENERAL.—Sections 6426(d)(5) and 6426(e)(3) are each amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(2) OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.—Section 6427(e)(6)(C) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2016.

(b) SPECIAL RULE FOR 2017.—Notwithstanding any other provision of law, in the case of any alternative fuel credit properly determined under section 6426(d) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2017, and ending on December 31, 2017, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

SEC. 40416. EXTENSION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.

(a) IN GENERAL.—Section 4611(f)(2) is amended by striking “December 31, 2017” and inserting “December 31, 2018”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply on and after the first day of the first calendar month beginning after the date of the enactment of this Act.

Subtitle D—Modifications of Energy Incentives

SEC. 40501. MODIFICATIONS OF CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.

(a) TREATMENT OF UNUTILIZED LIMITATION AMOUNTS.—Section 45J(b) is amended—

(1) by inserting “or any amendment to” after “enactment of” in paragraph (4), and

(2) by adding at the end the following new paragraph:

“(5) ALLOCATION OF UNUTILIZED LIMITATION.—

“(A) IN GENERAL.—Any unutilized national megawatt capacity limitation shall be allocated by the Secretary under paragraph (3) as rapidly as is practicable after December 31, 2020—

“(i) first to facilities placed in service on or before such date to the extent that such facilities did not receive an allocation equal to their full nameplate capacity, and

“(ii) then to facilities placed in service after such date in the order in which such facilities are placed in service.

“(B) UNUTILIZED NATIONAL MEGAWATT CAPACITY LIMITATION.—The term ‘unutilized national megawatt capacity limitation’ means the excess (if any) of—

“(i) 6,000 megawatts, over

“(ii) the aggregate amount of national megawatt capacity limitation allocated by the Secretary before January 1, 2021, reduced by any amount of such limitation which was allocated to a facility which was not placed in service before such date.

“(C) COORDINATION WITH OTHER PROVISIONS.—In the case of any unutilized national megawatt capacity limitation allocated by the Secretary pursuant to this paragraph—

“(i) such allocation shall be treated for purposes of this section in the same manner as an allocation of national megawatt capacity limitation, and

“(ii) subsection (d)(1)(B) shall not apply to any facility which receives such allocation.”.

(b) TRANSFER OF CREDIT BY CERTAIN PUBLIC ENTITIES.—

(1) IN GENERAL.—Section 45J is amended—

(A) by redesignating subsection (e) as subsection (f), and

(B) by inserting after subsection (d) the following new subsection:

“(e) TRANSFER OF CREDIT BY CERTAIN PUBLIC ENTITIES.—

“(1) IN GENERAL.—If, with respect to a credit under subsection (a) for any taxable year—

“(A) a qualified public entity would be the taxpayer (but for this paragraph), and

“(B) such entity elects the application of this paragraph for such taxable year with respect to all (or any portion specified in such election) of such credit,

the eligible project partner specified in such election, and not the qualified public entity, shall be treated as the taxpayer for purposes of this title with respect to such credit (or such portion thereof).

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) QUALIFIED PUBLIC ENTITY.—The term ‘qualified public entity’ means—

“(i) a Federal, State, or local government entity, or any political subdivision, agency, or instrumentality thereof,

“(ii) a mutual or cooperative electric company described in section 501(c)(12) or 1381(a)(2), or

“(iii) a not-for-profit electric utility which had or has received a loan or loan guarantee under the Rural Electrification Act of 1936.

“(B) ELIGIBLE PROJECT PARTNER.—The term ‘eligible project partner’ means any person who—

“(i) is responsible for, or participates in, the design or construction of the advanced nuclear power facility to which the credit under subsection (a) relates,

“(ii) participates in the provision of the nuclear steam supply system to such facility,

“(iii) participates in the provision of nuclear fuel to such facility,

“(iv) is a financial institution providing financing for the construction or operation of such facility, or

“(v) has an ownership interest in such facility.

“(3) SPECIAL RULES.—

“(A) APPLICATION TO PARTNERSHIPS.—In the case of a credit under subsection (a) which is determined at the partnership level—

“(i) for purposes of paragraph (1)(A), a qualified public entity shall be treated as the taxpayer with respect to such entity's distributive share of such credit, and

“(ii) the term ‘eligible project partner’ shall include any partner of the partnership.

“(B) TAXABLE YEAR IN WHICH CREDIT TAKEN INTO ACCOUNT.—In the case of any credit (or portion thereof) with respect to which an election is made under paragraph (1), such credit shall be taken into account in the first taxable year of the eligible project partner ending with, or after, the qualified public entity's taxable year with respect to which the credit was determined.

“(C) TREATMENT OF TRANSFER UNDER PRIVATE USE RULES.—For purposes of section 141(b)(1), any benefit derived by an eligible project partner in connection with an election under this subsection shall not be taken into account as a private business use.”.

(2) SPECIAL RULE FOR PROCEEDS OF TRANSFERS FOR MUTUAL OR COOPERATIVE ELECTRIC COMPANIES.—Section 501(c)(12) is amended by adding at the end the following new subparagraph:

“(I) In the case of a mutual or cooperative electric company described in this paragraph or an organization described in section 1381(a)(2), income received or accrued in connection with an election under section 45J(e)(1) shall be treated as an amount collected from members for the sole purpose of meeting losses and expenses.”.

(c) EFFECTIVE DATES.—

(1) TREATMENT OF UNUTILIZED LIMITATION AMOUNTS.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) TRANSFER OF CREDIT BY CERTAIN PUBLIC ENTITIES.—The amendments made by subsection (b) shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 41101. AMENDMENT OF INTERNAL REVENUE CODE OF 1986.

Except as otherwise expressly provided, whenever in this title 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 Internal Revenue Code of 1986.

SEC. 41102. MODIFICATIONS TO RUM COVER OVER.

(a) EXTENSION.—

(1) IN GENERAL.—Section 7652(f)(1) is amended by striking “January 1, 2017” and inserting “January 1, 2022”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to distilled spirits brought into the United States after December 31, 2016.

(b) DETERMINATION OF TAXES ON RUM.—

(1) IN GENERAL.—Section 7652(e) is amended by adding at the end the following new paragraph:

“(5) DETERMINATION OF AMOUNT OF TAXES COLLECTED.—For purposes of this subsection,

the amount of taxes collected under section 5001(a)(1) shall be determined without regard to section 5001(c).”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to distilled spirits brought into the United States after December 31, 2017.

SEC. 41103. EXTENSION OF WAIVER OF LIMITATIONS WITH RESPECT TO EXCLUDING FROM GROSS INCOME AMOUNTS RECEIVED BY WRONGFULLY INCARCERATED INDIVIDUALS.

(a) **IN GENERAL.**—Section 304(d) of the Protecting Americans from Tax Hikes Act of 2015 (26 U.S.C. 139F note) is amended by striking “1-year” and inserting “3-year”.

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

SEC. 41104. INDIVIDUALS HELD HARMLESS ON IMPROPER LEVY ON RETIREMENT PLANS.

(a) **IN GENERAL.**—Section 6343 is amended by adding at the end the following new subsection:

“(f) **INDIVIDUALS HELD HARMLESS ON WRONGFUL LEVY, ETC. ON RETIREMENT PLAN.**—

“(1) **IN GENERAL.**—If the Secretary determines that an individual’s account or benefit under an eligible retirement plan (as defined in section 402(c)(8)(B)) has been levied upon in a case to which subsection (b) or (d)(2)(A) applies and property or an amount of money is returned to the individual—

“(A) the individual may contribute such property or an amount equal to the sum of—

“(i) the amount of money so returned by the Secretary, and

“(ii) interest paid under subsection (c) on such amount of money,

into such eligible retirement plan if such contribution is permitted by the plan, or into an individual retirement plan (other than an endowment contract) to which a rollover contribution of a distribution from such eligible retirement plan is permitted, but only if such contribution is made not later than the due date (not including extensions) for filing the return of tax for the taxable year in which such property or amount of money is returned, and

“(B) the Secretary shall, at the time such property or amount of money is returned, notify such individual that a contribution described in subparagraph (A) may be made.

“(2) **TREATMENT AS ROLLOVER.**—The distribution on account of the levy and any contribution under paragraph (1) with respect to the return of such distribution shall be treated for purposes of this title as if such distribution and contribution were described in section 402(c), 402A(c)(3), 403(a)(4), 403(b)(8), 408(d)(3), 408A(d)(3), or 457(e)(16), whichever is applicable; except that—

“(A) the contribution shall be treated as having been made for the taxable year in which the distribution on account of the levy occurred, and the interest paid under subsection (c) shall be treated as earnings within the plan after the contribution and shall not be included in gross income, and

“(B) such contribution shall not be taken into account under section 408(d)(3)(B).

“(3) **REFUND, ETC., OF INCOME TAX ON LEVY.**—

“(A) **IN GENERAL.**—If any amount is includible in gross income for a taxable year by reason of a distribution on account of a levy referred to in paragraph (1) and any portion of such amount is treated as a rollover contribution under paragraph (2), any tax imposed by chapter 1 on such portion shall not be assessed, and if assessed shall be abated, and if collected shall be credited or refunded as an overpayment made on the due date for filing the return of tax for such taxable year.

“(B) **EXCEPTION.**—Subparagraph (A) shall not apply to a rollover contribution under this subsection which is made from an eligible retirement plan which is not a Roth IRA or a designated Roth account (within the meaning of

section 402A) to a Roth IRA or a designated Roth account under an eligible retirement plan.

“(4) **INTEREST.**—Notwithstanding subsection (d), interest shall be allowed under subsection (c) in a case in which the Secretary makes a determination described in subsection (d)(2)(A) with respect to a levy upon an individual retirement plan.

“(5) **TREATMENT OF INHERITED ACCOUNTS.**—For purposes of paragraph (1)(A), section 408(d)(3)(C) shall be disregarded in determining whether an individual retirement plan is a plan to which a rollover contribution of a distribution from the plan levied upon is permitted.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts paid under subsections (b), (c), and (d)(2)(A) of section 6343 of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2017.

SEC. 41105. MODIFICATION OF USER FEE REQUIREMENTS FOR INSTALLMENT AGREEMENTS.

(a) **IN GENERAL.**—Section 6159 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) **INSTALLMENT AGREEMENT FEES.**—

“(1) **LIMITATION ON FEE AMOUNT.**—The amount of any fee imposed on an installment agreement under this section may not exceed the amount of such fee as in effect on the date of the enactment of this subsection.

“(2) **WAIVER OR REIMBURSEMENT.**—In the case of any taxpayer with an adjusted gross income, as determined for the most recent year for which such information is available, which does not exceed 250 percent of the applicable poverty level (as determined by the Secretary)—

“(A) if the taxpayer has agreed to make payments under the installment agreement by electronic payment through a debit instrument, no fee shall be imposed on an installment agreement under this section, and

“(B) if the taxpayer is unable to make payments under the installment agreement by electronic payment through a debit instrument, the Secretary shall, upon completion of the installment agreement, pay the taxpayer an amount equal to any such fees imposed.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to agreements entered into on or after the date which is 60 days after the date of the enactment of this Act.

SEC. 41106. FORM 1040SR FOR SENIORS.

(a) **IN GENERAL.**—The Secretary of the Treasury (or the Secretary’s delegate) shall make available a form, to be known as “Form 1040SR”, for use by individuals to file the return of tax imposed by chapter 1 of the Internal Revenue Code of 1986. Such form shall be as similar as practicable to Form 1040EZ, except that—

(1) the form shall be available only to individuals who have attained age 65 as of the close of the taxable year,

(2) the form may be used even if income for the taxable year includes—

(A) social security benefits (as defined in section 86(d) of the Internal Revenue Code of 1986),

(B) distributions from qualified retirement plans (as defined in section 4974(c) of such Code), annuities or other such deferred payment arrangements,

(C) interest and dividends, or

(D) capital gains and losses taken into account in determining adjusted net capital gain (as defined in section 1(h)(3) of such Code), and

(3) the form shall be available without regard to the amount of any item of taxable income or the total amount of taxable income for the taxable year.

(b) **EFFECTIVE DATE.**—The form required by subsection (a) shall be made available for taxable years beginning after the date of the enactment of this Act.

SEC. 41107. ATTORNEYS FEES RELATING TO AWARDS TO WHISTLEBLOWERS.

(a) **IN GENERAL.**—Paragraph (21) of section 62(a) is amended to read as follows:

“(21) **ATTORNEYS’ FEES RELATING TO AWARDS TO WHISTLEBLOWERS.**—

“(A) **IN GENERAL.**—Any deduction allowable under this chapter for attorney fees and court costs paid by, or on behalf of, the taxpayer in connection with any award under—

“(i) section 7623(b), or

“(ii) in the case of taxable years beginning after December 31, 2017, any action brought under—

“(I) section 21F of the Securities Exchange Act of 1934 (15 U.S.C. 78u–6),

“(II) a State law relating to false or fraudulent claims that meets the requirements described in section 1909(b) of the Social Security Act (42 U.S.C. 1396h(b)), or

“(III) section 23 of the Commodity Exchange Act (7 U.S.C. 26).

“(B) **MAY NOT EXCEED AWARD.**—Subparagraph (A) shall not apply to any deduction in excess of the amount includible in the taxpayer’s gross income for the taxable year on account of such award.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 41108. CLARIFICATION OF WHISTLEBLOWER AWARDS.

(a) **DEFINITION OF PROCEEDS.**—

(1) **IN GENERAL.**—Section 7623 is amended by adding at the end the following new subsection:

“(c) **PROCEEDS.**—For purposes of this section, the term “proceeds” includes—

“(1) penalties, interest, additions to tax, and additional amounts provided under the internal revenue laws, and

“(2) any proceeds arising from laws for which the Internal Revenue Service is authorized to administer, enforce, or investigate, including—

“(A) criminal fines and civil forfeitures, and

“(B) violations of reporting requirements.”.

(2) **CONFORMING AMENDMENTS.**—Paragraphs (1) and (2)(A) of section 7623(b) are each amended by striking “collected proceeds (including penalties, interest, additions to tax, and additional amounts) resulting from the action” and inserting “proceeds collected as a result of the action”.

(b) **AMOUNT OF PROCEEDS DETERMINED WITHOUT REGARD TO AVAILABILITY.**—Paragraphs (1) and (2)(A) of section 7623(b) are each amended by inserting “(determined without regard to whether such proceeds are available to the Secretary)” after “in response to such action”.

(c) **DISPUTED AMOUNT THRESHOLD.**—Section 7623(b)(5)(B) is amended by striking “tax, penalties, interest, additions to tax, and additional amounts” and inserting “proceeds”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to information provided before, on, or after the date of the enactment of this Act with respect to which a final determination for an award has not been made before such date of enactment.

SEC. 41109. CLARIFICATION REGARDING EXCISE TAX BASED ON INVESTMENT INCOME OF PRIVATE COLLEGES AND UNIVERSITIES.

(a) **IN GENERAL.**—Subsection (b)(1) of section 4968, as added by section 13701(a) of Public Law 115–97, is amended—

(1) by inserting “tuition-paying” after “500” in subparagraph (A), and

(2) by inserting “tuition-paying” after “50 percent of the” in subparagraph (B).

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 41110. EXCEPTION FROM PRIVATE FOUNDATION EXCESS BUSINESS HOLDING TAX FOR INDEPENDENTLY-OPERATED PHILANTHROPIC BUSINESS HOLDINGS.

(a) **IN GENERAL.**—Section 4943 is amended by adding at the end the following new subsection:

“(g) **EXCEPTION FOR CERTAIN HOLDINGS LIMITED TO INDEPENDENTLY-OPERATED PHILANTHROPIC BUSINESS.**—

“(1) IN GENERAL.—Subsection (a) shall not apply with respect to the holdings of a private foundation in any business enterprise which meets the requirements of paragraphs (2), (3), and (4) for the taxable year.

“(2) OWNERSHIP.—The requirements of this paragraph are met if—

“(A) 100 percent of the voting stock in the business enterprise is held by the private foundation at all times during the taxable year, and

“(B) all the private foundation’s ownership interests in the business enterprise were acquired by means other than by purchase.

“(3) ALL PROFITS TO CHARITY.—

“(A) IN GENERAL.—The requirements of this paragraph are met if the business enterprise, not later than 120 days after the close of the taxable year, distributes an amount equal to its net operating income for such taxable year to the private foundation.

“(B) NET OPERATING INCOME.—For purposes of this paragraph, the net operating income of any business enterprise for any taxable year is an amount equal to the gross income of the business enterprise for the taxable year, reduced by the sum of—

“(i) the deductions allowed by chapter 1 for the taxable year which are directly connected with the production of such income,

“(ii) the tax imposed by chapter 1 on the business enterprise for the taxable year, and

“(iii) an amount for a reasonable reserve for working capital and other business needs of the business enterprise.

“(4) INDEPENDENT OPERATION.—The requirements of this paragraph are met if, at all times during the taxable year—

“(A) no substantial contributor (as defined in section 4958(c)(3)(C)) to the private foundation or family member (as determined under section 4958(f)(4)) of such a contributor is a director, officer, trustee, manager, employee, or contractor of the business enterprise (or an individual having powers or responsibilities similar to any of the foregoing),

“(B) at least a majority of the board of directors of the private foundation are persons who are not—

“(i) directors or officers of the business enterprise, or

“(ii) family members (as so determined) of a substantial contributor (as so defined) to the private foundation, and

“(C) there is no loan outstanding from the business enterprise to a substantial contributor (as so defined) to the private foundation or to any family member of such a contributor (as so determined).

“(5) CERTAIN DEEMED PRIVATE FOUNDATIONS EXCLUDED.—This subsection shall not apply to—

“(A) any fund or organization treated as a private foundation for purposes of this section by reason of subsection (e) or (f),

“(B) any trust described in section 4947(a)(1) (relating to charitable trusts), and

“(C) any trust described in section 4947(a)(2) (relating to split-interest trusts).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 4111. RULE OF CONSTRUCTION FOR CRAFT BEVERAGE MODERNIZATION AND TAX REFORM.

(a) IN GENERAL.—Subpart A of part IX of subtitle C of title I of Public Law 115-97 is amended by adding at the end the following new section:

“SEC. 13809. RULE OF CONSTRUCTION.

“Nothing in this subpart, the amendments made by this subpart, or any regulation promulgated under this subpart or the amendments made by this subpart, shall be construed to preempt, supersede, or otherwise limit or restrict any State, local, or tribal law that prohibits or regulates the production or sale of distilled spirits, wine, or malt beverages.”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in Public Law 115-97.

SEC. 4112. SIMPLIFICATION OF RULES REGARDING RECORDS, STATEMENTS, AND RETURNS.

(a) IN GENERAL.—Subsection (a) of section 5555 is amended by adding at the end the following: “For calendar quarters beginning after the date of the enactment of this sentence, and before January 1, 2020, the Secretary shall permit a person to employ a unified system for any records, statements, and returns required to be kept, rendered, or made under this section for any beer produced in the brewery for which the tax imposed by section 5051 has been determined, including any beer which has been removed for consumption on the premises of the brewery.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar quarters beginning after the date of the enactment of this Act.

SEC. 4113. MODIFICATION OF RULES GOVERNING HARDSHIP DISTRIBUTIONS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall modify Treasury Regulation section 1.401(k)-1(d)(3)(iv)(E) to—

(1) delete the 6-month prohibition on contributions imposed by paragraph (2) thereof, and

(2) make any other modifications necessary to carry out the purposes of section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986.

(b) EFFECTIVE DATE.—The revised regulations under this section shall apply to plan years beginning after December 31, 2018.

SEC. 4114. MODIFICATION OF RULES RELATING TO HARDSHIP WITHDRAWALS FROM CASH OR DEFERRED ARRANGEMENTS.

(a) IN GENERAL.—Section 401(k) is amended by adding at the end the following:

“(14) SPECIAL RULES RELATING TO HARDSHIP WITHDRAWALS.—For purposes of paragraph (2)(B)(i)(IV)—

“(A) AMOUNTS WHICH MAY BE WITHDRAWN.—The following amounts may be distributed upon hardship of the employee:

“(i) Contributions to a profit-sharing or stock bonus plan to which section 402(e)(3) applies.

“(ii) Qualified nonelective contributions (as defined in subsection (m)(4)(C)).

“(iii) Qualified matching contributions described in paragraph (3)(D)(ii)(I).

“(iv) Earnings on any contributions described in clause (i), (ii), or (iii).

“(B) NO REQUIREMENT TO TAKE AVAILABLE LOAN.—A distribution shall not be treated as failing to be made upon the hardship of an employee solely because the employee does not take any available loan under the plan.”

(b) CONFORMING AMENDMENT.—Section 401(k)(2)(B)(i)(IV) is amended to read as follows:

“(IV) subject to the provisions of paragraph (14), upon hardship of the employee, or”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2018.

SEC. 4115. OPPORTUNITY ZONES RULE FOR PUERTO RICO.

(a) IN GENERAL.—Subsection (b) of section 1400Z-1 is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULE FOR PUERTO RICO.—Each population census tract in Puerto Rico that is a low-income community shall be deemed to be certified and designated as a qualified opportunity zone, effective on the date of the enactment of Public Law 115-97.”

(b) CONFORMING AMENDMENT.—Section 1400Z-1(d)(1) is amended by inserting “and subsection (b)(3)” after “paragraph (2)”.

SEC. 4116. TAX HOME OF CERTAIN CITIZENS OR RESIDENTS OF THE UNITED STATES LIVING ABROAD.

(a) IN GENERAL.—Paragraph (3) of section 911(d) is amended by inserting before the period at the end of the second sentence the following:

“, unless such individual is serving in an area designated by the President of the United States by Executive order as a combat zone for purposes of section 112 in support of the Armed Forces of the United States”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 4117. TREATMENT OF FOREIGN PERSONS FOR RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Section 6050W(d)(1)(B) is amended by adding at the end the following: “Notwithstanding the preceding sentence, a person with only a foreign address shall not be treated as a participating payee with respect to any payment settlement entity solely because such person receives payments from such payment settlement entity in dollars.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns for calendar years beginning after December 31, 2017.

SEC. 4118. REPEAL OF SHIFT IN TIME OF PAYMENT OF CORPORATE ESTIMATED TAXES.

The Trade Preferences Extension Act of 2015 is amended by striking section 803 (relating to time for payment of corporate estimated taxes).

SEC. 4119. ENHANCEMENT OF CARBON DIOXIDE SEQUESTRATION CREDIT.

(a) IN GENERAL.—Section 45Q is amended to read as follows:

“SEC. 45Q. CREDIT FOR CARBON OXIDE SEQUESTRATION.

“(a) GENERAL RULE.—For purposes of section 38, the carbon oxide sequestration credit for any taxable year is an amount equal to the sum of—

“(1) \$20 per metric ton of qualified carbon oxide which is—

“(A) captured by the taxpayer using carbon capture equipment which is originally placed in service at a qualified facility before the date of the enactment of the Bipartisan Budget Act of 2018, and

“(B) disposed of by the taxpayer in secure geological storage and not used by the taxpayer as described in paragraph (2)(B).

“(2) \$10 per metric ton of qualified carbon oxide which is—

“(A) captured by the taxpayer using carbon capture equipment which is originally placed in service at a qualified facility before the date of the enactment of the Bipartisan Budget Act of 2018, and

“(B)(i) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project and disposed of by the taxpayer in secure geological storage, or

“(ii) utilized by the taxpayer in a manner described in subsection (f)(5).

“(3) the applicable dollar amount (as determined under subsection (b)(1)) per metric ton of qualified carbon oxide which is—

“(A) captured by the taxpayer using carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018, during the 12-year period beginning on the date the equipment was originally placed in service, and

“(B) disposed of by the taxpayer in secure geological storage and not used by the taxpayer as described in paragraph (4)(B), and

“(4) the applicable dollar amount (as determined under subsection (b)(1)) per metric ton of qualified carbon oxide which is—

“(A) captured by the taxpayer using carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018, during the 12-year period beginning on the date the equipment was originally placed in service, and

“(B)(i) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project and disposed of by the taxpayer in secure geological storage, or

“(ii) utilized by the taxpayer in a manner described in subsection (f)(5).

“(b) APPLICABLE DOLLAR AMOUNT; ADDITIONAL EQUIPMENT; ELECTION.—

“(1) APPLICABLE DOLLAR AMOUNT.—

“(A) IN GENERAL.—The applicable dollar amount shall be an amount equal to—

“(i) for any taxable year beginning in a calendar year after 2016 and before 2027—

“(I) for purposes of paragraph (3) of subsection (a), the dollar amount established by linear interpolation between \$22.66 and \$50 for each calendar year during such period, and

“(II) for purposes of paragraph (4) of such subsection, the dollar amount established by linear interpolation between \$12.83 and \$35 for each calendar year during such period, and

“(ii) for any taxable year beginning in a calendar year after 2026—

“(I) for purposes of paragraph (3) of subsection (a), an amount equal to the product of \$50 and the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting ‘2025’ for ‘1990’, and

“(II) for purposes of paragraph (4) of such subsection, an amount equal to the product of \$35 and the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting ‘2025’ for ‘1990’.

“(B) ROUNDING.—The applicable dollar amount determined under subparagraph (A) shall be rounded to the nearest cent.

“(2) INSTALLATION OF ADDITIONAL CARBON CAPTURE EQUIPMENT ON EXISTING QUALIFIED FACILITY.—In the case of a qualified facility placed in service before the date of the enactment of the Bipartisan Budget Act of 2018, for which additional carbon capture equipment is placed in service on or after the date of the enactment of such Act, the amount of qualified carbon oxide which is captured by the taxpayer shall be equal to—

“(A) for purposes of paragraphs (1)(A) and (2)(A) of subsection (a), the lesser of—

“(i) the total amount of qualified carbon oxide captured at such facility for the taxable year, or

“(ii) the total amount of the carbon dioxide capture capacity of the carbon capture equipment in service at such facility on the day before the date of the enactment of the Bipartisan Budget Act of 2018, and

“(B) for purposes of paragraphs (3)(A) and (4)(A) of such subsection, an amount (not less than zero) equal to the excess of—

“(i) the amount described in clause (i) of subparagraph (A), over

“(ii) the amount described in clause (ii) of such subparagraph.

“(3) ELECTION.—For purposes of determining the carbon oxide sequestration credit under this section, a taxpayer may elect to have the dollar amounts applicable under paragraph (1) or (2) of subsection (a) apply in lieu of the dollar amounts applicable under paragraph (3) or (4) of such subsection for each metric ton of qualified carbon oxide which is captured by the taxpayer using carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018.

“(c) QUALIFIED CARBON OXIDE.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified carbon oxide’ means—

“(A) any carbon dioxide which—

“(i) is captured from an industrial source by carbon capture equipment which is originally placed in service before the date of the enactment of the Bipartisan Budget Act of 2018,

“(ii) would otherwise be released into the atmosphere as industrial emission of greenhouse gas or lead to such release, and

“(iii) is measured at the source of capture and verified at the point of disposal, injection, or utilization,

“(B) any carbon dioxide or other carbon oxide which—

“(i) is captured from an industrial source by carbon capture equipment which is originally placed in service on or after the date of the enactment of the Bipartisan Budget Act of 2018,

“(ii) would otherwise be released into the atmosphere as industrial emission of greenhouse gas or lead to such release, and

“(iii) is measured at the source of capture and verified at the point of disposal, injection, or utilization, or

“(C) in the case of a direct air capture facility, any carbon dioxide which—

“(i) is captured directly from the ambient air, and

“(ii) is measured at the source of capture and verified at the point of disposal, injection, or utilization.

“(2) RECYCLED CARBON OXIDE.—The term ‘qualified carbon oxide’ includes the initial deposit of captured carbon oxide used as a tertiary injectant. Such term does not include carbon oxide that is recaptured, recycled, and re-injected as part of the enhanced oil and natural gas recovery process.

“(d) QUALIFIED FACILITY.—For purposes of this section, the term ‘qualified facility’ means any industrial facility or direct air capture facility—

“(1) the construction of which begins before January 1, 2024, and—

“(A) construction of carbon capture equipment begins before such date, or

“(B) the original planning and design for such facility includes installation of carbon capture equipment, and

“(2) which captures—

“(A) in the case of a facility which emits not more than 500,000 metric tons of carbon oxide into the atmosphere during the taxable year, not less than 25,000 metric tons of qualified carbon oxide during the taxable year which is utilized in a manner described in subsection (f)(5),

“(B) in the case of an electricity generating facility which is not described in subparagraph (A), not less than 500,000 metric tons of qualified carbon oxide during the taxable year, or

“(C) in the case of a direct air capture facility or any facility not described in subparagraph (A) or (B), not less than 100,000 metric tons of qualified carbon oxide during the taxable year.

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

“(1) DIRECT AIR CAPTURE FACILITY.—

“(A) IN GENERAL.—Subject to subparagraph (B), the term ‘direct air capture facility’ means any facility which uses carbon capture equipment to capture carbon dioxide directly from the ambient air.

“(B) EXCEPTION.—The term ‘direct air capture facility’ shall not include any facility which captures carbon dioxide—

“(i) which is deliberately released from naturally occurring subsurface springs, or

“(ii) using natural photosynthesis.

“(2) QUALIFIED ENHANCED OIL OR NATURAL GAS RECOVERY PROJECT.—The term ‘qualified enhanced oil or natural gas recovery project’ has the meaning given the term ‘qualified enhanced oil recovery project’ by section 43(c)(2), by substituting ‘crude oil or natural gas’ for ‘crude oil’ in subparagraph (A)(i) thereof.

“(3) TERTIARY INJECTANT.—The term ‘tertiary injectant’ has the same meaning as when used within section 193(b)(1).

“(f) SPECIAL RULES.—

“(1) ONLY QUALIFIED CARBON OXIDE CAPTURED AND DISPOSED OF OR USED WITHIN THE UNITED STATES TAKEN INTO ACCOUNT.—The credit under this section shall apply only with respect to qualified carbon oxide the capture and disposal, use, or utilization of which is within—

“(A) the United States (within the meaning of section 638(1)), or

“(B) a possession of the United States (within the meaning of section 638(2)).

“(2) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the

Secretary of Energy, and the Secretary of the Interior, shall establish regulations for determining adequate security measures for the geological storage of qualified carbon oxide under subsection (a) such that the qualified carbon oxide does not escape into the atmosphere. Such term shall include storage at deep saline formations, oil and gas reservoirs, and unminable coal seams under such conditions as the Secretary may determine under such regulations.

“(3) CREDIT ATTRIBUTABLE TO TAXPAYER.—

“(A) IN GENERAL.—Except as provided in subparagraph (B) or in any regulations prescribed by the Secretary, any credit under this section shall be attributable to—

“(i) in the case of qualified carbon oxide captured using carbon capture equipment which is originally placed in service at a qualified facility before the date of the enactment of the Bipartisan Budget Act of 2018, the person that captures and physically or contractually ensures the disposal, utilization, or use as a tertiary injectant of such qualified carbon oxide, and

“(ii) in the case of qualified carbon oxide captured using carbon capture equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018, the person that owns the carbon capture equipment and physically or contractually ensures the capture and disposal, utilization, or use as a tertiary injectant of such qualified carbon oxide.

“(B) ELECTION.—If the person described in subparagraph (A) makes an election under this subparagraph in such time and manner as the Secretary may prescribe by regulations, the credit under this section—

“(i) shall be allowable to the person that disposes of the qualified carbon oxide, utilizes the qualified carbon oxide, or uses the qualified carbon oxide as a tertiary injectant, and

“(ii) shall not be allowable to the person described in subparagraph (A).

“(4) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any qualified carbon oxide which ceases to be captured, disposed of, or used as a tertiary injectant in a manner consistent with the requirements of this section.

“(5) UTILIZATION OF QUALIFIED CARBON OXIDE.—

“(A) IN GENERAL.—For purposes of this section, utilization of qualified carbon oxide means—

“(i) the fixation of such qualified carbon oxide through photosynthesis or chemosynthesis, such as through the growing of algae or bacteria,

“(ii) the chemical conversion of such qualified carbon oxide to a material or chemical compound in which such qualified carbon oxide is securely stored, or

“(iii) the use of such qualified carbon oxide for any other purpose for which a commercial market exists (with the exception of use as a tertiary injectant in a qualified enhanced oil or natural gas recovery project), as determined by the Secretary.

“(B) MEASUREMENT.—

“(i) IN GENERAL.—For purposes of determining the amount of qualified carbon oxide utilized by the taxpayer under paragraph (2)(B)(ii) or (4)(B)(ii) of subsection (a), such amount shall be equal to the metric tons of qualified carbon oxide which the taxpayer demonstrates, based upon an analysis of lifecycle greenhouse gas emissions and subject to such requirements as the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, determines appropriate, were—

“(I) captured and permanently isolated from the atmosphere, or

“(II) displaced from being emitted into the atmosphere, through use of a process described in subparagraph (A).

“(ii) **LIFECYCLE GREENHOUSE GAS EMISSIONS.**—For purposes of clause (i), the term ‘lifecycle greenhouse gas emissions’ has the same meaning given such term under subparagraph (H) of section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)), as in effect on the date of the enactment of the Bipartisan Budget Act of 2018, except that ‘product’ shall be substituted for ‘fuel’ each place it appears in such subparagraph.

“(6) **ELECTION FOR APPLICABLE FACILITIES.**—“(A) **IN GENERAL.**—For purposes of this section, in the case of an applicable facility, for any taxable year in which such facility captures not less than 500,000 metric tons of qualified carbon oxide during the taxable year, the person described in paragraph (3)(A)(ii) may elect to have such facility, and any carbon capture equipment placed in service at such facility, deemed as having been placed in service on the date of the enactment of the Bipartisan Budget Act of 2018.

“(B) **APPLICABLE FACILITY.**—For purposes of this paragraph, the term ‘applicable facility’ means a qualified facility—

“(i) which was placed in service before the date of the enactment of the Bipartisan Budget Act of 2018, and

“(ii) for which no taxpayer claimed a credit under this section in regards to such facility for any taxable year ending before the date of the enactment of such Act.

“(7) **INFLATION ADJUSTMENT.**—In the case of any taxable year beginning in a calendar year after 2009, there shall be substituted for each dollar amount contained in paragraphs (1) and (2) of subsection (a) an amount equal to the product of—

“(A) such dollar amount, multiplied by

“(B) the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting ‘2008’ for ‘1990’.

“(g) **APPLICATION OF SECTION FOR CERTAIN CARBON CAPTURE EQUIPMENT.**—In the case of any carbon capture equipment placed in service before the date of the enactment of the Bipartisan Budget Act of 2018, the credit under this section shall apply with respect to qualified carbon oxide captured using such equipment before the end of the calendar year in which the Secretary, in consultation with the Administrator of the Environmental Protection Agency, certifies that, during the period beginning after October 3, 2008, a total of 75,000,000 metric tons of qualified carbon oxide have been taken into account in accordance with—

“(1) subsection (a) of this section, as in effect on the day before the date of the enactment of the Bipartisan Budget Act of 2018, and

“(2) paragraphs (1) and (2) of subsection (a) of this section.

“(h) **REGULATIONS.**—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section, including regulations or other guidance to—

“(1) ensure proper allocation under subsection (a) for qualified carbon oxide captured by a taxpayer during the taxable year ending after the date of the enactment of the Bipartisan Budget Act of 2018, and

“(2) determine whether a facility satisfies the requirements under subsection (d)(1) during such taxable year.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

DIVISION E—HEALTH AND HUMAN SERVICES EXTENDERS

SEC. 50100. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This division may be cited as the “Advancing Chronic Care, Extenders, and Social Services (ACCESS) Act”

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

DIVISION E—HEALTH AND HUMAN SERVICES EXTENDERS

Sec. 50100. Short title; table of contents.

TITLE I—CHIP

Sec. 50101. Funding extension of the Children’s Health Insurance Program through fiscal year 2027.

Sec. 50102. Extension of pediatric quality measures program.

Sec. 50103. Extension of outreach and enrollment program.

TITLE II—MEDICARE EXTENDERS

Sec. 50201. Extension of work GPCI floor.

Sec. 50202. Repeal of Medicare payment cap for therapy services; limitation to ensure appropriate therapy.

Sec. 50203. Medicare ambulance services.

Sec. 50204. Extension of increased inpatient hospital payment adjustment for certain low-volume hospitals.

Sec. 50205. Extension of the Medicare-dependent hospital (MDH) program.

Sec. 50206. Extension of funding for quality measure endorsement, input, and selection; reporting requirements.

Sec. 50207. Extension of funding outreach and assistance for low-income programs; State health insurance assistance program reporting requirements.

Sec. 50208. Extension of home health rural add-on.

TITLE III—CREATING HIGH-QUALITY RESULTS AND OUTCOMES NECESSARY TO IMPROVE CHRONIC (CHRONIC) CARE

Subtitle A—Receiving High Quality Care in the Home

Sec. 50301. Extending the Independence at Home Demonstration Program.

Sec. 50302. Expanding access to home dialysis therapy.

Subtitle B—Advancing Team-Based Care

Sec. 50311. Providing continued access to Medicare Advantage special needs plans for vulnerable populations.

Subtitle C—Expanding Innovation and Technology

Sec. 50321. Adapting benefits to meet the needs of chronically ill Medicare Advantage enrollees.

Sec. 50322. Expanding supplemental benefits to meet the needs of chronically ill Medicare Advantage enrollees.

Sec. 50323. Increasing convenience for Medicare Advantage enrollees through telehealth.

Sec. 50324. Providing accountable care organizations the ability to expand the use of telehealth.

Sec. 50325. Expanding the use of telehealth for individuals with stroke.

Subtitle D—Identifying the Chronically Ill Population

Sec. 50331. Providing flexibility for beneficiaries to be part of an accountable care organization.

Subtitle E—Empowering Individuals and Caregivers in Care Delivery

Sec. 50341. Eliminating barriers to care coordination under accountable care organizations.

Sec. 50342. GAO study and report on longitudinal comprehensive care planning services under Medicare part B.

Subtitle F—Other Policies to Improve Care for the Chronically Ill

Sec. 50351. GAO study and report on improving medication synchronization.

Sec. 50352. GAO study and report on impact of obesity drugs on patient health and spending.

Sec. 50353. HHS study and report on long-term risk factors for chronic conditions among Medicare beneficiaries.

Sec. 50354. Providing prescription drug plans with parts A and B claims data to promote the appropriate use of medications and improve health outcomes.

TITLE IV—PART B IMPROVEMENT ACT AND OTHER PART B ENHANCEMENTS

Subtitle A—Medicare Part B Improvement Act

Sec. 50401. Home infusion therapy services temporary transitional payment.

Sec. 50402. Orthotist’s and prosthetist’s clinical notes as part of the patient’s medical record.

Sec. 50403. Independent accreditation for dialysis facilities and assurance of high quality surveys.

Sec. 50404. Modernizing the application of the Stark rule under Medicare.

Subtitle B—Additional Medicare Provisions

Sec. 50411. Making permanent the removal of the rental cap for durable medical equipment under Medicare with respect to speech generating devices.

Sec. 50412. Increased civil and criminal penalties and increased sentences for Federal health care program fraud and abuse.

Sec. 50413. Reducing the volume of future EHR-related significant hardship requests.

Sec. 50414. Strengthening rules in case of competition for diabetic testing strips.

TITLE V—OTHER HEALTH EXTENDERS

Sec. 50501. Extension for family-to-family health information centers.

Sec. 50502. Extension for sexual risk avoidance education.

Sec. 50503. Extension for personal responsibility education.

TITLE VI—CHILD AND FAMILY SERVICES AND SUPPORTS EXTENDERS

Subtitle A—Continuing the Maternal, Infant, and Early Childhood Home Visiting Program

Sec. 50601. Continuing evidence-based home visiting program.

Sec. 50602. Continuing to demonstrate results to help families.

Sec. 50603. Reviewing statewide needs to target resources.

Sec. 50604. Improving the likelihood of success in high-risk communities.

Sec. 50605. Option to fund evidence-based home visiting on a pay for outcome basis.

Sec. 50606. Data exchange standards for improved interoperability.

Sec. 50607. Allocation of funds.

Subtitle B—Extension of Health Professions Workforce Demonstration Projects

Sec. 50611. Extension of health workforce demonstration projects for low-income individuals.

TITLE VII—FAMILY FIRST PREVENTION SERVICES ACT

Subtitle A—Investing in Prevention and Supporting Families

Sec. 50701. Short title.

Sec. 50702. Purpose.

PART I—PREVENTION ACTIVITIES UNDER TITLE IV—E

Sec. 50711. Foster care prevention services and programs.

Sec. 50712. Foster care maintenance payments for children with parents in a licensed residential family-based treatment facility for substance abuse.

Sec. 50713. Title IV—E payments for evidence-based kinship navigator programs.

PART II—ENHANCED SUPPORT UNDER TITLE IV—B

- Sec. 50721. Elimination of time limit for family reunification services while in foster care and permitting time-limited family reunification services when a child returns home from foster care.
- Sec. 50722. Reducing bureaucracy and unnecessary delays when placing children in homes across State lines.
- Sec. 50723. Enhancements to grants to improve well-being of families affected by substance abuse.

PART III—MISCELLANEOUS

- Sec. 50731. Reviewing and improving licensing standards for placement in a relative foster family home.
- Sec. 50732. Development of a statewide plan to prevent child abuse and neglect fatalities.
- Sec. 50733. Modernizing the title and purpose of title IV—E.
- Sec. 50734. Effective dates.

PART IV—ENSURING THE NECESSITY OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME

- Sec. 50741. Limitation on Federal financial participation for placements that are not in foster family homes.
- Sec. 50742. Assessment and documentation of the need for placement in a qualified residential treatment program.
- Sec. 50743. Protocols to prevent inappropriate diagnoses.
- Sec. 50744. Additional data and reports regarding children placed in a setting that is not a foster family home.
- Sec. 50745. Criminal records checks and checks of child abuse and neglect registries for adults working in child-care institutions and other group care settings.
- Sec. 50746. Effective dates; application to waivers.

PART V—CONTINUING SUPPORT FOR CHILD AND FAMILY SERVICES

- Sec. 50751. Supporting and retaining foster families for children.
- Sec. 50752. Extension of child and family services programs.
- Sec. 50753. Improvements to the John H. Chafee foster care independence program and related provisions.

PART VI—CONTINUING INCENTIVES TO STATES TO PROMOTE ADOPTION AND LEGAL GUARDIANSHIP

- Sec. 50761. Reauthorizing adoption and legal guardianship incentive programs.

PART VII—TECHNICAL CORRECTIONS

- Sec. 50771. Technical corrections to data exchange standards to improve program coordination.
- Sec. 50772. Technical corrections to State requirement to address the developmental needs of young children.

PART VIII—ENSURING STATES REINVEST SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE

- Sec. 50781. Delay of adoption assistance phase-in.
- Sec. 50782. GAO study and report on State reinvestment of savings resulting from increase in adoption assistance.

TITLE VIII—SUPPORTING SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS

- Sec. 50801. Short title.
- Sec. 50802. Social impact partnerships to pay for results.

TITLE IX—PUBLIC HEALTH PROGRAMS

- Sec. 50901. Extension for community health centers, the National Health Service Corps, and teaching health centers that operate GME programs.

- Sec. 50902. Extension for special diabetes programs.

TITLE X—MISCELLANEOUS HEALTH CARE POLICIES

- Sec. 51001. Home health payment reform.
- Sec. 51002. Information to satisfy documentation of Medicare eligibility for home health services.
- Sec. 51003. Technical amendments to Public Law 114–10.
- Sec. 51004. Expanded access to Medicare intensive cardiac rehabilitation programs.
- Sec. 51005. Extension of blended site neutral payment rate for certain long-term care hospital discharges; temporary adjustment to site neutral payment rates.
- Sec. 51006. Recognition of attending physician assistants as attending physicians to serve hospice patients.
- Sec. 51007. Extension of enforcement instruction on supervision requirements for outpatient therapeutic services in critical access and small rural hospitals through 2017.
- Sec. 51008. Allowing physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.
- Sec. 51009. Transitional payment rules for certain radiation therapy services under the physician fee schedule.

TITLE XI—PROTECTING SENIORS' ACCESS TO MEDICARE ACT

- Sec. 52001. Repeal of the Independent Payment Advisory Board.

TITLE XII—OFFSETS

- Sec. 53101. Modifying reductions in Medicaid DSH allotments.
- Sec. 53102. Third party liability in Medicaid and CHIP.
- Sec. 53103. Treatment of lottery winnings and other lump-sum income for purposes of income eligibility under Medicaid.
- Sec. 53104. Rebate obligation with respect to line extension drugs.
- Sec. 53105. Medicaid Improvement Fund.
- Sec. 53106. Physician fee schedule update.
- Sec. 53107. Payment for outpatient physical therapy services and outpatient occupational therapy services furnished by a therapy assistant.
- Sec. 53108. Reduction for non-emergency ESRD ambulance transports.
- Sec. 53109. Hospital transfer policy for early discharges to hospice care.
- Sec. 53110. Medicare payment update for home health services.
- Sec. 53111. Medicare payment update for skilled nursing facilities.
- Sec. 53112. Preventing the artificial inflation of star ratings after the consolidation of Medicare Advantage plans offered by the same organization.
- Sec. 53113. Sunset exclusion of biosimilars from Medicare part D coverage gap discount program.
- Sec. 53114. Adjustments to Medicare part B and part D premium subsidies for higher income individuals.
- Sec. 53115. Medicare Improvement Fund.
- Sec. 53116. Closing the Donut Hole for Seniors.
- Sec. 53117. Modernizing child support enforcement fees.
- Sec. 53118. Increasing efficiency of prison data reporting.
- Sec. 53119. Prevention and Public Health Fund.

TITLE I—CHIP

SEC. 50101. FUNDING EXTENSION OF THE CHILDREN'S HEALTH INSURANCE PROGRAM THROUGH FISCAL YEAR 2027.

- (a) IN GENERAL.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)), as amended

by section 3002(a) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(1) in paragraph (25), by striking “; and” and inserting a semicolon;

(2) in paragraph (26), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(27) for each of fiscal years 2024 through 2026, such sums as are necessary to fund allotments to States under subsections (c) and (m); and

“(28) for fiscal year 2027, for purposes of making two semi-annual allotments—

“(A) \$7,650,000,000 for the period beginning on October 1, 2026, and ending on March 31, 2027; and

“(B) \$7,650,000,000 for the period beginning on April 1, 2027, and ending on September 30, 2027.”.

(b) ALLOTMENTS.—

(1) IN GENERAL.—Section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(m)), as amended by section 3002(b) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(A) in paragraph (2)(B)—

(i) in the matter preceding clause (i), by striking “(25)” and inserting “(27)”;

(ii) in clause (i), by striking “and 2023” and inserting “, 2023, and 2027”; and

(iii) in clause (ii)(I), by striking “(or, in the case of fiscal year 2018, under paragraph (4))” and inserting “(or, in the case of fiscal year 2018 or 2024, under paragraph (4) or (10), respectively)”;

(B) in paragraph (5)—

(i) by striking “or (10)” and inserting “(10), or (11)”;

(ii) by striking “or 2023,” and inserting “2023, or 2027,”;

(C) in paragraph (7)—

(i) in subparagraph (A), by striking “2023” and inserting “2027,”; and

(ii) in the matter following subparagraph (B), by striking “or fiscal year 2022” and inserting “fiscal year 2022, fiscal year 2024, or fiscal year 2026”;

(D) in paragraph (9)—

(i) by striking “or (10)” and inserting “(10), or (11)”;

(ii) by striking “or 2023,” and inserting “2023, or 2027,”; and

(E) by adding at the end the following:

“(11) FOR FISCAL YEAR 2027.—

“(A) FIRST HALF.—Subject to paragraphs (5) and (7), from the amount made available under subparagraph (A) of paragraph (28) of subsection (a) for the semi-annual period described in such subparagraph, increased by the amount of the appropriation for such period under section 50101(b)(2) of the Advancing Chronic Care, Extenders, and Social Services Act, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the first half ratio (described in subparagraph (D)) of the amount described in subparagraph (C).

“(B) SECOND HALF.—Subject to paragraphs (5) and (7), from the amount made available under subparagraph (B) of paragraph (28) of subsection (a) for the semi-annual period described in such subparagraph, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the amount made available under such subparagraph, multiplied by the ratio of—

“(i) the amount of the allotment to such State under subparagraph (A); to

“(ii) the total of the amount of all of the allotments made available under such subparagraph.

“(C) FULL YEAR AMOUNT BASED ON REBASED AMOUNT.—The amount described in this subparagraph for a State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the

State in fiscal year 2026 (including payments made to the State under subsection (n) for fiscal year 2026 as well as amounts redistributed to the State in fiscal year 2026), multiplied by the allotment increase factor under paragraph (6) for fiscal year 2027.

“(D) FIRST HALF RATIO.—The first half ratio described in this subparagraph is the ratio of—

“(i) the sum of—

“(I) the amount made available under subsection (a)(28)(A); and

“(II) the amount of the appropriation for such period under section 50101(b)(2) of the Advancing Chronic Care, Extenders, and Social Services Act; to

“(ii) the sum of—

“(I) the amount described in clause (i); and

“(II) the amount made available under subsection (a)(28)(B).”.

(2) ONE-TIME APPROPRIATION FOR FISCAL YEAR 2027.—There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as are necessary to fund allotments to States under subsections (c) and (m) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for fiscal year 2027, taking into account the full year amounts calculated for States under paragraph (11)(C) of subsection (m) of such section (as added by paragraph (1)) and the amounts appropriated under subparagraphs (A) and (B) of subsection (a)(28) of such section (as added by subsection (a)). Such amount shall accompany the allotment made for the period beginning on October 1, 2026, and ending on March 31, 2027, under paragraph (28)(A) of section 2104(a) of such Act (42 U.S.C. 1397dd(a)), to remain available until expended. Such amount shall be used to provide allotments to States under paragraph (11) of section 2104(m) of such Act for the first 6 months of fiscal year 2027 in the same manner as allotments are provided under subsection (a)(28)(A) of such section 2104 and subject to the same terms and conditions as apply to the allotments provided from such subsection (a)(28)(A).

(c) EXTENSION OF THE CHILD ENROLLMENT CONTINGENCY FUND.—Section 2104(n) of the Social Security Act (42 U.S.C. 1397dd(n)), as amended by section 3002(c) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii)—

(i) by striking “and 2018 through 2022” and inserting “2018 through 2022, and 2024 through 2026”; and

(ii) by striking “and 2023” and inserting “2023, and 2027”; and

(B) in subparagraph (B)—

(i) by striking “and 2018 through 2022” and inserting “2018 through 2022, and 2024 through 2026”; and

(ii) by striking “and 2023” and inserting “2023, and 2027”; and

(2) in paragraph (3)(A), in the matter preceding clause (i)—

(A) by striking “or in any of fiscal years 2018 through 2022” and inserting “fiscal years 2018 through 2022, or fiscal years 2024 through 2026”; and

(B) by striking “or 2023” and inserting “2023, or 2027”.

(d) EXTENSION OF QUALIFYING STATES OPTION.—Section 2105(g)(4) of the Social Security Act (42 U.S.C. 1397ee(g)(4)), as amended by section 3002(d) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(1) in the paragraph heading, by striking “THROUGH 2023” and inserting “THROUGH 2027”; and

(2) in subparagraph (A), by striking “2023” and inserting “2027”.

(e) EXTENSION OF EXPRESS LANE ELIGIBILITY OPTION.—Section 1902(e)(13)(I) of the Social Security Act (42 U.S.C. 1396a(e)(13)(I)), as amended by section 3002(e) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended by striking “2023” and inserting “2027”.

(f) ASSURANCE OF ELIGIBILITY STANDARD FOR CHILDREN AND FAMILIES.—

(1) IN GENERAL.—Section 2105(d)(3) of the Social Security Act (42 U.S.C. 1397ee(d)(3)), as amended by section 3002(f)(1) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(A) in the paragraph heading, by striking “THROUGH SEPTEMBER 30, 2023” and inserting “THROUGH SEPTEMBER 30, 2027”; and

(B) in subparagraph (A), in the matter preceding clause (i), by striking “2023” each place it appears and inserting “2027”.

(2) CONFORMING AMENDMENTS.—Section 1902(gg)(2) of the Social Security Act (42 U.S.C. 1396a(gg)(2)), as amended by section 3002(f)(2) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(A) in the paragraph heading, by striking “THROUGH SEPTEMBER 30, 2023” and inserting “THROUGH SEPTEMBER 30, 2027”; and

(B) by striking “2023,” each place it appears and inserting “2027”.

SEC. 50102. EXTENSION OF PEDIATRIC QUALITY MEASURES PROGRAM.

(a) IN GENERAL.—Section 1139A(i)(1) of the Social Security Act (42 U.S.C. 1320b–9a(i)(1)), as amended by section 3003(b) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(1) in subparagraph (B), by striking “; and” and inserting a semicolon;

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

(3) by adding at the end the following new subparagraph:

“(D) for the period of fiscal years 2024 through 2027, \$60,000,000 for the purpose of carrying out this section (other than subsections (e), (f), and (g)).”.

(b) MAKING REPORTING MANDATORY.—Section 1139A of the Social Security Act (42 U.S.C. 1320b–9a) is amended—

(1) in subsection (a)—

(A) in the heading for paragraph (4), by inserting “AND MANDATORY REPORTING” after “REPORTING”; and

(B) in paragraph (4)—

(i) by striking “Not later than” and inserting the following:

“(A) VOLUNTARY REPORTING.—Not later than”; and

(ii) by adding at the end the following:

“(B) MANDATORY REPORTING.—Beginning with the annual State report on fiscal year 2024 required under subsection (c)(1), the Secretary shall require States to use the initial core measurement set and any updates or changes to that set to report information regarding the quality of pediatric health care under titles XIX and XXI using the standardized format for reporting information and procedures developed under subparagraph (A).”; and

(C) in paragraph (6)(B), by inserting “and, beginning with the report required on January 1, 2025, and for each annual report thereafter, the status of mandatory reporting by States under titles XIX and XXI, utilizing the initial core quality measurement set and any updates or changes to that set” before the semicolon; and

(2) in subsection (c)(1)(A), by inserting “and, beginning with the annual report on fiscal year 2024, all of the core measures described in subsection (a) and any updates or changes to those measures” before the semicolon.

SEC. 50103. EXTENSION OF OUTREACH AND ENROLLMENT PROGRAM.

(a) IN GENERAL.—Section 2113 of the Social Security Act (42 U.S.C. 1397mm), as amended by section 3004(a) of the HEALTHY KIDS Act (division C of Public Law 115–120), is amended—

(1) in subsection (a)(1), by striking “2023” and inserting “2027”; and

(2) in subsection (g)—

(A) by striking “and \$120,000,000” and inserting “, \$120,000,000”; and

(B) by inserting “, and \$48,000,000 for the period of fiscal years 2024 through 2027” after “2023”.

(b) ADDITIONAL RESERVED FUNDS.—Section 2113(a) of the Social Security Act (42 U.S.C. 1397mm(a)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(2) by adding at the end the following new paragraph:

“(3) TEN PERCENT SET ASIDE FOR EVALUATING AND PROVIDING TECHNICAL ASSISTANCE TO GRANTEES.—For the period of fiscal years 2024 through 2027, an amount equal to 10 percent of such amounts shall be used by the Secretary for the purpose of evaluating and providing technical assistance to eligible entities awarded grants under this section.”.

(c) USE OF RESERVED FUNDS FOR NATIONAL ENROLLMENT AND RETENTION STRATEGIES.—Section 2113(h) of the Social Security Act (42 U.S.C. 1397mm(h)) is amended—

(1) in paragraph (5), by striking “; and” and inserting a semicolon;

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following new paragraph:

“(6) the development of materials and toolkits and the provision of technical assistance to States regarding enrollment and retention strategies for eligible children under this title and title XIX; and”.

TITLE II—MEDICARE EXTENDERS

SEC. 50201. EXTENSION OF WORK GPCI FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking “January 1, 2018” and inserting “January 1, 2020”.

SEC. 50202. REPEAL OF MEDICARE PAYMENT CAP FOR THERAPY SERVICES; LIMITATION TO ENSURE APPROPRIATE THERAPY.

Section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) is amended—

(1) in paragraph (1)—

(A) by striking “Subject to paragraphs (4) and (5)” and inserting “(A) Subject to paragraphs (4) and (5)”; and

(B) in the subparagraph (A), as inserted and designated by subparagraph (A) of this paragraph, by adding at the end the following new sentence: “The preceding sentence shall not apply to expenses incurred with respect to services furnished after December 31, 2017.”; and

(C) by adding at the end the following new subparagraph:

“(B) With respect to services furnished during 2018 or a subsequent year, in the case of physical therapy services of the type described in section 1861(p), speech-language pathology services of the type described in such section through the application of section 1861(l)(2), and physical therapy services and speech-language pathology services of such type which are furnished by a physician or as incident to physicians’ services, with respect to expenses incurred in any calendar year, any amount that is more than the amount specified in paragraph (2) for the year shall not be considered as incurred expenses for purposes of subsections (a) and (b) unless the applicable requirements of paragraph (7) are met.”;

(2) in paragraph (3)—

(A) by striking “Subject to paragraphs (4) and (5)” and inserting “(A) Subject to paragraphs (4) and (5)”; and

(B) in the subparagraph (A), as inserted and designated by subparagraph (A) of this paragraph, by adding at the end the following new sentence: “The preceding sentence shall not apply to expenses incurred with respect to services furnished after December 31, 2017.”; and

(C) by adding at the end the following new subparagraph:.

“(B) With respect to services furnished during 2018 or a subsequent year, in the case of occupational therapy services (of the type that are described in section 1861(p) through the operation of section 1861(g) and of such type which are furnished by a physician or as incident to physicians’ services), with respect to expenses incurred in any calendar year, any amount that is more than the amount specified in paragraph (2) for the year shall not be considered as incurred expenses for purposes of subsections (a) and (b) unless the applicable requirements of paragraph (7) are met.”;

(3) in paragraph (5)—

(A) by redesignating subparagraph (D) as paragraph (8) and moving such paragraph to immediately follow paragraph (7), as added by paragraph (4) of this section; and

(B) in subparagraph (E)(iv), by inserting “, except as such process is applied under paragraph (7)(B)” before the period at the end; and

(4) by adding at the end the following new paragraph:

“(7) For purposes of paragraphs (1)(B) and (3)(B), with respect to services described in such paragraphs, the requirements described in this paragraph are as follows:

“(A) INCLUSION OF APPROPRIATE MODIFIER.—The claim for such services contains an appropriate modifier (such as the KX modifier described in paragraph (5)(B)) indicating that such services are medically necessary as justified by appropriate documentation in the medical record involved.

“(B) TARGETED MEDICAL REVIEW FOR CERTAIN SERVICES ABOVE THRESHOLD.—

“(i) IN GENERAL.—In the case where expenses that would be incurred for such services would exceed the threshold described in clause (ii) for the year, such services shall be subject to the process for medical review implemented under paragraph (5)(E).

“(ii) THRESHOLD.—The threshold under this clause for—

“(I) a year before 2028, is \$3,000;

“(II) 2028, is the amount specified in subclause (I) increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) for 2028; and

“(III) a subsequent year, is the amount specified in this clause for the preceding year increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) for such subsequent year;

except that if an increase under subclause (II) or (III) for a year is not a multiple of \$10, it shall be rounded to the nearest multiple of \$10.

“(iii) APPLICATION.—The threshold under clause (ii) shall be applied separately—

“(I) for physical therapy services and speech-language pathology services; and

“(II) for occupational therapy services.

“(iv) FUNDING.—For purposes of carrying out this subparagraph, the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841 to the Centers for Medicare & Medicaid Services Program Management Account, of \$5,000,000 for each fiscal year beginning with fiscal year 2018, to remain available until expended. Such funds may not be used by a contractor under section 1893(h) for medical reviews under this subparagraph.”.

SEC. 50203. MEDICARE AMBULANCE SERVICES.

(a) EXTENSION OF CERTAIN GROUND AMBULANCE ADD-ON PAYMENTS.—

(1) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended by striking “2018” and inserting “2023” each place it appears.

(2) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended, in the first sentence, by striking “2018” and inserting “2023”.

(b) REQUIRING GROUND AMBULANCE PROVIDERS OF SERVICES AND SUPPLIERS TO SUBMIT

COST AND OTHER INFORMATION.—Section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

“(17) SUBMISSION OF COST AND OTHER INFORMATION.—

“(A) DEVELOPMENT OF DATA COLLECTION SYSTEM.—The Secretary shall develop a data collection system (which may include use of a cost survey) to collect cost, revenue, utilization, and other information determined appropriate by the Secretary with respect to providers of services (in this paragraph referred to as ‘providers’) and suppliers of ground ambulance services. Such system shall be designed to collect information—

“(i) needed to evaluate the extent to which reported costs relate to payment rates under this subsection;

“(ii) on the utilization of capital equipment and ambulance capacity, including information consistent with the type of information described in section 1121(a); and

“(iii) on different types of ground ambulance services furnished in different geographic locations, including rural areas and low population density areas described in paragraph (12).

“(B) SPECIFICATION OF DATA COLLECTION SYSTEM.—

“(i) IN GENERAL.—The Secretary shall—

“(I) not later than December 31, 2019, specify the data collection system under subparagraph (A); and

“(II) identify the providers and suppliers of ground ambulance services that would be required to submit information under such data collection system, including the representative sample described in clause (ii).

“(ii) DETERMINATION OF REPRESENTATIVE SAMPLE.—

“(I) IN GENERAL.—Not later than December 31, 2019, with respect to the data collection for the first year under such system, and for each subsequent year through 2024, the Secretary shall determine a representative sample to submit information under the data collection system.

“(II) REQUIREMENTS.—The sample under subclause (I) shall be representative of the different types of providers and suppliers of ground ambulance services (such as those providers and suppliers that are part of an emergency service or part of a government organization) and the geographic locations in which ground ambulance services are furnished (such as urban, rural, and low population density areas).

“(III) LIMITATION.—The Secretary shall not include an individual provider or supplier of ground ambulance services in the sample under subclause (I) in 2 consecutive years, to the extent practicable.

“(C) REPORTING OF COST INFORMATION.—For each year, a provider or supplier of ground ambulance services identified by the Secretary under subparagraph (B)(i)(II) as being required to submit information under the data collection system with respect to a period for the year shall submit to the Secretary information specified under the system. Such information shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this subparagraph.

“(D) PAYMENT REDUCTION FOR FAILURE TO REPORT.—

“(i) IN GENERAL.—Beginning January 1, 2022, subject to clause (ii), a 10 percent reduction to payments under this subsection shall be made for the applicable period (as defined in clause (ii)) to a provider or supplier of ground ambulance services that—

“(I) is required to submit information under the data collection system with respect to a period under subparagraph (C); and

“(II) does not sufficiently submit such information, as determined by the Secretary.

“(ii) APPLICABLE PERIOD DEFINED.—For purposes of clause (i), the term ‘applicable period’ means, with respect to a provider or supplier of ground ambulance services, a year specified by

the Secretary not more than 2 years after the end of the period with respect to which the Secretary has made a determination under clause (i)(II) that the provider or supplier of ground ambulance services failed to sufficiently submit information under the data collection system.

“(iii) HARDSHIP EXEMPTION.—The Secretary may exempt a provider or supplier from the payment reduction under clause (i) with respect to an applicable period in the event of significant hardship, such as a natural disaster, bankruptcy, or other similar situation that the Secretary determines interfered with the ability of the provider or supplier of ground ambulance services to submit such information in a timely manner for the specified period.

“(iv) INFORMAL REVIEW.—The Secretary shall establish a process under which a provider or supplier of ground ambulance services may seek an informal review of a determination that the provider or supplier is subject to the payment reduction under clause (i).

“(E) ONGOING DATA COLLECTION.—

“(i) REVISION OF DATA COLLECTION SYSTEM.—The Secretary may, as the Secretary determines appropriate and, if available, taking into consideration the report (or reports) under subparagraph (F), revise the data collection system under subparagraph (A).

“(ii) SUBSEQUENT DATA COLLECTION.—In order to continue to evaluate the extent to which reported costs relate to payment rates under this subsection and for other purposes the Secretary deems appropriate, the Secretary shall require providers and suppliers of ground ambulance services to submit information for years after 2024 as the Secretary determines appropriate, but in no case less often than once every 3 years.

“(F) GROUND AMBULANCE DATA COLLECTION SYSTEM STUDY.—

“(i) IN GENERAL.—Not later than March 15, 2023, and as determined necessary by the Medicare Payment Advisory Commission thereafter, such Commission shall assess, and submit to Congress a report on, information submitted by providers and suppliers of ground ambulance services through the data collection system under subparagraph (A), the adequacy of payments for ground ambulance services under this subsection, and geographic variations in the cost of furnishing such services.

“(ii) CONTENTS.—A report under clause (i) shall contain the following:

“(I) An analysis of information submitted through the data collection system.

“(II) An analysis of any burden on providers and suppliers of ground ambulance services associated with the data collection system.

“(III) A recommendation as to whether information should continue to be submitted through such data collection system or if such system should be revised under subparagraph (E)(i).

“(IV) Other information determined appropriate by the Commission.

“(G) PUBLIC AVAILABILITY.—The Secretary shall post information on the results of the data collection under this paragraph on the Internet website of the Centers for Medicare & Medicaid Services, as determined appropriate by the Secretary.

“(H) IMPLEMENTATION.—The Secretary shall implement this paragraph through notice and comment rulemaking.

“(I) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to the collection of information required under this subsection.

“(J) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the data collection system or identification of respondents under this paragraph.

“(K) FUNDING FOR IMPLEMENTATION.—For purposes of carrying out subparagraph (A), the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841, of \$15,000,000 to

the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2018. Amounts transferred under this subparagraph shall remain available until expended.”.

SEC. 50204. EXTENSION OF INCREASED INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR CERTAIN LOW-VOLUME HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking “fiscal year 2018” and inserting “fiscal year 2023”;

(2) in subparagraph (C)—

(A) in clause (i)—

(i) by striking “through 2017” the first place it appears and inserting “through 2022”; and

(ii) by striking “and has less than 800 discharges” and all that follows through the period at the end and inserting the following “and has—

“(I) with respect to each of fiscal years 2005 through 2010, less than 800 discharges during the fiscal year;

“(II) with respect to each of fiscal years 2011 through 2018, less than 1,600 discharges of individuals entitled to, or enrolled for, benefits under part A during the fiscal year or portion of the fiscal year;

“(III) with respect to each of fiscal years 2019 through 2022, less than 3,800 discharges during the fiscal year; and

“(IV) with respect to fiscal year 2023 and each subsequent fiscal year, less than 800 discharges during the fiscal year.”; and

(B) in clause (ii)—

(i) by striking “subparagraph (B)” and inserting “subparagraphs (B) and (D)”;

(ii) by inserting “(except as provided in clause (i)(II) and subparagraph (D)(i))” after “regardless”; and

(3) in subparagraph (D)—

(A) by striking “through 2017” and inserting “through 2022”;

(B) by striking “hospitals with 200 or fewer” and inserting the following: “hospitals—

“(i) with respect to each of fiscal years 2011 through 2018, with 200 or fewer”;

(C) by striking the period at the end and inserting “or portion of fiscal year; and”; and

(D) by adding at the end the following new clause:

“(ii) with respect to each of fiscal years 2019 through 2022, with 500 or fewer discharges in the fiscal year to 0 percent for low-volume hospitals with greater than 3,800 discharges in the fiscal year.”.

(b) MEDPAC REPORT ON EXTENSION OF INCREASED INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR CERTAIN LOW-VOLUME HOSPITALS.—

(1) IN GENERAL.—Not later than March 15, 2022, the Medicare Payment Advisory Commission shall submit to Congress a report on the extension of the increased inpatient hospital payment adjustment for certain low-volume hospitals under section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) under the provisions of, and amendments made by, this section.

(2) CONTENTS.—The report under paragraph (1) shall include an evaluation of the effects of such extension on the following:

(A) Beneficiary utilization of inpatient hospital services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(B) The financial status of hospitals with a low volume of Medicare or total inpatient admissions.

(C) Program spending under such title XVIII.

(D) Other matters relevant to evaluating the effects of such extension.

SEC. 50205. EXTENSION OF THE MEDICARE-DEPENDENT HOSPITAL (MDH) PROGRAM.

(a) IN GENERAL.—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) in clause (i), by striking “October 1, 2017” and inserting “October 1, 2022”;

(2) in clause (ii)(II), by striking “October 1, 2017” and inserting “October 1, 2022”; and

(3) in clause (iv), by striking subclause (I) and inserting the following new subclause:

“(I) that is located in—

“(aa) a rural area; or

“(bb) a State with no rural area (as defined in paragraph (2)(D)) and satisfies any of the criteria in subclause (I), (II), or (III) of paragraph (8)(E)(ii).”; and

(4) by inserting after subclause (IV) the following new flush sentences:

“Subclause (I)(bb) shall apply for purposes of payment under clause (ii) only for discharges of a hospital occurring on or after the effective date of a determination of medicare-dependent small rural hospital status made by the Secretary with respect to the hospital after the date of the enactment of this sentence. For purposes of applying subclause (II) of paragraph (8)(E)(ii) under subclause (I)(bb), such subclause (II) shall be applied by inserting ‘as of January 1, 2018,’ after ‘such State’ each place it appears.”.

(b) CONFORMING AMENDMENTS.—

(1) EXTENSION OF TARGET AMOUNT.—Section 1886(b)(3)(D) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(A) in the matter preceding clause (i), by striking “October 1, 2017” and inserting “October 1, 2022”; and

(B) in clause (iv), by striking “through fiscal year 2017” and inserting “through fiscal year 2022”.

(2) PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note) is amended by striking “through fiscal year 2017” and inserting “through fiscal year 2022”.

(c) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States (in this subsection referred to as the “Comptroller General”) shall conduct a study on the medicare-dependent, small rural hospital program under section 1886(d) of the Social Security Act (42 U.S.C. 1395x(d)). Such study shall include an analysis of the following:

(A) The payor mix of medicare-dependent, small rural hospitals (as defined in paragraph (5)(G)(iv) of such section 1886(d)), how such mix will trend in future years (based on current trends and projections), and whether or not the requirement under subclause (IV) of such paragraph should be revised.

(B) The characteristics of medicare-dependent, small rural hospitals that meet the requirement of such subclause (IV) through the application of paragraph (a)(iii)(A) or (a)(iii)(B) of section 412.108 of title 42, Code of Federal Regulations, including Medicare inpatient and outpatient utilization, payor mix, and financial status (including Medicare and total margins), and whether or not Medicare payments for such hospitals should be revised.

(C) Such other items related to medicare-dependent, small rural hospitals as the Comptroller General determines appropriate.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 50206. EXTENSION OF FUNDING FOR QUALITY MEASURE ENDORSEMENT, INPUT, AND SELECTION; REPORTING REQUIREMENTS.

(a) EXTENSION OF FUNDING.—Section 1890(d)(2) of the Social Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—

(1) in the first sentence—

(A) by striking “2014 and” and inserting “2014.”; and

(B) by inserting the following before the period: “, and \$7,500,000 for each of fiscal years 2018 and 2019”; and

(2) by adding at the end the following new sentence: “Amounts transferred for each of fiscal years 2018 and 2019 shall be in addition to any unobligated funds transferred for a preceding fiscal year that are available under the preceding sentence.”

(b) ANNUAL REPORT BY SECRETARY TO CONGRESS.—Section 1890 of the Social Security Act (42 U.S.C. 1395aaa) is amended by adding at the end the following new subsection:

“(e) ANNUAL REPORT BY SECRETARY TO CONGRESS.—By not later than March 1 of each year (beginning with 2019), the Secretary shall submit to Congress a report containing the following:

“(1) A comprehensive plan that identifies the quality measurement needs of programs and initiatives of the Secretary and provides a strategy for using the entity with a contract under subsection (a) and any other entity the Secretary has contracted with or may contract with to perform work associated with section 1890A to help meet those needs, specifically with respect to the programs under this title and title XIX. In years after the first plan under this paragraph is submitted, the requirements of this paragraph may be met by providing an update to the plan.

“(2) The amount of funding provided under subsection (d) for purposes of carrying out this section and section 1890A that has been obligated by the Secretary, the amount of funding provided that has been expended, and the amount of funding provided that remains unobligated.

“(3) With respect to the activities described under this section or section 1890A, a description of how the funds described in paragraph (2) have been obligated or expended, including how much of that funding has been obligated or expended for work performed by the Secretary, the entity with a contract under subsection (a), and any other entity the Secretary has contracted with to perform work.

“(4) A description of the activities for which the funds described in paragraph (2) were used, including task orders and activities assigned to the entity with a contract under subsection (a), activities performed by the Secretary, and task orders and activities assigned to any other entity the Secretary has contracted with to perform work related to carrying out section 1890A.

“(5) The amount of funding described in paragraph (2) that has been obligated or expended for each of the activities described in paragraph (4).

“(6) Estimates for, and descriptions of, obligations and expenditures that the Secretary anticipates will be needed in the succeeding two year period to carry out each of the quality measurement activities required under this section and section 1890A, including any obligations that will require funds to be expended in a future year.”.

(c) REVISIONS TO ANNUAL REPORT FROM CONSENSUS-BASED ENTITY TO CONGRESS AND THE SECRETARY.—

(1) IN GENERAL.—Section 1890(b)(5)(A) of the Social Security Act (42 U.S.C. 1395aaa(b)(5)(A)) is amended—

(A) by redesignating clauses (i) through (vi) as subclauses (I) through (VI), respectively, and moving the margins accordingly;

(B) in the matter preceding subclause (I), as redesignated by subparagraph (A), by striking “containing a description of—” and inserting “containing the following:

“(i) A description of—”; and

(C) by adding at the end the following new clauses:

“(ii) An itemization of financial information for the fiscal year ending September 30 of the preceding year, including—

“(I) annual revenues of the entity (including any government funding, private sector contributions, grants, membership revenues, and investment revenue);

“(II) annual expenses of the entity (including grants paid, benefits paid, salaries or other compensation, fundraising expenses, and overhead costs); and

“(III) a breakdown of the amount awarded per contracted task order and the specific projects funded in each task order assigned to the entity.

“(iii) Any updates or modifications of internal policies and procedures of the entity as they relate to the duties of the entity under this section, including—

“(I) specifically identifying any modifications to the disclosure of interests and conflicts of interests for committees, work groups, task forces, and advisory panels of the entity; and

“(II) information on external stakeholder participation in the duties of the entity under this section (including complete rosters for all committees, work groups, task forces, and advisory panels funded through government contracts, descriptions of relevant interests and any conflicts of interest for members of all committees, work groups, task forces, and advisory panels, and the total percentage by health care sector of all convened committees, work groups, task forces, and advisory panels.”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to reports submitted for years beginning with 2019.

(d) **GAO STUDY AND REPORT.**—

(1) **STUDY.**—The Comptroller General of the United States shall conduct a study on health care quality measurement efforts funded under sections 1890 and 1890A of the Social Security Act (42 U.S.C. 1395aaa; 1395aaa–1). Such study shall include an examination of the following:

(A) The extent to which the Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) has set and prioritized objectives to be achieved for each of the quality measurement activities required under such sections 1890 and 1890A.

(B) The efforts that the Secretary has undertaken to meet quality measurement objectives associated with such sections 1890 and 1890A, including division of responsibilities for those efforts within the Department of Health and Human Services and through contracts with a consensus-based entity under subsection (a) of such section 1890 (in this subsection referred to as the “consensus-based entity”) and other entities, and the extent of any overlap among the work performed by the Secretary, the consensus-based entity, the Measure Applications Partnership (MAP) convened by such entity to provide input to the Secretary on the selection of quality and efficiency measures, and any other entities the Secretary has contracted with to perform work related to carrying out such sections 1890 and 1890A.

(C) The total amount of funding provided to the Secretary for purposes of carrying out such sections 1890 and 1890A, the amount of such funding that has been obligated or expended by the Secretary, and the amount of such funding that remains unobligated.

(D) How the funds described in subparagraph (C) have been allocated, including how much of the funding has been allocated for work performed by the Secretary, the consensus-based entity, and any other entity the Secretary has contracted with to perform work related to carrying out such sections 1890 and 1890A, respectively, and descriptions of such work.

(E) The extent to which the Secretary has developed a comprehensive and long-term plan to ensure that it can achieve quality measurement objectives related to carrying out such sections 1890 and 1890A in a timely manner and with efficient use of available resources, including the roles of the consensus-based entity, the Measure Applications Partnership (MAP), and any other entity the Secretary has contracted with to per-

form work related to such sections 1890 and 1890A in helping the Secretary achieve those objectives.

(2) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 50207. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS; STATE HEALTH INSURANCE ASSISTANCE PROGRAM REPORTING REQUIREMENTS.

(a) **FUNDING EXTENSIONS.**—

(1) **ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.**—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note), as amended by section 3306 of the Patient Protection and Affordable Care Act (Public Law 111–148), section 610 of the American Taxpayer Relief Act of 2012 (Public Law 112–240), section 1110 of the Pathway for SGR Reform Act of 2013 (Public Law 113–67), section 110 of the Protecting Access to Medicare Act of 2014 (Public Law 113–93), and section 208 of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10) is amended—

(A) in clause (vi), by striking “and” at the end;

(B) in clause (vii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new clauses:

“(viii) for fiscal year 2018, of \$13,000,000; and

“(ix) for fiscal year 2019, of \$13,000,000.”.

(2) **ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.**—Subsection (b)(1)(B) of such section 119, as so amended, is amended—

(A) in clause (vi), by striking “and” at the end;

(B) in clause (vii), by striking the period at the end and inserting “; and”; and

(C) by inserting after clause (vii) the following new clauses:

“(viii) for fiscal year 2018, of \$7,500,000; and

“(ix) for fiscal year 2019, of \$7,500,000.”.

(3) **ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.**—Subsection (c)(1)(B) of such section 119, as so amended, is amended—

(A) in clause (vi), by striking “and” at the end;

(B) in clause (vii), by striking the period at the end and inserting “; and”; and

(C) by inserting after clause (vii) the following new clauses:

“(viii) for fiscal year 2018, of \$5,000,000; and

“(ix) for fiscal year 2019, of \$5,000,000.”.

(4) **ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.**—Subsection (d)(2) of such section 119, as so amended, is amended—

(A) in clause (vi), by striking “and” at the end;

(B) in clause (vii), by striking the period at the end and inserting “; and”; and

(C) by inserting after clause (vii) the following new clauses:

“(viii) for fiscal year 2018, of \$12,000,000; and

“(ix) for fiscal year 2019, of \$12,000,000.”.

(b) **STATE HEALTH INSURANCE ASSISTANCE PROGRAM REPORTING REQUIREMENTS.**—Beginning not later than April 1, 2019, and biennially thereafter, the Agency for Community Living shall electronically post on its website the following information, with respect to grants to States for State health insurance assistance programs, (such information to be presented by State and by entity receiving funds from the State to carry out such a program funded by such grant):

(1) The amount of Federal funding provided to each such State for such program for the period involved and the amount of Federal fund-

ing provided by each such State for such program to each such entity for the period involved.

(2) Information as the Secretary may specify, with respect to such programs carried out through such grants, consistent with the terms and conditions for receipt of such grants.

SEC. 50208. EXTENSION OF HOME HEALTH RURAL ADD-ON.

(a) **EXTENSION.**—

(1) **IN GENERAL.**—Section 421 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2283; 42 U.S.C. 1395fff note), as amended by section 5201(b) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 46), section 3131(c) of the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 428), and section 210 of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10; 129 Stat. 151) is amended—

(A) in subsection (a), by striking “January 1, 2018” and inserting “January 1, 2019” each place it appears;

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(C) in each of subsections (c) and (d), as so redesignated, by striking “subsection (a)” and inserting “subsection (a) or (b)”; and

(D) by inserting after subsection (a) the following new subsection:

“(b) **SUBSEQUENT TEMPORARY INCREASE.**—

“(1) **IN GENERAL.**—The Secretary shall increase the payment amount otherwise made under such section 1895 for home health services furnished in a county (or equivalent area) in a rural area (as defined in such section 1886(d)(2)(D)) that, as determined by the Secretary—

“(A) is in the highest quartile of all counties (or equivalent areas) based on the number of Medicare home health episodes furnished per 100 individuals who are entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act or enrolled for benefits under part B of such title (but not enrolled in a plan under part C of such title)—

“(i) in the case of episodes and visits ending during 2019, by 1.5 percent; and

“(ii) in the case of episodes and visits ending during 2020, by 0.5 percent;

“(B) has a population density of 6 individuals or fewer per square mile of land area and is not described in subparagraph (A)—

“(i) in the case of episodes and visits ending during 2019, by 4 percent;

“(ii) in the case of episodes and visits ending during 2020, by 3 percent;

“(iii) in the case of episodes and visits ending during 2021, by 2 percent; and

“(iv) in the case of episodes and visits ending during 2022, by 1 percent; and

“(C) is not described in either subparagraph (A) or (B)—

“(i) in the case of episodes and visits ending during 2019, by 3 percent;

“(ii) in the case of episodes and visits ending during 2020, by 2 percent; and

“(iii) in the case of episodes and visits ending during 2021, by 1 percent.

“(2) **RULES FOR DETERMINATIONS.**—

“(A) **NO SWITCHING.**—For purposes of this subsection, the determination by the Secretary as to which subparagraph of paragraph (1) applies to a county (or equivalent area) shall be made a single time and shall apply for the duration of the period to which this subsection applies.

“(B) **UTILIZATION.**—In determining which counties (or equivalent areas) are in the highest quartile under paragraph (1)(A), the following rules shall apply:

“(i) The Secretary shall use data from 2015.

“(ii) The Secretary shall exclude data from the territories (and the territories shall not be described in such paragraph).

“(iii) The Secretary may exclude data from counties (or equivalent areas) in rural areas with a low volume of home health episodes (and

if data is so excluded with respect to a county (or equivalent area), such county (or equivalent area) shall not be described in such paragraph).

“(C) **POPULATION DENSITY.**—In determining population density under paragraph (1)(B), the Secretary shall use data from the 2010 decennial Census.

“(3) **LIMITATIONS ON REVIEW.**—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of determinations under paragraph (1).”.

(2) **REQUIREMENT TO SUBMIT COUNTY DATA ON CLAIM FORM.**—Section 1895(c) of the Social Security Act (42 U.S.C. 1395fff(c)) is amended—

(A) in paragraph (1), by striking “and” at the end;

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

(C) by adding at the end the following new paragraph:

“(3) in the case of home health services furnished on or after January 1, 2019, the claim contains the code for the county (or equivalent area) in which the home health service was furnished.”.

(b) **HHS OIG ANALYSIS.**—Not later than January 1, 2023, the Inspector General of the Department of Health and Human Services shall submit to Congress—

(1) an analysis of the home health claims and utilization of home health services by county (or equivalent area) under the Medicare program; and

(2) recommendations the Inspector General determines appropriate based on such analysis.

TITLE III—CREATING HIGH-QUALITY RESULTS AND OUTCOMES NECESSARY TO IMPROVE CHRONIC (CHRONIC) CARE

Subtitle A—Receiving High Quality Care in the Home

SEC. 50301. EXTENDING THE INDEPENDENCE AT HOME DEMONSTRATION PROGRAM.

(a) **IN GENERAL.**—Section 1866E of the Social Security Act (42 U.S.C. 1395cc–5) is amended—

(1) in subsection (e)—

(A) in paragraph (1)—

(i) by striking “An agreement” and inserting “Agreements”; and

(ii) by striking “5-year” and inserting “7-year”; and

(B) in paragraph (5)—

(i) by striking “10,000” and inserting “15,000”; and

(ii) by adding at the end the following new sentence: “An applicable beneficiary that participates in the demonstration program by reason of the increase from 10,000 to 15,000 in the preceding sentence pursuant to the amendment made by section 50301(a)(1)(B)(i) of the Advancing Chronic Care, Extenders, and Social Services Act shall be considered in the spending target estimates under paragraph (1) of subsection (c) and the incentive payment calculations under paragraph (2) of such subsection for the sixth and seventh years of such program.”;

(2) in subsection (g), in the first sentence, by inserting “, including, to the extent practicable, with respect to the use of electronic health information systems, as described in subsection (b)(1)(A)(vi)” after “under the demonstration program”; and

(3) in subsection (i)(1)(A), by striking “will not receive an incentive payment for the second of 2” and inserting “did not achieve savings for the third of 3”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a)(3) shall take effect as if included in the enactment of Public Law 111–148.

SEC. 50302. EXPANDING ACCESS TO HOME DIALYSIS THERAPY.

(a) **IN GENERAL.**—Section 1881(b)(3) of the Social Security Act (42 U.S.C. 1395rr(b)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in clause (ii), as redesignated by paragraph (1), by striking “on a comprehensive”

and insert “subject to subparagraph (B), on a comprehensive”;

(3) by striking “With respect to” and inserting “(A) With respect to”; and

(4) by adding at the end the following new subparagraph:

“(B)(i) For purposes of subparagraph (A)(ii), subject to clause (ii), an individual determined to have end stage renal disease receiving home dialysis may choose to receive monthly end stage renal disease-related clinical assessments furnished on or after January 1, 2019, via telehealth.

“(ii) Clause (i) shall apply to an individual only if the individual receives a face-to-face clinical assessment, without the use of telehealth—

“(I) in the case of the initial 3 months of home dialysis of such individual, at least monthly; and

“(II) after such initial 3 months, at least once every 3 consecutive months.”.

(b) **ORIGINATING SITE REQUIREMENTS.**—

(1) **IN GENERAL.**—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(A) in paragraph (4)(C)(ii), by adding at the end the following new subclauses:

“(IX) A renal dialysis facility, but only for purposes of section 1881(b)(3)(B).

“(X) The home of an individual, but only for purposes of section 1881(b)(3)(B).”; and

(B) by adding at the end the following new paragraph:

“(5) **TREATMENT OF HOME DIALYSIS MONTHLY ESRD-RELATED VISIT.**—The geographic requirements described in paragraph (4)(C)(i) shall not apply with respect to telehealth services furnished on or after January 1, 2019, for purposes of section 1881(b)(3)(B), at an originating site described in subclause (VI), (IX), or (X) of paragraph (4)(C)(ii).”.

(2) **NO FACILITY FEE IF ORIGINATING SITE FOR HOME DIALYSIS THERAPY IS THE HOME.**—Section 1834(m)(2)(B) of the Social Security Act (42 U.S.C. 1395m(m)(2)(B)) is amended—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), and indenting appropriately;

(B) in subclause (II), as redesignated by subparagraph (A), by striking “clause (i) or this clause” and inserting “subclause (I) or this subclause”; and

(C) by striking “SITE.—With respect to” and inserting “SITE.—

“(i) **IN GENERAL.**—Subject to clause (ii), with respect to”; and

(D) by adding at the end the following new clause:

“(ii) **NO FACILITY FEE IF ORIGINATING SITE FOR HOME DIALYSIS THERAPY IS THE HOME.**—No facility fee shall be paid under this subparagraph to an originating site described in paragraph (4)(C)(ii)(X).”.

(c) **CLARIFICATION REGARDING TELEHEALTH PROVIDED TO BENEFICIARIES.**—Section 1128A(i)(6) of the Social Security Act (42 U.S.C. 1320a–7a(i)(6)) is amended—

(1) in subparagraph (H), by striking “or” at the end;

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

(3) by adding at the end the following new subparagraph:

“(J) the provision of telehealth technologies (as defined by the Secretary) on or after January 1, 2019, by a provider of services or a renal dialysis facility (as such terms are defined for purposes of title XVIII) to an individual with end stage renal disease who is receiving home dialysis for which payment is being made under part B of such title, if—

“(i) the telehealth technologies are not offered as part of any advertisement or solicitation;

“(ii) the telehealth technologies are provided for the purpose of furnishing telehealth services related to the individual’s end stage renal disease; and

“(iii) the provision of the telehealth technologies meets any other requirements set forth in regulations promulgated by the Secretary.”.

(d) **CONFORMING AMENDMENT.**—Section 1881(b)(1) of the Social Security Act (42 U.S.C. 1395rr(b)(1)) is amended by striking “paragraph (3)(A)” and inserting “paragraph (3)(A)(i)”.

Subtitle B—Advancing Team-Based Care

SEC. 50311. PROVIDING CONTINUED ACCESS TO MEDICARE ADVANTAGE SPECIAL NEEDS PLANS FOR VULNERABLE POPULATIONS.

(a) **EXTENSION.**—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w–28(f)(1)) is amended by striking “and for periods before January 1, 2019”.

(b) **INCREASED INTEGRATION OF DUAL SNPs.**—

(1) **IN GENERAL.**—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w–28(f)) is amended—

(A) in paragraph (3), by adding at the end the following new subparagraph:

“(F) The plan meets the requirements applicable under paragraph (8).”; and

(B) by adding at the end the following new paragraph:

“(8) **INCREASED INTEGRATION OF DUAL SNPs.**—

“(A) **DESIGNATED CONTACT.**—The Secretary, acting through the Federal Coordinated Health Care Office established under section 2602 of Public Law 111–148, shall serve as a dedicated point of contact for States to address misalignments that arise with the integration of specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) under this paragraph and, consistent with such role, shall establish—

“(i) a uniform process for disseminating to State Medicaid agencies information under this title impacting contracts between such agencies and such plans under this subsection; and

“(ii) basic resources for States interested in exploring such plans as a platform for integration, such as a model contract or other tools to achieve those goals.

“(B) **UNIFIED GRIEVANCES AND APPEALS PROCESSES.**—

“(i) **IN GENERAL.**—Not later than April 1, 2020, the Secretary shall establish procedures, to the extent feasible as determined by the Secretary, unifying grievances and appeals procedures under sections 1852(f), 1852(g), 1902(a)(3), 1902(a)(5), and 1932(b)(4) for items and services provided by specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) under this title and title XIX. With respect to items and services described in the preceding sentence, procedures established under this clause shall apply in place of otherwise applicable grievances and appeals procedures. The Secretary shall solicit comment in developing such procedures from States, plans, beneficiaries and their representatives, and other relevant stakeholders.

“(ii) **PROCEDURES.**—The procedures established under clause (i) shall be included in the plan contract under paragraph (3)(D) and shall—

“(I) adopt the provisions for the enrollee that are most protective for the enrollee and, to the extent feasible as determined by the Secretary, are compatible with unified timeframes and consolidated access to external review under an integrated process;

“(II) take into account differences in State plans under title XIX to the extent necessary;

“(III) be easily navigable by an enrollee; and

“(IV) include the elements described in clause (iii), as applicable.

“(iii) **ELEMENTS DESCRIBED.**—Both unified appeals and unified grievance procedures shall include, as applicable, the following elements described in this clause:

“(I) Single written notification of all applicable grievances and appeal rights under this title and title XIX. For purposes of this subparagraph, the Secretary may waive the requirements under section 1852(g)(1)(B) when the specialized MA plan covers items or services under this part or under title XIX.

“(II) Single pathways for resolution of any grievance or appeal related to a particular item or service provided by specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) under this title and title XIX.

“(III) Notices written in plain language and available in a language and format that is accessible to the enrollee, including in non-English languages that are prevalent in the service area of the specialized MA plan.

“(IV) Unified timeframes for grievances and appeals processes, such as an individual’s filing of a grievance or appeal, a plan’s acknowledgment and resolution of a grievance or appeal, and notification of decisions with respect to a grievance or appeal.

“(V) Requirements for how the plan must process, track, and resolve grievances and appeals, to ensure beneficiaries are notified on a timely basis of decisions that are made throughout the grievance or appeals process and are able to easily determine the status of a grievance or appeal.

“(iv) CONTINUATION OF BENEFITS PENDING APPEAL.—The unified procedures under clause (i) shall, with respect to all benefits under parts A and B and title XIX subject to appeal under such procedures, incorporate provisions under current law and implementing regulations that provide continuation of benefits pending appeal under this title and title XIX.

“(C) REQUIREMENT FOR UNIFIED GRIEVANCES AND APPEALS.—For 2021 and subsequent years, the contract of a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(ii) with a State Medicaid agency under paragraph (3)(D) shall require the use of unified grievances and appeals procedures as described in subparagraph (B).

“(D) REQUIREMENTS FOR INTEGRATION.—

“(i) IN GENERAL.—For 2021 and subsequent years, a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(ii) shall meet one or more of the following requirements, to the extent permitted under State law, for integration of benefits under this title and title XIX:

“(I) The specialized MA plan must meet the requirements of contracting with the State Medicaid agency described in paragraph (3)(D) in addition to coordinating long-term services and supports or behavioral health services, or both, by meeting an additional minimum set of requirements determined by the Secretary through the Federal Coordinated Health Care Office established under section 2602 of the Patient Protection and Affordable Care Act based on input from stakeholders, such as notifying the State in a timely manner of hospitalizations, emergency room visits, and hospital or nursing home discharges of enrollees, assigning one primary care provider for each enrollee, or sharing data that would benefit the coordination of items and services under this title and the State plan under title XIX. Such minimum set of requirements must be included in the contract of the specialized MA plan with the State Medicaid agency under such paragraph.

“(II) The specialized MA plan must meet the requirements of a fully integrated plan described in section 1853(a)(1)(B)(iv)(II) (other than the requirement that the plan have similar average levels of frailty, as determined by the Secretary, as the PACE program), or enter into a capitated contract with the State Medicaid agency to provide long-term services and supports or behavioral health services, or both.

“(III) In the case of a specialized MA plan that is offered by a parent organization that is also the parent organization of a Medicaid managed care organization providing long term services and supports or behavioral services under a contract under section 1903(m), the parent organization must assume clinical and financial responsibility for benefits provided under this title and title XIX with respect to any individual who is enrolled in both the specialized MA plan and the Medicaid managed care organization.

“(ii) SUSPENSION OF ENROLLMENT FOR FAILURE TO MEET REQUIREMENTS DURING INITIAL PERIOD.—During the period of plan years 2021 through 2025, if the Secretary determines that a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(ii) has failed to comply with clause (i), the Secretary may provide for the application against the Medicare Advantage organization offering the plan of the remedy described in section 1857(g)(2)(B) in the same manner as the Secretary may apply such remedy, and in accordance with the same procedures as would apply, in the case of an MA organization determined by the Secretary to have engaged in conduct described in section 1857(g)(1). If the Secretary applies such remedy to a Medicare Advantage organization under the preceding sentence, the organization shall submit to the Secretary (at a time, and in a form and manner, specified by the Secretary) information describing how the plan will come into compliance with clause (i).

“(E) STUDY AND REPORT TO CONGRESS.—

“(i) IN GENERAL.—Not later than March 15, 2022, and, subject to clause (iii), biennially thereafter through 2032, the Medicare Payment Advisory Commission established under section 1805, in consultation with the Medicaid and CHIP Payment and Access Commission established under section 1900, shall conduct (and submit to the Secretary and the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on) a study to determine how specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) perform among each other based on data from Healthcare Effectiveness Data and Information Set (HEDIS) quality measures, reported on the plan level, as required under section 1852(e)(3) (or such other measures or data sources that are available and appropriate, such as encounter data and Consumer Assessment of Healthcare Providers and Systems data, as specified by such Commissions as enabling an accurate evaluation under this subparagraph). Such study shall include, as feasible, the following comparison groups of specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii):

“(I) A comparison group of such plans that are described in subparagraph (D)(i)(I).

“(II) A comparison group of such plans that are described in subparagraph (D)(i)(II).

“(III) A comparison group of such plans operating within the Financial Alignment Initiative demonstration for the period for which such plan is so operating and the demonstration is in effect, and, in the case that an integration option that is not with respect to specialized MA plans for special needs individuals is established after the conclusion of the demonstration involved.

“(IV) A comparison group of such plans that are described in subparagraph (D)(i)(III).

“(V) A comparison group of MA plans, as feasible, not described in a previous subclause of this clause, with respect to the performance of such plans for enrollees who are special needs individuals described in subsection (b)(6)(B)(ii).

“(ii) ADDITIONAL REPORTS.—Beginning with 2033 and every five years thereafter, the Medicare Payment Advisory Commission, in consultation with the Medicaid and CHIP Payment and Access Commission, shall conduct a study described in clause (i).”

(2) CONFORMING AMENDMENT TO RESPONSIBILITIES OF FEDERAL COORDINATED HEALTH CARE OFFICE.—Section 2602(d) of Public Law 111-148 (42 U.S.C. 1315b(d)) is amended by adding at the end the following new paragraphs:

“(6) To act as a designated contact for States under subsection (f)(8)(A) of section 1859 of the Social Security Act (42 U.S.C. 1395w-28) with respect to the integration of specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) of such section.

“(7) To be responsible, subject to the final approval of the Secretary, for developing regula-

tions and guidance related to the implementation of a unified grievance and appeals process as described in subparagraphs (B) and (C) of section 1859(f)(8) of the Social Security Act (42 U.S.C. 1395w-28(f)(8)).

“(8) To be responsible, subject to the final approval of the Secretary, for developing regulations and guidance related to the integration or alignment of policy and oversight under the Medicare program under title XVIII of such Act and the Medicaid program under title XIX of such Act regarding specialized MA plans for special needs individuals described in subsection (b)(6)(B)(ii) of such section 1859.”

(c) IMPROVEMENTS TO SEVERE OR DISABLING CHRONIC CONDITION SNPS.—

(1) CARE MANAGEMENT REQUIREMENTS.—Section 1859(f)(5) of the Social Security Act (42 U.S.C. 1395w-28(f)(5)) is amended—

(A) by striking “ALL SNPS.—The requirements” and inserting “ALL SNPS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the requirements”;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately; and

(C) in clause (ii), as redesignated by subparagraph (B), by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting appropriately; and

(D) by adding at the end the following new subparagraph:

“(B) IMPROVEMENTS TO CARE MANAGEMENT REQUIREMENTS FOR SEVERE OR DISABLING CHRONIC CONDITION SNPS.—For 2020 and subsequent years, in the case of a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(iii), the requirements described in this paragraph include the following:

“(i) The interdisciplinary team under subparagraph (A)(ii)(III) includes a team of providers with demonstrated expertise, including training in an applicable specialty, in treating individuals similar to the targeted population of the plan.

“(ii) Requirements developed by the Secretary to provide face-to-face encounters with individuals enrolled in the plan not less frequently than on an annual basis.

“(iii) As part of the model of care under clause (i) of subparagraph (A), the results of the initial assessment and annual reassessment under clause (ii)(I) of such subparagraph of each individual enrolled in the plan are addressed in the individual’s individualized care plan under clause (ii)(II) of such subparagraph.

“(iv) As part of the annual evaluation and approval of such model of care, the Secretary shall take into account whether the plan fulfilled the previous year’s goals (as required under the model of care).

“(v) The Secretary shall establish a minimum benchmark for each element of the model of care of a plan. The Secretary shall only approve a plan’s model of care under this paragraph if each element of the model of care meets the minimum benchmark applicable under the preceding sentence.”

(2) REVISIONS TO THE DEFINITION OF A SEVERE OR DISABLING CHRONIC CONDITIONS SPECIALIZED NEEDS INDIVIDUAL.—

(A) IN GENERAL.—Section 1859(b)(6)(B)(iii) of the Social Security Act (42 U.S.C. 1395w-28(b)(6)(B)(iii)) is amended—

(i) by striking “who have” and inserting “who—

“(I) before January 1, 2022, have”;

(ii) in subclause (I), as added by clause (i), by striking the period at the end and inserting “; and”;

(iii) by adding at the end the following new subclause:

“(II) on or after January 1, 2022, have one or more comorbid and medically complex chronic conditions that is life threatening or significantly limits overall health or function, have a high risk of hospitalization or other adverse health outcomes, and require intensive care coordination and that is listed under subsection (f)(9)(A).”

(B) PANEL OF CLINICAL ADVISORS.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w–28(f)), as amended by subsection (b), is amended by adding at the end the following new paragraph:

“(9) LIST OF CONDITIONS FOR CLARIFICATION OF THE DEFINITION OF A SEVERE OR DISABLING CHRONIC CONDITIONS SPECIALIZED NEEDS INDIVIDUAL.—

“(A) IN GENERAL.—Not later than December 31, 2020, and every 5 years thereafter, subject to subparagraphs (B) and (C), the Secretary shall convene a panel of clinical advisors to establish and update a list of conditions that meet each of the following criteria:

“(i) Conditions that meet the definition of a severe or disabling chronic condition under subsection (b)(6)(B)(iii) on or after January 1, 2022.

“(ii) Conditions that require prescription drugs, providers, and models of care that are unique to the specific population of enrollees in a specialized MA plan for special needs individuals described in such subsection on or after such date and—

“(I) as a result of access to, and enrollment in, such a specialized MA plan for special needs individuals, individuals with such condition would have a reasonable expectation of slowing or halting the progression of the disease, improving health outcomes and decreasing overall costs for individuals diagnosed with such condition compared to available options of care other than through such a specialized MA plan for special needs individuals; or

“(II) have a low prevalence in the general population of beneficiaries under this title or a disproportionately high per-beneficiary cost under this title.

“(B) INCLUSION OF CERTAIN CONDITIONS.—The conditions listed under subparagraph (A) shall include HIV/AIDS, end stage renal disease, and chronic and disabling mental illness.

“(C) REQUIREMENT.—In establishing and updating the list under subparagraph (A), the panel shall take into account the availability of varied benefits, cost-sharing, and supplemental benefits under the model described in paragraph (2) of section 1859(h), including the expansion under paragraph (1) of such section.”.

(d) QUALITY MEASUREMENT AT THE PLAN LEVEL FOR SNPS AND DETERMINATION OF FEASIBILITY OF QUALITY MEASUREMENT AT THE PLAN LEVEL FOR ALL MA PLANS.—Section 1853(o) of the Social Security Act (42 U.S.C. 1395w–23(o)) is amended by adding at the end the following new paragraphs:

“(6) QUALITY MEASUREMENT AT THE PLAN LEVEL FOR SNPS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may require reporting of data under section 1852(e) for, and apply under this subsection, quality measures at the plan level for specialized MA plans for special needs individuals instead of at the contract level.

“(B) CONSIDERATIONS.—Prior to applying quality measurement at the plan level under this paragraph, the Secretary shall—

“(i) take into consideration the minimum number of enrollees in a specialized MA plan for special needs individuals in order to determine if a statistically significant or valid measurement of quality at the plan level is possible under this paragraph;

“(ii) take into consideration the impact of such application on plans that serve a disproportionate number of individuals dually eligible for benefits under this title and under title XIX;

“(iii) if quality measures are reported at the plan level, ensure that MA plans are not required to provide duplicative information; and

“(iv) ensure that such reporting does not interfere with the collection of encounter data submitted by MA organizations or the administration of any changes to the program under this part as a result of the collection of such data.

“(C) APPLICATION.—If the Secretary applies quality measurement at the plan level under this paragraph—

“(i) such quality measurement may include Medicare Health Outcomes Survey (HOS), Healthcare Effectiveness Data and Information Set (HEDIS), Consumer Assessment of Healthcare Providers and Systems (CAHPS) measures and quality measures under part D; and

“(ii) the Secretary shall consider applying administrative actions, such as remedies described in section 1857(g)(2), at the plan level.

“(7) DETERMINATION OF FEASIBILITY OF QUALITY MEASUREMENT AT THE PLAN LEVEL FOR ALL MA PLANS.—

“(A) DETERMINATION OF FEASIBILITY.—The Secretary shall determine the feasibility of requiring reporting of data under section 1852(e) for, and applying under this subsection, quality measures at the plan level for all MA plans under this part.

“(B) CONSIDERATION OF CHANGE.—After making a determination under subparagraph (A), the Secretary shall consider requiring such reporting and applying such quality measures at the plan level as described in such subparagraph.”.

(e) GAO STUDY AND REPORT ON STATE-LEVEL INTEGRATION BETWEEN DUAL SNPS AND MEDICAID.—

(1) STUDY.—The Comptroller General of the United States (in this subsection referred to as the “Comptroller General”) shall conduct a study on State-level integration between specialized MA plans for special needs individuals described in subsection (b)(6) (B)(ii) of section 1859 of the Social Security Act (42 U.S.C. 1395w–28) and the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.). Such study shall include an analysis of the following:

(A) The characteristics of States in which the State agency responsible for administering the State plan under such title XIX has a contract with such a specialized MA plan and that delivers long-term services and supports under the State plan under such title XIX through a managed care program, including the requirements under such State plan with respect to long-term services and supports.

(B) The types of such specialized MA plans, which may include the following:

(i) A plan described in section 1853(a)(1)(B)(iv)(II) of such Act (42 U.S.C. 1395w–23(a)(1)(B)(iv)(II)).

(ii) A plan that meets the requirements described in subsection (f)(3)(D) of such section 1859.

(iii) A plan described in clause (ii) that also meets additional requirements established by the State.

(C) The characteristics of individuals enrolled in such specialized MA plans.

(D) As practicable, the following with respect to State programs for the delivery of long-term services and supports under such title XIX through a managed care program:

(i) Which populations of individuals are eligible to receive such services and supports.

(ii) Whether all such services and supports are provided on a capitated basis or if any of such services and supports are carved out and provided through fee-for service.

(E) As practicable, how the availability and variation of integration arrangements of such specialized MA plans offered in States affects spending, service delivery options, access to community-based care, and utilization of care.

(F) The efforts of State Medicaid programs to transition dually-eligible beneficiaries receiving long-term services and supports (LTSS) from institutional settings to home and community-based settings and related financial impacts of such transitions.

(G) Barriers and opportunities for making further progress on dual integration, as well as recommendations for legislation or administrative action to expedite or refine pathways toward fully integrated care.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

Subtitle C—Expanding Innovation and Technology

SEC. 50321. ADAPTING BENEFITS TO MEET THE NEEDS OF CHRONICALLY ILL MEDICARE ADVANTAGE ENROLLEES.

Section 1859 of the Social Security Act (42 U.S.C. 1395w–28) is amended by adding at the end the following new subsection:

“(h) NATIONAL TESTING OF MEDICARE ADVANTAGE VALUE-BASED INSURANCE DESIGN MODEL.—

“(1) IN GENERAL.—In implementing the Medicare Advantage Value-Based Insurance Design model that is being tested under section 1115A(b), the Secretary shall revise the testing of the model under such section to cover, effective not later than January 1, 2020, all States.

“(2) TERMINATION AND MODIFICATION PROVISION NOT APPLICABLE UNTIL JANUARY 1, 2022.—The provisions of section 1115A(b)(3)(B) shall apply to the Medicare Advantage Value-Based Insurance Design model, including such model as revised under paragraph (1), beginning January 1, 2022, but shall not apply to such model, as so revised, prior to such date.

“(3) FUNDING.—The Secretary shall allocate funds made available under section 1115A(f)(1) to design, implement, and evaluate the Medicare Advantage Value-Based Insurance Design model, as revised under paragraph (1).”.

SEC. 50322. EXPANDING SUPPLEMENTAL BENEFITS TO MEET THE NEEDS OF CHRONICALLY ILL MEDICARE ADVANTAGE ENROLLEES.

(a) IN GENERAL.—Section 1852(a)(3) of the Social Security Act (42 U.S.C. 1395w–22(a)(3)) is amended—

(1) in subparagraph (A), by striking “Each” and inserting “Subject to subparagraph (D), each”; and

(2) by adding at the end the following new subparagraph:

“(D) EXPANDING SUPPLEMENTAL BENEFITS TO MEET THE NEEDS OF CHRONICALLY ILL ENROLLEES.—

“(i) IN GENERAL.—For plan year 2020 and subsequent plan years, in addition to any supplemental health care benefits otherwise provided under this paragraph, an MA plan, including a specialized MA plan for special needs individuals (as defined in section 1859(b)(6)), may provide supplemental benefits described in clause (ii) to a chronically ill enrollee (as defined in clause (iii)).

“(ii) SUPPLEMENTAL BENEFITS DESCRIBED.—

“(I) IN GENERAL.—Supplemental benefits described in this clause are supplemental benefits that, with respect to a chronically ill enrollee, have a reasonable expectation of improving or maintaining the health or overall function of the chronically ill enrollee and may not be limited to being primarily health related benefits.

“(II) AUTHORITY TO WAIVE UNIFORMITY REQUIREMENTS.—The Secretary may, only with respect to supplemental benefits provided to a chronically ill enrollee under this subparagraph, waive the uniformity requirements under this part, as determined appropriate by the Secretary.

“(iii) CHRONICALLY ILL ENROLLEE DEFINED.—In this subparagraph, the term ‘chronically ill enrollee’ means an enrollee in an MA plan that the Secretary determines—

“(I) has one or more comorbid and medically complex chronic conditions that is life threatening or significantly limits the overall health or function of the enrollee;

“(II) has a high risk of hospitalization or other adverse health outcomes; and

“(III) requires intensive care coordination.”.

(b) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States (in this subsection referred to as the “Comptroller General”) shall conduct a study on supplemental benefits provided to enrollees in Medicare Advantage plans under part C of title XVIII of the Social Security Act, including specialized MA plans for special needs individuals (as defined in section 1859(b)(6) of such Act (42 U.S.C. 1395w–28(b)(6))). To the extent data are available, such study shall include an analysis of the following:

(A) The type of supplemental benefits provided to such enrollees, the total number of enrollees receiving each supplemental benefit, and whether the supplemental benefit is covered by the standard benchmark cost of the benefit or with an additional premium.

(B) The frequency in which supplemental benefits are utilized by such enrollees.

(C) The impact supplemental benefits have on—

(i) indicators of the quality of care received by such enrollees, including overall health and function of the enrollees;

(ii) the utilization of items and services for which benefits are available under the original Medicare fee-for-service program option under parts A and B of such title XVIII by such enrollees; and

(iii) the amount of the bids submitted by Medicare Advantage Organizations for Medicare Advantage plans under such part C.

(2) CONSULTATION.—In conducting the study under paragraph (1), the Comptroller General shall, as necessary, consult with the Centers for Medicare & Medicaid Services and Medicare Advantage organizations offering Medicare Advantage plans.

(3) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 50323. INCREASING CONVENIENCE FOR MEDICARE ADVANTAGE ENROLLEES THROUGH TELEHEALTH.

(a) IN GENERAL.—Section 1852 of the Social Security Act (42 U.S.C. 1395w–22) is amended—

(1) in subsection (a)(1)(B)(i), by inserting “, subject to subsection (m),” after “means”; and

(2) by adding at the end the following new subsection:

“(m) PROVISION OF ADDITIONAL TELEHEALTH BENEFITS.—

“(1) MA PLAN OPTION.—For plan year 2020 and subsequent plan years, subject to the requirements of paragraph (3), an MA plan may provide additional telehealth benefits (as defined in paragraph (2)) to individuals enrolled under this part.

“(2) ADDITIONAL TELEHEALTH BENEFITS DEFINED.—

“(A) IN GENERAL.—For purposes of this subsection and section 1854:

“(i) DEFINITION.—The term ‘additional telehealth benefits’ means services—

“(I) for which benefits are available under part B, including services for which payment is not made under section 1834(m) due to the conditions for payment under such section; and

“(II) that are identified for such year as clinically appropriate to furnish using electronic information and telecommunications technology when a physician (as defined in section 1861(r)) or practitioner (described in section 1842(b)(18)(C)) providing the service is not at the same location as the plan enrollee.

“(ii) EXCLUSION OF CAPITAL AND INFRASTRUCTURE COSTS AND INVESTMENTS.—The term ‘additional telehealth benefits’ does not include capital and infrastructure costs and investments relating to such benefits.

“(B) PUBLIC COMMENT.—Not later than November 30, 2018, the Secretary shall solicit comments on—

“(i) what types of items and services (including those provided through supplemental health care benefits, such as remote patient monitoring, secure messaging, store and forward technologies, and other non-face-to-face communication) should be considered to be additional telehealth benefits; and

“(ii) the requirements for the provision or furnishing of such benefits (such as training and coordination requirements).

“(3) REQUIREMENTS FOR ADDITIONAL TELEHEALTH BENEFITS.—The Secretary shall specify requirements for the provision or furnishing of additional telehealth benefits, including with respect to the following:

“(A) Physician or practitioner qualifications (other than licensure) and other requirements such as specific training.

“(B) Factors necessary for the coordination of such benefits with other items and services including those furnished in-person.

“(C) Such other areas as determined by the Secretary.

“(4) ENROLLEE CHOICE.—If an MA plan provides a service as an additional telehealth benefit (as defined in paragraph (2))—

“(A) the MA plan shall also provide access to such benefit through an in-person visit (and not only as an additional telehealth benefit); and

“(B) an individual enrollee shall have discretion as to whether to receive such service through the in-person visit or as an additional telehealth benefit.

“(5) TREATMENT UNDER MA.—For purposes of this subsection and section 1854, if a plan provides additional telehealth benefits, such additional telehealth benefits shall be treated as if they were benefits under the original Medicare fee-for-service program option.

“(6) CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the requirement under subsection (a)(1) that MA plans provide enrollees with items and services (other than hospice care) for which benefits are available under parts A and B, including benefits available under section 1834(m).”.

(b) CLARIFICATION REGARDING INCLUSION IN BID AMOUNT.—Section 1854(a)(6)(A)(ii)(I) of the Social Security Act (42 U.S.C. 1395w–24(a)(6)(A)(ii)(I)) is amended by inserting “, including, for plan year 2020 and subsequent plan years, the provision of additional telehealth benefits as described in section 1852(m)” before the semicolon at the end.

SEC. 50324. PROVIDING ACCOUNTABLE CARE ORGANIZATIONS THE ABILITY TO EXPAND THE USE OF TELEHEALTH.

(a) IN GENERAL.—Section 1899 of the Social Security Act (42 U.S.C. 1395jjj) is amended by adding at the end the following new subsection:

“(1) PROVIDING ACOs THE ABILITY TO EXPAND THE USE OF TELEHEALTH SERVICES.—

“(1) IN GENERAL.—In the case of telehealth services for which payment would otherwise be made under this title furnished on or after January 1, 2020, for purposes of this subsection only, the following shall apply with respect to such services furnished by a physician or practitioner participating in an applicable ACO (as defined in paragraph (2)) to a Medicare fee-for-service beneficiary assigned to the applicable ACO:

“(A) INCLUSION OF HOME AS ORIGINATING SITE.—Subject to paragraph (3), the home of a beneficiary shall be treated as an originating site described in section 1834(m)(4)(C)(ii).

“(B) NO APPLICATION OF GEOGRAPHIC LIMITATION.—The geographic limitation under section 1834(m)(4)(C)(i) shall not apply with respect to an originating site described in section 1834(m)(4)(C)(ii) (including the home of a beneficiary under subparagraph (A)), subject to State licensing requirements.

“(2) DEFINITIONS.—In this subsection:

“(A) APPLICABLE ACO.—The term ‘applicable ACO’ means an ACO participating in a model tested or expanded under section 1115A or under this section—

“(i) that operates under a two-sided model—

“(I) described in section 425.600(a) of title 42, Code of Federal Regulations; or

“(II) tested or expanded under section 1115A; and

“(ii) for which Medicare fee-for-service beneficiaries are assigned to the ACO using a prospective assignment method, as determined appropriate by the Secretary.

“(B) HOME.—The term ‘home’ means, with respect to a Medicare fee-for-service beneficiary, the place of residence used as the home of the beneficiary.

“(3) TELEHEALTH SERVICES RECEIVED IN THE HOME.—In the case of telehealth services described in paragraph (1) where the home of a Medicare fee-for-service beneficiary is the originating site, the following shall apply:

“(A) NO FACILITY FEE.—There shall be no facility fee paid to the originating site under section 1834(m)(2)(B).

“(B) EXCLUSION OF CERTAIN SERVICES.—No payment may be made for such services that are inappropriate to furnish in the home setting such as services that are typically furnished in inpatient settings such as a hospital.”.

(b) STUDY AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall conduct a study on the implementation of section 1899(l) of the Social Security Act, as added by subsection (a). Such study shall include an analysis of the utilization of, and expenditures for, telehealth services under such section.

(B) COLLECTION OF DATA.—The Secretary may collect such data as the Secretary determines necessary to carry out the study under this paragraph.

(2) REPORT.—Not later than January 1, 2026, the Secretary shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 50325. EXPANDING THE USE OF TELEHEALTH FOR INDIVIDUALS WITH STROKE.

Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)), as amended by section 50302(b)(1), is amended—

(1) in paragraph (4)(C)(i), in the matter preceding subclause (I), by striking “The term” and inserting “Except as provided in paragraph (6), the term”; and

(2) by adding at the end the following new paragraph:

“(6) TREATMENT OF STROKE TELEHEALTH SERVICES.—

“(A) NON-APPLICATION OF ORIGINATING SITE REQUIREMENTS.—The requirements described in paragraph (4)(C) shall not apply with respect to telehealth services furnished on or after January 1, 2019, for purposes of diagnosis, evaluation, or treatment of symptoms of an acute stroke, as determined by the Secretary.

“(B) INCLUSION OF CERTAIN SITES.—With respect to telehealth services described in subparagraph (A), the term ‘originating site’ shall include any hospital (as defined in section 1861(e)) or critical access hospital (as defined in section 1861(mm)(1)), any mobile stroke unit (as defined by the Secretary), or any other site determined appropriate by the Secretary, at which the eligible telehealth individual is located at the time the service is furnished via a telecommunications system.

“(C) NO ORIGINATING SITE FACILITY FEE FOR NEW SITES.—No facility fee shall be paid under paragraph (2)(B) to an originating site with respect to a telehealth service described in subparagraph (A) if the originating site does not otherwise meet the requirements for an originating site under paragraph (4)(C).”.

Subtitle D—Identifying the Chronically Ill Population

SEC. 50331. PROVIDING FLEXIBILITY FOR BENEFICIARIES TO BE PART OF AN ACCOUNTABLE CARE ORGANIZATION.

Section 1899(c) of the Social Security Act (42 U.S.C. 1395jjj(c)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking “ACOs.—The Secretary” and inserting “ACOs.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary”; and

(3) by adding at the end the following new paragraph:

“(2) PROVIDING FLEXIBILITY.—

“(A) CHOICE OF PROSPECTIVE ASSIGNMENT.—For each agreement period (effective for agreements entered into or renewed on or after January 1, 2020), in the case where an ACO established under the program is in a Track that provides for the retrospective assignment of Medicare fee-for-service beneficiaries to the ACO, the Secretary shall permit the ACO to choose to have Medicare fee-for-service beneficiaries assigned prospectively, rather than retrospectively, to the ACO for an agreement period.

“(B) ASSIGNMENT BASED ON VOLUNTARY IDENTIFICATION BY MEDICARE FEE-FOR-SERVICE BENEFICIARIES.—

“(i) IN GENERAL.—For performance year 2018 and each subsequent performance year, if a system is available for electronic designation, the Secretary shall permit a Medicare fee-for-service beneficiary to voluntarily identify an ACO professional as the primary care provider of the beneficiary for purposes of assigning such beneficiary to an ACO, as determined by the Secretary.

“(ii) NOTIFICATION PROCESS.—The Secretary shall establish a process under which a Medicare fee-for-service beneficiary is—

“(I) notified of their ability to make an identification described in clause (i); and

“(II) informed of the process by which they may make and change such identification.

“(iii) SUPERSEDING CLAIMS-BASED ASSIGNMENT.—A voluntary identification by a Medicare fee-for-service beneficiary under this subparagraph shall supersede any claims-based assignment otherwise determined by the Secretary.”.

Subtitle E—Empowering Individuals and Caregivers in Care Delivery

SEC. 50341. ELIMINATING BARRIERS TO CARE COORDINATION UNDER ACCOUNTABLE CARE ORGANIZATIONS.

(a) IN GENERAL.—Section 1899 of the Social Security Act (42 U.S.C. 1395jjj), as amended by section 50324(a), is amended—

(1) in subsection (b)(2), by adding at the end the following new subparagraph:

“(I) An ACO that seeks to operate an ACO Beneficiary Incentive Program pursuant to subsection (m) shall apply to the Secretary at such time, in such manner, and with such information as the Secretary may require.”;

(2) by adding at the end the following new subsection:

“(m) AUTHORITY TO PROVIDE INCENTIVE PAYMENTS TO BENEFICIARIES WITH RESPECT TO QUALIFYING PRIMARY CARE SERVICES.—

“(1) PROGRAM.—

“(A) IN GENERAL.—In order to encourage Medicare fee-for-service beneficiaries to obtain medically necessary primary care services, an ACO participating under this section under a payment model described in clause (i) or (ii) of paragraph (2)(B) may apply to establish an ACO Beneficiary Incentive Program to provide incentive payments to such beneficiaries who are furnished qualifying services in accordance with this subsection. The Secretary shall permit such an ACO to establish such a program at the Secretary's discretion and subject to such requirements, including program integrity requirements, as the Secretary determines necessary.

“(B) IMPLEMENTATION.—The Secretary shall implement this subsection on a date determined appropriate by the Secretary. Such date shall be no earlier than January 1, 2019, and no later than January 1, 2020.

“(2) CONDUCT OF PROGRAM.—

“(A) DURATION.—Subject to subparagraph (H), an ACO Beneficiary Incentive Program established under this subsection shall be conducted for such period (of not less than 1 year) as the Secretary may approve.

“(B) SCOPE.—An ACO Beneficiary Incentive Program established under this subsection shall provide incentive payments to all of the following Medicare fee-for-service beneficiaries who are furnished qualifying services by the ACO:

“(i) With respect to the Track 2 and Track 3 payment models described in section 425.600(a) of title 42, Code of Federal Regulations (or in any successor regulation), Medicare fee-for-service beneficiaries who are preliminarily prospectively or prospectively assigned (or otherwise assigned, as determined by the Secretary) to the ACO.

“(ii) With respect to any future payment models involving two-sided risk, Medicare fee-for-service beneficiaries who are assigned to the ACO, as determined by the Secretary.

“(C) QUALIFYING SERVICE.—For purposes of this subsection, a qualifying service is a primary care service, as defined in section 425.20 of title 42, Code of Federal Regulations (or in any successor regulation), with respect to which coinsurance applies under part B, furnished through an ACO by—

“(i) an ACO professional described in subsection (h)(1)(A) who has a primary care specialty designation included in the definition of primary care physician under section 425.20 of title 42, Code of Federal Regulations (or any successor regulation);

“(ii) an ACO professional described in subsection (h)(1)(B); or

“(iii) a Federally qualified health center or rural health clinic (as such terms are defined in section 1861(aa)).

“(D) INCENTIVE PAYMENTS.—An incentive payment made by an ACO pursuant to an ACO Beneficiary Incentive Program established under this subsection shall be—

“(i) in an amount up to \$20, with such maximum amount updated annually by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year;

“(ii) in the same amount for each Medicare fee-for-service beneficiary described in clause (i) or (ii) of subparagraph (B) without regard to enrollment of such a beneficiary in a medicare supplemental policy (described in section 1882(g)(1)), in a State Medicaid plan under title XIX or a waiver of such a plan, or in any other health insurance policy or health benefit plan;

“(iii) made for each qualifying service furnished to such a beneficiary described in clause (i) or (ii) of subparagraph (B) during a period specified by the Secretary; and

“(iv) made no later than 30 days after a qualifying service is furnished to such a beneficiary described in clause (i) or (ii) of subparagraph (B).

“(E) NO SEPARATE PAYMENTS FROM THE SECRETARY.—The Secretary shall not make any separate payment to an ACO for the costs, including incentive payments, of carrying out an ACO Beneficiary Incentive Program established under this subsection. Nothing in this subparagraph shall be construed as prohibiting an ACO from using shared savings received under this section to carry out an ACO Beneficiary Incentive Program.

“(F) NO APPLICATION TO SHARED SAVINGS CALCULATION.—Incentive payments made by an ACO under this subsection shall be disregarded for purposes of calculating benchmarks, estimated average per capita Medicare expenditures, and shared savings under this section.

“(G) REPORTING REQUIREMENTS.—An ACO conducting an ACO Beneficiary Incentive Program under this subsection shall, at such times and in such format as the Secretary may require, report to the Secretary such information and retain such documentation as the Secretary may require, including the amount and frequency of incentive payments made and the number of Medicare fee-for-service beneficiaries receiving such payments.

“(H) TERMINATION.—The Secretary may terminate an ACO Beneficiary Incentive Program established under this subsection at any time for reasons determined appropriate by the Secretary.

“(3) EXCLUSION OF INCENTIVE PAYMENTS.—Any payment made under an ACO Beneficiary Incentive Program established under this subsection shall not be considered income or resources or otherwise taken into account for purposes of—

“(A) determining eligibility for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds; or

“(B) any Federal or State laws relating to taxation.”;

(3) in subsection (e), by inserting “, including an ACO Beneficiary Incentive Program under subsections (b)(2)(I) and (m)” after “the program”; and

(4) in subsection (g)(6), by inserting “or of an ACO Beneficiary Incentive Program under subsections (b)(2)(I) and (m)” after “under subsection (d)(4)”.

(b) AMENDMENT TO SECTION 1128B.—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a-7b(b)(3)) is amended—

(1) by striking “and” at the end of subparagraph (I);

(2) by striking the period at the end of subparagraph (J) and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(K) an incentive payment made to a Medicare fee-for-service beneficiary by an ACO under an ACO Beneficiary Incentive Program established under subsection (m) of section 1899, if the payment is made in accordance with the requirements of such subsection and meets such other conditions as the Secretary may establish.”.

(c) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall conduct an evaluation of the ACO Beneficiary Incentive Program established under subsections (b)(2)(I) and (m) of section 1899 of the Social Security Act (42 U.S.C. 1395jjj), as added by subsection (a). The evaluation shall include an analysis of the impact of the implementation of the Program on expenditures and beneficiary health outcomes under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) REPORT.—Not later than October 1, 2023, the Secretary shall submit to Congress a report containing the results of the evaluation under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 50342. GAO STUDY AND REPORT ON LONGITUDINAL COMPREHENSIVE CARE PLANNING SERVICES UNDER MEDICARE PART B.

(a) STUDY.—The Comptroller General shall conduct a study on the establishment under part B of the Medicare program under title XVIII of the Social Security Act of a payment code for a visit for longitudinal comprehensive care planning services. Such study shall include an analysis of the following to the extent such information is available:

(1) The frequency with which services similar to longitudinal comprehensive care planning services are furnished to Medicare beneficiaries, which providers of services and suppliers are

furnishing those services, whether Medicare reimbursement is being received for those services, and, if so, through which codes those services are being reimbursed.

(2) Whether, and the extent to which, longitudinal comprehensive care planning services would overlap, and could therefore result in duplicative payment, with services covered under the hospice benefit as well as the chronic care management code, evaluation and management codes, or other codes that already exist under part B of the Medicare program.

(3) Any barriers to hospitals, skilled nursing facilities, hospice programs, home health agencies, and other applicable providers working with a Medicare beneficiary to engage in the care planning process and complete the necessary documentation to support the treatment and care plan of the beneficiary and provide such documentation to other providers and the beneficiary or the beneficiary's representative.

(4) Any barriers to providers, other than the provider furnishing longitudinal comprehensive care planning services, accessing the care plan and associated documentation for use related to the care of the Medicare beneficiary.

(5) Potential options for ensuring that applicable providers are notified of a patient's existing longitudinal care plan and that applicable providers consider that plan in making their treatment decisions, and what the challenges might be in implementing such options.

(6) Stakeholder's views on the need for the development of quality metrics with respect to longitudinal comprehensive care planning services, such as measures related to—

(A) the process of eliciting input from the Medicare beneficiary or from a legally authorized representative and documenting in the medical record the patient-directed care plan;

(B) the effectiveness and patient-centeredness of the care plan in organizing delivery of services consistent with the plan;

(C) the availability of the care plan and associated documentation to other providers that care for the beneficiary; and

(D) the extent to which the beneficiary received services and support that is free from discrimination based on advanced age, disability status, or advanced illness.

(7) Stakeholder's views on how such quality metrics would provide information on—

(A) the goals, values, and preferences of the beneficiary;

(B) the documentation of the care plan;

(C) services furnished to the beneficiary; and

(D) outcomes of treatment.

(8) Stakeholder's views on—

(A) the type of training and education needed for applicable providers, individuals, and caregivers in order to facilitate longitudinal comprehensive care planning services;

(B) the types of providers of services and suppliers that should be included in the interdisciplinary team of an applicable provider; and

(C) the characteristics of Medicare beneficiaries that would be most appropriate to receive longitudinal comprehensive care planning services, such as individuals with advanced disease and individuals who need assistance with multiple activities of daily living.

(9) Stakeholder's views on the frequency with which longitudinal comprehensive care planning services should be furnished.

(b) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(c) **DEFINITIONS.**—In this section:

(1) **APPLICABLE PROVIDER.**—The term “applicable provider” means a hospice program (as defined in subsection (dd)(2) of section 1861 of the Social Security Act (42 U.S.C. 1395wu)) or other provider of services (as defined in subsection (u)

of such section) or supplier (as defined in subsection (d) of such section) that—

(A) furnishes longitudinal comprehensive care planning services through an interdisciplinary team; and

(B) meets such other requirements as the Secretary may determine to be appropriate.

(2) **COMPTROLLER GENERAL.**—The term “Comptroller General” means the Comptroller General of the United States.

(3) **INTERDISCIPLINARY TEAM.**—The term “interdisciplinary team” means a group that—

(A) includes the personnel described in subsection (dd)(2)(B)(i) of such section 1861;

(B) may include a chaplain, minister, or other clergy; and

(C) may include other direct care personnel.

(4) **LONGITUDINAL COMPREHENSIVE CARE PLANNING SERVICES.**—The term “longitudinal comprehensive care planning services” means a voluntary shared decisionmaking process that is

furnished by an applicable provider through an interdisciplinary team and includes a conversation with Medicare beneficiaries who have received a diagnosis of a serious or life-threatening illness. The purpose of such services is to discuss a longitudinal care plan that addresses the progression of the disease, treatment options, the goals, values, and preferences of the beneficiary, and the availability of other resources and social supports that may reduce the beneficiary's health risks and promote self-management and shared decisionmaking.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

Subtitle F—Other Policies to Improve Care for the Chronically Ill

SEC. 50351. GAO STUDY AND REPORT ON IMPROVING MEDICATION SYNCHRONIZATION.

(a) **STUDY.**—The Comptroller General of the United States (in this section referred to as the “Comptroller General”) shall conduct a study on the extent to which Medicare prescription drug plans (MA-PD plans and stand alone prescription drug plans) under part D of title XVIII of the Social Security Act and private payors use programs that synchronize pharmacy dispensing so that individuals may receive multiple prescriptions on the same day to facilitate comprehensive counseling and promote medication adherence. The study shall include an analysis of the following:

(1) The extent to which pharmacies have adopted such programs.

(2) The common characteristics of such programs, including how pharmacies structure counseling sessions under such programs and the types of payment and other arrangements that Medicare prescription drug plans and private payors employ under such programs to support the efforts of pharmacies.

(3) How such programs compare for Medicare prescription drug plans and private payors.

(4) What is known about how such programs affect patient medication adherence and overall patient health outcomes, including if adherence and outcomes vary by patient subpopulations, such as disease state and socioeconomic status.

(5) What is known about overall patient satisfaction with such programs and satisfaction with such programs, including within patient subpopulations, such as disease state and socioeconomic status.

(6) The extent to which laws and regulations of the Medicare program support such programs.

(7) Barriers to the use of medication synchronization programs by Medicare prescription drug plans.

(b) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 50352. GAO STUDY AND REPORT ON IMPACT OF OBESITY DRUGS ON PATIENT HEALTH AND SPENDING.

(a) **STUDY.**—The Comptroller General of the United States (in this section referred to as the “Comptroller General”) shall, to the extent data are available, conduct a study on the use of prescription drugs to manage the weight of obese patients and the impact of coverage of such drugs on patient health and on health care spending. Such study shall examine the use and impact of these obesity drugs in the non-Medicare population and for Medicare beneficiaries who have such drugs covered through an MA-PD plan (as defined in section 1860D–1(a)(3)(C) of the Social Security Act (42 U.S.C. 1395w–101(a)(3)(C))) as a supplemental health care benefit. The study shall include an analysis of the following:

(1) The prevalence of obesity in the Medicare and non-Medicare population.

(2) The utilization of obesity drugs.

(3) The distribution of Body Mass Index by individuals taking obesity drugs, to the extent practicable.

(4) What is known about the use of obesity drugs in conjunction with the receipt of other items or services, such as behavioral counseling, and how these compare to items and services received by obese individuals who do not take obesity drugs.

(5) Physician considerations and attitudes related to prescribing obesity drugs.

(6) The extent to which coverage policies cease or limit coverage for individuals who fail to receive clinical benefit.

(7) What is known about the extent to which individuals who take obesity drugs adhere to the prescribed regimen.

(8) What is known about the extent to which individuals who take obesity drugs maintain weight loss over time.

(9) What is known about the subsequent impact such drugs have on medical services that are directly related to obesity, including with respect to subpopulations determined based on the extent of obesity.

(10) What is known about the spending associated with the care of individuals who take obesity drugs, compared to the spending associated with the care of individuals who do not take such drugs.

(b) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 50353. HHS STUDY AND REPORT ON LONG-TERM RISK FACTORS FOR CHRONIC CONDITIONS AMONG MEDICARE BENEFICIARIES.

(a) **STUDY.**—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall conduct a study on long-term cost drivers to the Medicare program, including obesity, tobacco use, mental health conditions, and other factors that may contribute to the deterioration of health conditions among individuals with chronic conditions in the Medicare population. The study shall include an analysis of any barriers to collecting and analyzing such information and how to remove any such barriers (including through legislation and administrative actions).

(b) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate. The Secretary shall also post such report on the Internet website of the Department of Health and Human Services.

SEC. 50354. PROVIDING PRESCRIPTION DRUG PLANS WITH PARTS A AND B CLAIMS DATA TO PROMOTE THE APPROPRIATE USE OF MEDICATIONS AND IMPROVE HEALTH OUTCOMES.

Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395u–104(c)) is amended by adding at the end the following new paragraph:

“(6) PROVIDING PRESCRIPTION DRUG PLANS WITH PARTS A AND B CLAIMS DATA TO PROMOTE THE APPROPRIATE USE OF MEDICATIONS AND IMPROVE HEALTH OUTCOMES.—

“(A) PROCESS.—Subject to subparagraph (B), the Secretary shall establish a process under which a PDP sponsor of a prescription drug plan may submit a request for the Secretary to provide the sponsor, on a periodic basis and in an electronic format, beginning in plan year 2020, data described in subparagraph (D) with respect to enrollees in such plan. Such data shall be provided without regard to whether such enrollees are described in clause (ii) of paragraph (2)(A).

“(B) PURPOSES.—A PDP sponsor may use the data provided to the sponsor pursuant to subparagraph (A) for any of the following purposes:

“(i) To optimize therapeutic outcomes through improved medication use, as such phrase is used in clause (i) of paragraph (2)(A).

“(ii) To improving care coordination so as to prevent adverse health outcomes, such as preventable emergency department visits and hospital readmissions.

“(iii) For any other purpose determined appropriate by the Secretary.

“(C) LIMITATIONS ON DATA USE.—A PDP sponsor shall not use data provided to the sponsor pursuant to subparagraph (A) for any of the following purposes:

“(i) To inform coverage determinations under this part.

“(ii) To conduct retroactive reviews of medically accepted indications determinations.

“(iii) To facilitate enrollment changes to a different prescription drug plan or an MA–PD plan offered by the same parent organization.

“(iv) To inform marketing of benefits.

“(v) For any other purpose that the Secretary determines is necessary to include in order to protect the identity of individuals entitled to, or enrolled for, benefits under this title and to protect the security of personal health information.

“(D) DATA DESCRIBED.—The data described in this clause are standardized extracts (as determined by the Secretary) of claims data under parts A and B for items and services furnished under such parts for time periods specified by the Secretary. Such data shall include data as current as practicable.”.

TITLE IV—PART B IMPROVEMENT ACT AND OTHER PART B ENHANCEMENTS

Subtitle A—Medicare Part B Improvement Act

SEC. 50401. HOME INFUSION THERAPY SERVICES TEMPORARY TRANSITIONAL PAYMENT.

(a) IN GENERAL.—Section 1834(u) of the Social Security Act (42 U.S.C. 1395m(u)) is amended, by adding at the end the following new paragraph:

“(7) HOME INFUSION THERAPY SERVICES TEMPORARY TRANSITIONAL PAYMENT.—

“(A) TEMPORARY TRANSITIONAL PAYMENT.—

“(i) IN GENERAL.—The Secretary shall, in accordance with the payment methodology described in subparagraph (B) and subject to the provisions of this paragraph, provide a home infusion therapy services temporary transitional payment under this part to an eligible home infusion supplier (as defined in subparagraph (F)) for items and services described in subparagraphs (A) and (B) of section 1861(iii)(2)) furnished during the period specified in clause (ii) by such supplier in coordination with the furnishing of transitional home infusion drugs (as defined in clause (iii)).

“(ii) PERIOD SPECIFIED.—For purposes of clause (i), the period specified in this clause is the period beginning on January 1, 2019, and

ending on the day before the date of the implementation of the payment system under paragraph (1)(A).

“(iii) TRANSITIONAL HOME INFUSION DRUG DEFINED.—For purposes of this paragraph, the term ‘transitional home infusion drug’ has the meaning given to the term ‘home infusion drug’ under section 1861(iii)(3)(C)), except that clause (ii) of such section shall not apply if a drug described in such clause is identified in clauses (i), (ii), (iii) or (iv) of subparagraph (C) as of the date of the enactment of this paragraph.

“(B) PAYMENT METHODOLOGY.—For purposes of this paragraph, the Secretary shall establish a payment methodology, with respect to items and services described in subparagraph (A)(i). Under such payment methodology the Secretary shall—

“(i) create the three payment categories described in clauses (i), (ii), and (iii) of subparagraph (C);

“(ii) assign drugs to such categories, in accordance with such clauses;

“(iii) assign appropriate Healthcare Common Procedure Coding System (HCPCS) codes to each payment category; and

“(iv) establish a single payment amount for each such payment category, in accordance with subparagraph (D), for each infusion drug administration calendar day in the individual’s home for drugs assigned to such category.

“(C) PAYMENT CATEGORIES.—

“(i) PAYMENT CATEGORY 1.—The Secretary shall create a payment category 1 and assign to such category drugs which are covered under the Local Coverage Determination on External Infusion Pumps (LCD number L33794) and billed with the following HCPCS codes (as identified as of January 1, 2018, and as subsequently modified by the Secretary): J0133, J0285, J0287, J0288, J0289, J0895, J1170, J1250, J1265, J1325, J1455, J1457, J1570, J2175, J2260, J2270, J2274, J2278, J3010, or J3285.

“(ii) PAYMENT CATEGORY 2.—The Secretary shall create a payment category 2 and assign to such category drugs which are covered under such local coverage determination and billed with the following HCPCS codes (as identified as of January 1, 2018, and as subsequently modified by the Secretary): J1555 JB, J1559 JB, J1561 JB, J1562 JB, J1569 JB, or J1575 JB.

“(iii) PAYMENT CATEGORY 3.—The Secretary shall create a payment category 3 and assign to such category drugs which are covered under such local coverage determination and billed with the following HCPCS codes (as identified as of January 1, 2018, and as subsequently modified by the Secretary): J9000, J9039, J9040, J9065, J9100, J9190, J9200, J9360, or J9370.

“(iv) INFUSION DRUGS NOT OTHERWISE INCLUDED.—With respect to drugs that are not included in payment category 1, 2, or 3 under clause (i), (ii), or (iii), respectively, the Secretary shall assign to the most appropriate of such categories, as determined by the Secretary, drugs which are—

“(I) covered under such local coverage determination and billed under HCPCS codes J7799 or J7999 (as identified as of July 1, 2017, and as subsequently modified by the Secretary); or

“(II) billed under any code that is implemented after the date of the enactment of this paragraph and included in such local coverage determination or included in subregulatory guidance as a home infusion drug described in subparagraph (A)(i).

“(D) PAYMENT AMOUNTS.—

“(i) IN GENERAL.—Under the payment methodology, the Secretary shall pay eligible home infusion suppliers, with respect to items and services described in subparagraph (A)(i) furnished during the period described in subparagraph (A)(ii) by such supplier to an individual, at amounts equal to the amounts determined under the physician fee schedule established under section 1848 for services furnished during the year for codes and units of such codes described in clauses (ii), (iii), and (iv) with respect to

drugs included in the payment category under subparagraph (C) specified in the respective clause, determined without application of the geographic adjustment under subsection (e) of such section.

“(ii) PAYMENT AMOUNT FOR CATEGORY 1.—For purposes of clause (i), the codes and units described in this clause, with respect to drugs included in payment category 1 described in subparagraph (C)(i), are one unit of HCPCS code 96365 plus three units of HCPCS code 96366 (as identified as of January 1, 2018, and as subsequently modified by the Secretary).

“(iii) PAYMENT AMOUNT FOR CATEGORY 2.—For purposes of clause (i), the codes and units described in this clause, with respect to drugs included in payment category 2 described in subparagraph (C)(i), are one unit of HCPCS code 96369 plus three units of HCPCS code 96370 (as identified as of January 1, 2018, and as subsequently modified by the Secretary).

“(iv) PAYMENT AMOUNT FOR CATEGORY 3.—For purposes of clause (i), the codes and units described in this clause, with respect to drugs included in payment category 3 described in subparagraph (C)(i), are one unit of HCPCS code 96413 plus three units of HCPCS code 96415 (as identified as of January 1, 2018, and as subsequently modified by the Secretary).

“(E) CLARIFICATIONS.—

“(i) INFUSION DRUG ADMINISTRATION DAY.—For purposes of this subsection, with respect to the furnishing of transitional home infusion drugs or home infusion drugs to an individual by an eligible home infusion supplier or a qualified home infusion therapy supplier, a reference to payment to such supplier for an infusion drug administration calendar day in the individual’s home shall refer to payment only for the date on which professional services (as described in section 1861(iii)(2)(A)) were furnished to administer such drugs to such individual. For purposes of the previous sentence, an infusion drug administration calendar day shall include all such drugs administered to such individual on such day.

“(ii) TREATMENT OF MULTIPLE DRUGS ADMINISTERED ON SAME INFUSION DRUG ADMINISTRATION DAY.—In the case that an eligible home infusion supplier, with respect to an infusion drug administration calendar day in an individual’s home, furnishes to such individual transitional home infusion drugs which are not all assigned to the same payment category under subparagraph (C), payment to such supplier for such infusion drug administration calendar day in the individual’s home shall be a single payment equal to the amount of payment under this paragraph for the drug, among all such drugs so furnished to such individual during such calendar day, for which the highest payment would be made under this paragraph.

“(F) ELIGIBLE HOME INFUSION SUPPLIERS.—In this paragraph, the term ‘eligible home infusion supplier’ means a supplier that is enrolled under this part as a pharmacy that provides external infusion pumps and external infusion pump supplies and that maintains all pharmacy licensure requirements in the State in which the applicable infusion drugs are administered.

“(G) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph by program instruction or otherwise.”.

(b) CONFORMING AMENDMENTS.—(1) Section 1842(b)(6)(I) of the Social Security Act (42 U.S.C. 1395u(b)(6)(I)) is amended by inserting “or, in the case of items and services described in clause (i) of section 1834(u)(7)(A) furnished to an individual during the period described in clause (ii) of such section, payment shall be made to the eligible home infusion therapy supplier” after “payment shall be made to the qualified home infusion therapy supplier”.

(2) Section 5012(d) of the 21st Century Cures Act is amended by inserting the following before

the period at the end: “, except that the amendments made by paragraphs (1) and (2) of subsection (c) shall apply to items and services furnished on or after January 1, 2019”.

SEC. 50402. ORTHOTISTS AND PROSTHETISTS’ CLINICAL NOTES AS PART OF THE PATIENT’S MEDICAL RECORD.

Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) is amended by adding at the end the following new paragraph:

“(5) DOCUMENTATION CREATED BY ORTHOTISTS AND PROSTHETISTS.—For purposes of determining the reasonableness and medical necessity of orthotics and prosthetics, documentation created by an orthotist or prosthetist shall be considered part of the individual’s medical record to support documentation created by eligible professionals described in section 1848(k)(3)(B).”.

SEC. 50403. INDEPENDENT ACCREDITATION FOR DIALYSIS FACILITIES AND ASSURANCE OF HIGH QUALITY SURVEYS.

(a) ACCREDITATION AND SURVEYS.—

(1) IN GENERAL.—Section 1865 of the Social Security Act (42 U.S.C. 1395bb) is amended—

(A) in subsection (a)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking “or the conditions and requirements under section 1881(b)”;

and

(ii) in paragraph (4), by inserting “(including a renal dialysis facility)” after “facility”; and

(B) by adding at the end the following new subsection:

“(e) With respect to an accreditation body that has received approval from the Secretary under subsection (a)(3)(A) for accreditation of provider entities that are required to meet the conditions and requirements under section 1881(b), in addition to review and oversight authorities otherwise applicable under this title, the Secretary shall (as the Secretary determines appropriate) conduct, with respect to such accreditation body and provider entities, any or all of the following as frequently as is otherwise required to be conducted under this title with respect to other accreditation bodies or other provider entities:

“(1) Validation surveys referred to in subsection (d).

“(2) Accreditation program reviews (as defined in section 488.8(c) of title 42 of the Code of Federal Regulations, or a successor regulation).

“(3) Performance reviews (as defined in section 488.8(a) of title 42 of the Code of Federal Regulations, or a successor regulation).”.

(2) TIMING FOR ACCEPTANCE OF REQUESTS FROM ACCREDITATION ORGANIZATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall begin accepting requests from national accreditation bodies for a finding described in section 1865(a)(3)(A) of the Social Security Act (42 U.S.C. 1395bb(a)(3)(A)) for purposes of accrediting provider entities that are required to meet the conditions and requirements under section 1881(b) of such Act (42 U.S.C. 1395rr(b)).

(b) REQUIREMENT FOR TIMING OF SURVEYS OF NEW DIALYSIS FACILITIES.—Section 1881(b)(1) of the Social Security Act (42 U.S.C. 1395rr(b)(1)) is amended by adding at the end the following new sentence: “Beginning 180 days after the date of the enactment of this sentence, an initial survey of a provider of services or a renal dialysis facility to determine if the conditions and requirements under this paragraph are met shall be initiated not later than 90 days after such date on which both the provider enrollment form (without regard to whether such form is submitted prior to or after such date of enactment) has been determined by the Secretary to be complete and the provider’s enrollment status indicates approval is pending the results of such survey.”.

SEC. 50404. MODERNIZING THE APPLICATION OF THE STARK RULE UNDER MEDICARE.

(a) CLARIFICATION OF THE WRITING REQUIREMENT AND SIGNATURE REQUIREMENT FOR ARRANGEMENTS PURSUANT TO THE STARK RULE.—

(1) WRITING REQUIREMENT.—Section 1877(h)(1) of the Social Security Act (42 U.S.C. 1395nn(h)(1)) is amended by adding at the end the following new subparagraph:

“(D) WRITTEN REQUIREMENT CLARIFIED.—In the case of any requirement pursuant to this section for a compensation arrangement to be in writing, such requirement shall be satisfied by such means as determined by the Secretary, including by a collection of documents, including contemporaneous documents evidencing the course of conduct between the parties involved.”.

(2) SIGNATURE REQUIREMENT.—Section 1877(h)(1) of the Social Security Act (42 U.S.C. 1395nn(h)(1)), as amended by paragraph (1), is further amended by adding at the end the following new subparagraph:

“(E) SPECIAL RULE FOR SIGNATURE REQUIREMENTS.—In the case of any requirement pursuant to this section for a compensation arrangement to be in writing and signed by the parties, such signature requirement shall be met if—

“(i) not later than 90 consecutive calendar days immediately following the date on which the compensation arrangement became non-compliant, the parties obtain the required signatures; and

“(ii) the compensation arrangement otherwise complies with all criteria of the applicable exception.”.

(b) INDEFINITE HOLDOVER FOR LEASE ARRANGEMENTS AND PERSONAL SERVICES ARRANGEMENTS PURSUANT TO THE STARK RULE.—Section 1877(e) of the Social Security Act (42 U.S.C. 1395nn(e)) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

“(C) HOLDOVER LEASE ARRANGEMENTS.—In the case of a holdover lease arrangement for the lease of office space or equipment, which immediately follows a lease arrangement described in subparagraph (A) for the use of such office space or subparagraph (B) for the use of such equipment and that expired after a term of at least 1 year, payments made by the lessee to the lessor pursuant to such holdover lease arrangement, if—

“(i) the lease arrangement met the conditions of subparagraph (A) for the lease of office space or subparagraph (B) for the use of equipment when the arrangement expired;

“(ii) the holdover lease arrangement is on the same terms and conditions as the immediately preceding arrangement; and

“(iii) the holdover arrangement continues to satisfy the conditions of subparagraph (A) for the lease of office space or subparagraph (B) for the use of equipment.”; and

(2) in paragraph (3), by adding at the end the following new subparagraph:

“(C) HOLDOVER PERSONAL SERVICE ARRANGEMENT.—In the case of a holdover personal service arrangement, which immediately follows an arrangement described in subparagraph (A) that expired after a term of at least 1 year, remuneration from an entity pursuant to such holdover personal service arrangement, if—

“(i) the personal service arrangement met the conditions of subparagraph (A) when the arrangement expired;

“(ii) the holdover personal service arrangement is on the same terms and conditions as the immediately preceding arrangement; and

“(iii) the holdover arrangement continues to satisfy the conditions of subparagraph (A).”.

Subtitle B—Additional Medicare Provisions

SEC. 50411. MAKING PERMANENT THE REMOVAL OF THE RENTAL CAP FOR DURABLE MEDICAL EQUIPMENT UNDER MEDICARE WITH RESPECT TO SPEECH GENERATING DEVICES.

Section 1834(a)(2)(A)(iv) of the Social Security Act (42 U.S.C. 1395m(a)(2)(A)(iv)) is amended by striking “and before October 1, 2018,”.

SEC. 50412. INCREASED CIVIL AND CRIMINAL PENALTIES AND INCREASED SENTENCES FOR FEDERAL HEALTH CARE PROGRAM FRAUD AND ABUSE.

(a) INCREASED CIVIL MONEY PENALTIES AND CRIMINAL FINES.—

(1) INCREASED CIVIL MONEY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended—

(A) in subsection (a), in the matter following paragraph (10)—

(i) by striking “\$10,000” and inserting “\$20,000” each place it appears;

(ii) by striking “\$15,000” and inserting “\$30,000”; and

(iii) by striking “\$50,000” and inserting “\$100,000” each place it appears; and

(B) in subsection (b)—

(i) in paragraph (1), in the flush text following subparagraph (B), by striking “\$2,000” and inserting “\$5,000”; and

(ii) in paragraph (2), by striking “\$2,000” and inserting “\$5,000”; and

(iii) in paragraph (3)(A)(i), by striking “\$5,000” and inserting “\$10,000”.

(2) INCREASED CRIMINAL FINES.—Section 1128B of such Act (42 U.S.C. 1320a–7b) is amended—

(A) in subsection (a), in the matter following paragraph (6)—

(i) by striking “\$25,000” and inserting “\$100,000”; and

(ii) by striking “\$10,000” and inserting “\$20,000”; and

(B) in subsection (b)—

(i) in paragraph (1), in the flush text following subparagraph (B), by striking “\$25,000” and inserting “\$100,000”; and

(ii) in paragraph (2), in the flush text following subparagraph (B), by striking “\$25,000” and inserting “\$100,000”; and

(C) in subsection (c), by striking “\$25,000” and inserting “\$100,000”; and

(D) in subsection (d), in the flush text following paragraph (2), by striking “\$25,000” and inserting “\$100,000”; and

(E) in subsection (e), by striking “\$2,000” and inserting “\$4,000”.

(b) INCREASED SENTENCES FOR FELONIES INVOLVING FEDERAL HEALTH CARE PROGRAM FRAUD AND ABUSE.—

(1) FALSE STATEMENTS AND REPRESENTATIONS.—Section 1128B(a) of the Social Security Act (42 U.S.C. 1320a–7b(a)) is amended, in the matter following paragraph (6), by striking “not more than five years or both, or (ii)” and inserting “not more than 10 years or both, or (ii)”.

(2) ANTICKBACK.—Section 1128B(b) of such Act (42 U.S.C. 1320a–7b(b)) is amended—

(A) in paragraph (1), in the flush text following subparagraph (B), by striking “not more than five years” and inserting “not more than 10 years”; and

(B) in paragraph (2), in the flush text following subparagraph (B), by striking “not more than five years” and inserting “not more than 10 years”.

(3) FALSE STATEMENT OR REPRESENTATION WITH RESPECT TO CONDITIONS OR OPERATIONS OF FACILITIES.—Section 1128B(c) of such Act (42 U.S.C. 1320a–7b(c)) is amended by striking “not more than five years” and inserting “not more than 10 years”.

(4) EXCESS CHARGES.—Section 1128B(d) of such Act (42 U.S.C. 1320a–7b(d)) is amended, in the flush text following paragraph (2), by striking “not more than five years” and inserting “not more than 10 years”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to acts committed after the date of the enactment of this Act.

SEC. 50413. REDUCING THE VOLUME OF FUTURE EHR-RELATED SIGNIFICANT HARD-SHIP REQUESTS.

Section 1848(o)(2)(A) of the Social Security Act (42 U.S.C. 1395w–4(o)(2)(A)) and section 1886(n)(3)(A) of such Act (42 U.S.C. 1395ww(n)(3)(A)) are each amended in the last sentence by striking “by requiring” and all that follows through “this paragraph”.

SEC. 50414. STRENGTHENING RULES IN CASE OF COMPETITION FOR DIABETIC TESTING STRIPS.

(a) SPECIAL RULE IN CASE OF COMPETITION FOR DIABETIC TESTING STRIPS.—

(1) IN GENERAL.—Paragraph (10) of section 1847(b) of the Social Security Act (42 U.S.C. 1395w-3(b)) is amended—

(A) in subparagraph (A), by striking the second sentence and inserting the following new sentence: “With respect to bids to furnish such types of products on or after January 1, 2019, the volume for such types of products shall be determined by the Secretary through the use of multiple sources of data (from mail order and non-mail order Medicare markets), including market-based data measuring sales of diabetic testing strip products that are not exclusively sold by a single retailer from such markets.”; and

(B) by adding at the end the following new subparagraphs:

“(C) DEMONSTRATION OF ABILITY TO FURNISH TYPES OF DIABETIC TESTING STRIP PRODUCTS.—With respect to bids to furnish diabetic testing strip products on or after January 1, 2019, an entity shall attest to the Secretary that the entity has the ability to obtain an inventory of the types and quantities of diabetic testing strip products that will allow the entity to furnish such products in a manner consistent with its bid and—

“(i) demonstrate to the Secretary, through letters of intent with manufacturers, wholesalers, or other suppliers, or other evidence as the Secretary may specify, such ability; or

“(ii) demonstrate to the Secretary that it made a good faith attempt to obtain such a letter of intent or such other evidence.

“(D) USE OF UNLISTED TYPES IN CALCULATION OF PERCENTAGE.—With respect to bids to furnish diabetic testing strip products on or after January 1, 2019, in determining under subparagraph (A) whether a bid submitted by an entity under such subparagraph covers 50 percent (or such higher percentage as the Secretary may specify) of all types of diabetic testing strip products, the Secretary may not attribute a percentage to types of diabetic testing strip products that the Secretary does not identify by brand, model, and market share volume.

“(E) ADHERENCE TO DEMONSTRATION.—

“(i) IN GENERAL.—In the case of an entity that is furnishing diabetic testing strip products on or after January 1, 2019, under a contract entered into under the competition conducted pursuant to paragraph (1), the Secretary shall establish a process to monitor, on an ongoing basis, the extent to which such entity continues to cover the product types included in the entity's bid.

“(ii) TERMINATION.—If the Secretary determines that an entity described in clause (i) fails to maintain an inventory, or otherwise maintain ready access to (through requirements, contracts, or otherwise) a type of product included in the entity's bid, the Secretary may terminate such contract unless the Secretary finds that the failure of the entity to maintain inventory of, or ready access to, the product is the result of the discontinuation of the product by the product manufacturer, a market-wide shortage of the product, or the introduction of a newer model or version of the product in the market involved.”.

(b) CODIFYING AND EXPANDING ANTI-SWITCHING RULE.—Section 1847(b) of the Social Security Act (42 U.S.C. 1395w-3(b)), as amended by subsection (a)(1), is further amended—

(1) by redesignating paragraph (11) as paragraph (12); and

(2) by inserting after paragraph (10) the following new paragraph:

“(11) ADDITIONAL SPECIAL RULES IN CASE OF COMPETITION FOR DIABETIC TESTING STRIPS.—

“(A) IN GENERAL.—With respect to an entity that is furnishing diabetic testing strip products to individuals under a contract entered into

under the competitive acquisition program established under this section, the entity shall furnish to each individual a brand of such products that is compatible with the home blood glucose monitor selected by the individual.

“(B) PROHIBITION ON INFLUENCING AND INCENTIVIZING.—An entity described in subparagraph (A) may not attempt to influence or incentivize an individual to switch the brand of glucose monitor or diabetic testing strip product selected by the individual, including by—

“(i) persuading, pressuring, or advising the individual to switch; or

“(ii) furnishing information about alternative brands to the individual where the individual has not requested such information.

“(C) PROVISION OF INFORMATION.—

“(i) STANDARDIZED INFORMATION.—Not later than January 1, 2019, the Secretary shall develop and make available to entities described in subparagraph (A) standardized information that describes the rights of an individual with respect to such an entity. The information described in the preceding sentence shall include information regarding—

“(I) the requirements established under subparagraphs (A) and (B);

“(II) the right of the individual to purchase diabetic testing strip products from another mail order supplier of such products or a retail pharmacy if the entity is not able to furnish the brand of such product that is compatible with the home blood glucose monitor selected by the individual; and

“(III) the right of the individual to return diabetic testing strip products furnished to the individual by the entity.

“(ii) REQUIREMENT.—With respect to diabetic testing strip products furnished on or after the date on which the Secretary develops the standardized information under clause (i), an entity described in subparagraph (A) may not communicate directly to an individual until the entity has verbally provided the individual with such standardized information.

“(D) ORDER REFILLS.—With respect to diabetic testing strip products furnished on or after January 1, 2019, the Secretary shall require an entity furnishing diabetic testing strip products to an individual to contact and receive a request from the individual for such products not more than 14 days prior to dispensing a refill of such products to the individual.”.

(c) IMPLEMENTATION; NON-APPLICATION OF THE PAPERWORK REDUCTION ACT.—

(1) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, and amendments made by, this section by program instruction or otherwise.

(2) NON-APPLICATION OF THE PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act of 1995”), shall not apply to this section or the amendments made by this section.

TITLE V—OTHER HEALTH EXTENDERS**SEC. 50501. EXTENSION FOR FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.**

Section 501(c) of the Social Security Act (42 U.S.C. 701(c)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (v), by striking “and” at the end;

(B) in clause (vi), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new clause:

“(vii) \$6,000,000 for each of fiscal years 2018 and 2019.”;

(2) in paragraph (3)(C), by inserting before the period the following: “, and with respect to fiscal years 2018 and 2019, such centers shall also be developed in all territories and at least one such center shall be developed for Indian tribes”; and

(3) by amending paragraph (5) to read as follows:

“(5) For purposes of this subsection—

“(A) the term ‘Indian tribe’ has the meaning given such term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603);

“(B) the term ‘State’ means each of the 50 States and the District of Columbia; and

“(C) the term ‘territory’ means Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.”.

SEC. 50502. EXTENSION FOR SEXUAL RISK AVOIDANCE EDUCATION.

(a) IN GENERAL.—Section 510 of the Social Security Act (42 U.S.C. 710) is amended to read as follows:

“SEC. 510. SEXUAL RISK AVOIDANCE EDUCATION.

“(a) IN GENERAL.—

“(1) ALLOTMENTS TO STATES.—For the purpose described in subsection (b), the Secretary shall, for each of fiscal years 2018 and 2019, allot to each State which has transmitted an application for the fiscal year under section 505(a) an amount equal to the product of—

“(A) the amount appropriated pursuant to subsection (e)(1) for the fiscal year, minus the amount reserved under subsection (e)(2) for the fiscal year; and

“(B) the proportion that the number of low-income children in the State bears to the total of such numbers of children for all the States.

“(2) OTHER ALLOTMENTS.—

“(A) OTHER ENTITIES.—For the purpose described in subsection (b), the Secretary shall, for each of fiscal years 2018 and 2019, for any State which has not transmitted an application for the fiscal year under section 505(a), allot to one or more entities in the State the amount that would have been allotted to the State under paragraph (1) if the State had submitted such an application.

“(B) PROCESS.—The Secretary shall select the recipients of allotments under subparagraph (A) by means of a competitive grant process under which—

“(i) not later than 30 days after the deadline for the State involved to submit an application for the fiscal year under section 505(a), the Secretary publishes a notice soliciting grant applications; and

“(ii) not later than 120 days after such deadline, all such applications must be submitted.

“(b) PURPOSE.—

“(1) IN GENERAL.—Except for research under paragraph (5) and information collection and reporting under paragraph (6), the purpose of an allotment under subsection (a) to a State (or to another entity in the State pursuant to subsection (a)(2)) is to enable the State or other entity to implement education exclusively on sexual risk avoidance (meaning voluntarily refraining from sexual activity).

“(2) REQUIRED COMPONENTS.—Education on sexual risk avoidance pursuant to an allotment under this section shall—

“(A) ensure that the unambiguous and primary emphasis and context for each topic described in paragraph (3) is a message to youth that normalizes the optimal health behavior of avoiding nonmarital sexual activity;

“(B) be medically accurate and complete;

“(C) be age-appropriate;

“(D) be based on adolescent learning and developmental theories for the age group receiving the education; and

“(E) be culturally appropriate, recognizing the experiences of youth from diverse communities, backgrounds, and experiences.

“(3) TOPICS.—Education on sexual risk avoidance pursuant to an allotment under this section shall address each of the following topics:

“(A) The holistic individual and societal benefits associated with personal responsibility, self-regulation, goal setting, healthy decision-making, and a focus on the future.

“(B) The advantage of refraining from nonmarital sexual activity in order to improve the future prospects and physical and emotional health of youth.

“(C) The increased likelihood of avoiding poverty when youth attain self-sufficiency and emotional maturity before engaging in sexual activity.

“(D) The foundational components of healthy relationships and their impact on the formation of healthy marriages and safe and stable families.

“(E) How other youth risk behaviors, such as drug and alcohol usage, increase the risk for teen sex.

“(F) How to resist and avoid, and receive help regarding, sexual coercion and dating violence, recognizing that even with consent teen sex remains a youth risk behavior.

“(4) **CONTRACEPTION.**—Education on sexual risk avoidance pursuant to an allotment under this section shall ensure that—

“(A) any information provided on contraception is medically accurate and complete and ensures that students understand that contraception offers physical risk reduction, but not risk elimination; and

“(B) the education does not include demonstrations, simulations, or distribution of contraceptive devices.

“(5) **RESEARCH.**—

“(A) **IN GENERAL.**—A State or other entity receiving an allotment pursuant to subsection (a) may use up to 20 percent of such allotment to build the evidence base for sexual risk avoidance education by conducting or supporting research.

“(B) **REQUIREMENTS.**—Any research conducted or supported pursuant to subparagraph (A) shall be—

“(i) rigorous;

“(ii) evidence-based; and

“(iii) designed and conducted by independent researchers who have experience in conducting and publishing research in peer-reviewed outlets.

“(6) **INFORMATION COLLECTION AND REPORTING.**—A State or other entity receiving an allotment pursuant to subsection (a) shall, as specified by the Secretary—

“(A) collect information on the programs and activities funded through the allotment; and

“(B) submit reports to the Secretary on the data from such programs and activities.

“(c) **NATIONAL EVALUATION.**—

“(1) **IN GENERAL.**—The Secretary shall—

“(A) in consultation with appropriate State and local agencies, conduct one or more rigorous evaluations of the education funded through this section and associated data; and

“(B) submit a report to the Congress on the results of such evaluations, together with a summary of the information collected pursuant to subsection (b)(6).

“(2) **CONSULTATION.**—In conducting the evaluations required by paragraph (1), including the establishment of rigorous evaluation methodologies, the Secretary shall consult with relevant stakeholders and evaluation experts.

“(d) **APPLICABILITY OF CERTAIN PROVISIONS.**—

“(1) Sections 503, 507, and 508 apply to allotments under subsection (a) to the same extent and in the same manner as such sections apply to allotments under section 502(c).

“(2) Sections 505 and 506 apply to allotments under subsection (a) to the extent determined by the Secretary to be appropriate.

“(e) **DEFINITIONS.**—In this section:

“(1) The term ‘age-appropriate’ means suitable (in terms of topics, messages, and teaching methods) to the developmental and social maturity of the particular age or age group of children or adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

“(2) The term ‘medically accurate and complete’ means verified or supported by the weight of research conducted in compliance with accepted scientific methods and—

“(A) published in peer-reviewed journals, where applicable; or

“(B) comprising information that leading professional organizations and agencies with rel-

evant expertise in the field recognize as accurate, objective, and complete.

“(3) The term ‘rigorous’, with respect to research or evaluation, means using—

“(A) established scientific methods for measuring the impact of an intervention or program model in changing behavior (specifically sexual activity or other sexual risk behaviors), or reducing pregnancy, among youth; or

“(B) other evidence-based methodologies established by the Secretary for purposes of this section.

“(4) The term ‘youth’ refers to one or more individuals who have attained age 10 but not age 20.

“(f) **FUNDING.**—

“(1) **IN GENERAL.**—To carry out this section, there is appropriated, out of any money in the Treasury not otherwise appropriated, \$75,000,000 for each of fiscal years 2018 and 2019.

“(2) **RESERVATION.**—The Secretary shall reserve, for each of fiscal years 2018 and 2019, not more than 20 percent of the amount appropriated pursuant to paragraph (1) for administering the program under this section, including the conducting of national evaluations and the provision of technical assistance to the recipients of allotments.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if enacted on October 1, 2017.

SEC. 50503. EXTENSION FOR PERSONAL RESPONSIBILITY EDUCATION.

(a) **IN GENERAL.**—Section 513 of the Social Security Act (42 U.S.C. 713) is amended—

(1) in subsection (a)(1)(A), by striking “2017” and inserting “2019”; and

(2) in subsection (a)(4)—

(A) in subparagraph (A), by striking “2017” each place it appears and inserting “2019”; and

(B) in subparagraph (B)—

(i) in the subparagraph heading, by striking “3-YEAR GRANTS” and inserting “COMPETITIVE PREP GRANTS”; and

(ii) in clause (i), by striking “solicit applications to award 3-year grants in each of fiscal years 2012 through 2017” and inserting “continue through fiscal year 2019 grants awarded for any of fiscal years 2015 through 2017”;

(3) in subsection (c)(1), by inserting after “youth with HIV/AIDS,” the following: “victims of human trafficking.”; and

(4) in subsection (f), by striking “2017” and inserting “2019”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if enacted on October 1, 2017.

TITLE VI—CHILD AND FAMILY SERVICES AND SUPPORTS EXTENDERS

Subtitle A—Continuing the Maternal, Infant, and Early Childhood Home Visiting Program

SEC. 50601. CONTINUING EVIDENCE-BASED HOME VISITING PROGRAM.

Section 511(j)(1)(H) of the Social Security Act (42 U.S.C. 711(j)(1)(H)) is amended by striking “fiscal year 2017” and inserting “each of fiscal years 2017 through 2022”.

SEC. 50602. CONTINUING TO DEMONSTRATE RESULTS TO HELP FAMILIES.

(a) **REQUIRE SERVICE DELIVERY MODELS TO DEMONSTRATE IMPROVEMENT IN APPLICABLE BENCHMARK AREAS.**—Section 511 of the Social Security Act (42 U.S.C. 711) is amended in each of subsections (d)(1)(A) and (h)(4)(A) by striking “each of”.

(b) **DEMONSTRATION OF IMPROVEMENTS IN SUBSEQUENT YEARS.**—Section 511(d)(1) of such Act (42 U.S.C. 711(d)(1)) is amended by adding at the end the following:

“(D) **DEMONSTRATION OF IMPROVEMENTS IN SUBSEQUENT YEARS.**—

“(i) **CONTINUED MEASUREMENT OF IMPROVEMENT IN APPLICABLE BENCHMARK AREAS.**—The eligible entity, after demonstrating improvements for eligible families as specified in subparagraphs (A) and (B), shall continue to track and report, not later than 30 days after the end

of fiscal year 2020 and every 3 years thereafter, information demonstrating that the program results in improvements for the eligible families participating in the program in at least 4 of the areas specified in subparagraph (A) that the service delivery model or models selected by the entity are intended to improve.

“(ii) **CORRECTIVE ACTION PLAN.**—If the eligible entity fails to demonstrate improvement in at least 4 of the areas specified in subparagraph (A), as compared to eligible families who do not receive services under an early childhood home visitation program, the entity shall develop and implement a plan to improve outcomes in each of the areas specified in subparagraph (A) that the service delivery model or models selected by the entity are intended to improve, subject to approval by the Secretary. The plan shall include provisions for the Secretary to monitor implementation of the plan and conduct continued oversight of the program, including through submission by the entity of regular reports to the Secretary.

“(iii) **TECHNICAL ASSISTANCE.**—The Secretary shall provide an eligible entity required to develop and implement an improvement plan under clause (ii) with technical assistance to develop and implement the plan. The Secretary may provide the technical assistance directly or through grants, contracts, or cooperative agreements.

“(iv) **NO IMPROVEMENT OR FAILURE TO SUBMIT REPORT.**—If the Secretary determines after a period of time specified by the Secretary that an eligible entity implementing an improvement plan under clause (ii) has failed to demonstrate any improvement in at least 4 of the areas specified in subparagraph (A), or if the Secretary determines that an eligible entity has failed to submit the report required by clause (i), the Secretary shall terminate the grant made to the entity under this section and may include any unexpended grant funds in grants made to non-profit organizations under subsection (h)(2)(B).”

(c) **INCLUDING INFORMATION ON APPLICABLE BENCHMARKS IN APPLICATION.**—Section 511(e)(5) of such Act (42 U.S.C. 711(e)(5)) is amended by inserting “that the service delivery model or models selected by the entity are intended to improve” before the period at the end.

SEC. 50603. REVIEWING STATEWIDE NEEDS TO TARGET RESOURCES.

Section 511(b)(1) of the Social Security Act (42 U.S.C. 711(b)(1)) is amended by striking “Not later than” and all that follows through “section 505(a))” and inserting “Each State shall, as a condition of receiving payments from an allotment for the State under section 502, conduct a statewide needs assessment (which may be separate from but in coordination with the statewide needs assessment required under section 505(a) and which shall be reviewed and updated by the State not later than October 1, 2020)”.

SEC. 50604. IMPROVING THE LIKELIHOOD OF SUCCESS IN HIGH-RISK COMMUNITIES.

Section 511(d)(4)(A) of the Social Security Act (42 U.S.C. 711(d)(4)(A)) is amended by inserting “, taking into account the staffing, community resource, and other requirements to operate at least one approved model of home visiting and demonstrate improvements for eligible families” before the period.

SEC. 50605. OPTION TO FUND EVIDENCE-BASED HOME VISITING ON A PAY FOR OUTCOME BASIS.

(a) **IN GENERAL.**—Section 511(c) of the Social Security Act (42 U.S.C. 711(c)) is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following:

“(3) **AUTHORITY TO USE GRANT FOR A PAY FOR OUTCOMES INITIATIVE.**—An eligible entity to which a grant is made under paragraph (1) may use up to 25 percent of the grant for outcomes or success payments related to a pay for outcomes initiative that will not result in a reduction of funding for services delivered by the entity under a childhood home visitation program

under this section while the eligible entity develops or operates such an initiative.”

(b) **DEFINITION OF PAY FOR OUTCOMES INITIATIVE.**—Section 511(k) of such Act (42 U.S.C. 711(k)) is amended by adding at the end the following:

“(4) **PAY FOR OUTCOMES INITIATIVE.**—The term ‘pay for outcomes initiative’ means a performance-based grant, contract, cooperative agreement, or other agreement awarded by a public entity in which a commitment is made to pay for improved outcomes achieved as a result of the intervention that result in social benefit and direct cost savings or cost avoidance to the public sector. Such an initiative shall include—

“(A) a feasibility study that describes how the proposed intervention is based on evidence of effectiveness;

“(B) a rigorous, third-party evaluation that uses experimental or quasi-experimental design or other research methodologies that allow for the strongest possible causal inferences to determine whether the initiative has met its proposed outcomes as a result of the intervention;

“(C) an annual, publicly available report on the progress of the initiative; and

“(D) a requirement that payments are made to the recipient of a grant, contract, or cooperative agreement only when agreed upon outcomes are achieved, except that this requirement shall not apply with respect to payments to a third party conducting the evaluation described in subparagraph (B).”

(c) **EXTENDED AVAILABILITY OF FUNDS.**—Section 511(j)(3) of such Act (42 U.S.C. 711(j)(3)) is amended—

(1) by striking “(3) **AVAILABILITY.**—Funds” and inserting the following:

“(3) **AVAILABILITY.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), funds”; and

(2) by adding at the end the following:

“(B) **FUNDS FOR PAY FOR OUTCOMES INITIATIVES.**—Funds made available to an eligible entity under this section for a fiscal year (or portion of a fiscal year) for a pay for outcomes initiative shall remain available for expenditure by the eligible entity for not more than 10 years after the funds are so made available.”

SEC. 50606. DATA EXCHANGE STANDARDS FOR IMPROVED INTEROPERABILITY.

(a) **IN GENERAL.**—Section 511(h) of the Social Security Act (42 U.S.C. 711(h)) is amended by adding at the end the following:

“(5) **DATA EXCHANGE STANDARDS FOR IMPROVED INTEROPERABILITY.**—

“(A) **DESIGNATION AND USE OF DATA EXCHANGE STANDARDS.**—

“(i) **DESIGNATION.**—The head of the department or agency responsible for administering a program funded under this section shall, in consultation with an interagency work group established by the Office of Management and Budget and considering State government perspectives, designate data exchange standards for necessary categories of information that a State agency operating the program is required to electronically exchange with another State agency under applicable Federal law.

“(ii) **DATA EXCHANGE STANDARDS MUST BE NONPROPRIETARY AND INTEROPERABLE.**—The data exchange standards designated under clause (i) shall, to the extent practicable, be nonproprietary and interoperable.

“(iii) **OTHER REQUIREMENTS.**—In designating data exchange standards under this paragraph, the Secretary shall, to the extent practicable, incorporate—

“(I) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget;

“(II) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

“(III) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance.

“(B) **DATA EXCHANGE STANDARDS FOR FEDERAL REPORTING.**—

“(i) **DESIGNATION.**—The head of the department or agency responsible for administering a program referred to in this section shall, in consultation with an interagency work group established by the Office of Management and Budget, and considering State government perspectives, designate data exchange standards to govern Federal reporting and exchange requirements under applicable Federal law.

“(ii) **REQUIREMENTS.**—The data exchange reporting standards required by clause (i) shall, to the extent practicable—

“(I) incorporate a widely accepted, nonproprietary, searchable, computer-readable format;

“(II) be consistent with and implement applicable accounting principles;

“(III) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and

“(IV) be capable of being continually upgraded as necessary.

“(iii) **INCORPORATION OF NONPROPRIETARY STANDARDS.**—In designating data exchange standards under this paragraph, the Secretary shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Markup up Language.

“(iv) **RULE OF CONSTRUCTION.**—Nothing in this paragraph shall be construed to require a change to existing data exchange standards for Federal reporting about a program referred to in this section, if the head of the department or agency responsible for administering the program finds the standards to be effective and efficient.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date that is 2 years after the date of enactment of this Act.

SEC. 50607. ALLOCATION OF FUNDS.

Section 511(j) of the Social Security Act (42 U.S.C. 711(j)) is amended by adding at the end the following:

“(4) **ALLOCATION OF FUNDS.**—To the extent that the grant amount awarded under this section to an eligible entity is determined on the basis of relative population or poverty considerations, the Secretary shall make the determination using the most accurate Federal data available for the eligible entity.”

Subtitle B—Extension of Health Professions Workforce Demonstration Projects

SEC. 50611. EXTENSION OF HEALTH WORKFORCE DEMONSTRATION PROJECTS FOR LOW-INCOME INDIVIDUALS.

Section 2008(c)(1) of the Social Security Act (42 U.S.C. 1397g(c)(1)) is amended by striking “2017” and inserting “2019”.

TITLE VII—FAMILY FIRST PREVENTION SERVICES ACT

Subtitle A—Investing in Prevention and Supporting Families

SEC. 50701. SHORT TITLE.

This subtitle may be cited as the “Bipartisan Budget Act of 2018”.

SEC. 50702. PURPOSE.

The purpose of this subtitle is to enable States to use Federal funds available under parts B and E of title IV of the Social Security Act to provide enhanced support to children and families and prevent foster care placements through the provision of mental health and substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship navigator services.

PART I—PREVENTION ACTIVITIES UNDER TITLE IV—E

SEC. 50711. FOSTER CARE PREVENTION SERVICES AND PROGRAMS.

(a) **STATE OPTION.**—Section 471 of the Social Security Act (42 U.S.C. 671) is amended—

(1) in subsection (a)(1), by striking “and” and all that follows through the semicolon and in-

serting “, adoption assistance in accordance with section 473, and, at the option of the State, services or programs specified in subsection (e)(1) of this section for children who are candidates for foster care or who are pregnant or parenting foster youth and the parents or kin caregivers of the children, in accordance with the requirements of that subsection;”; and

(2) by adding at the end the following:

“(e) **PREVENTION AND FAMILY SERVICES AND PROGRAMS.**—

“(1) **IN GENERAL.**—Subject to the succeeding provisions of this subsection, the Secretary may make a payment to a State for providing the following services or programs for a child described in paragraph (2) and the parents or kin caregivers of the child when the need of the child, such a parent, or such a caregiver for the services or programs are directly related to the safety, permanence, or well-being of the child or to preventing the child from entering foster care:

“(A) **MENTAL HEALTH AND SUBSTANCE ABUSE PREVENTION AND TREATMENT SERVICES.**—Mental health and substance abuse prevention and treatment services provided by a qualified clinician for not more than a 12-month period that begins on any date described in paragraph (3) with respect to the child.

“(B) **IN-HOME PARENT SKILL-BASED PROGRAMS.**—In-home parent skill-based programs for not more than a 12-month period that begins on any date described in paragraph (3) with respect to the child and that include parenting skills training, parent education, and individual and family counseling.

“(2) **CHILD DESCRIBED.**—For purposes of paragraph (1), a child described in this paragraph is the following:

“(A) A child who is a candidate for foster care (as defined in section 475(13)) but can remain safely at home or in a kinship placement with receipt of services or programs specified in paragraph (1).

“(B) A child in foster care who is a pregnant or parenting foster youth.

“(3) **DATE DESCRIBED.**—For purposes of paragraph (1), the dates described in this paragraph are the following:

“(A) The date on which a child is identified in a prevention plan maintained under paragraph (4) as a child who is a candidate for foster care (as defined in section 475(13)).

“(B) The date on which a child is identified in a prevention plan maintained under paragraph (4) as a pregnant or parenting foster youth in need of services or programs specified in paragraph (1).

“(4) **REQUIREMENTS RELATED TO PROVIDING SERVICES AND PROGRAMS.**—Services and programs specified in paragraph (1) may be provided under this subsection only if specified in advance in the child’s prevention plan described in subparagraph (A) and the requirements in subparagraphs (B) through (E) are met:

“(A) **PREVENTION PLAN.**—The State maintains a written prevention plan for the child that meets the following requirements (as applicable):

“(i) **CANDIDATES.**—In the case of a child who is a candidate for foster care described in paragraph (2)(A), the prevention plan shall—

“(I) identify the foster care prevention strategy for the child so that the child may remain safely at home, live temporarily with a kin caregiver until reunification can be safely achieved, or live permanently with a kin caregiver;

“(II) list the services or programs to be provided to or on behalf of the child to ensure the success of that prevention strategy; and

“(III) comply with such other requirements as the Secretary shall establish.

“(ii) **PREGNANT OR PARENTING FOSTER YOUTH.**—In the case of a child who is a pregnant or parenting foster youth described in paragraph (2)(B), the prevention plan shall—

“(I) be included in the child’s case plan required under section 475(1);

“(II) list the services or programs to be provided to or on behalf of the youth to ensure that

the youth is prepared (in the case of a pregnant foster youth) or able (in the case of a parenting foster youth) to be a parent;

“(III) describe the foster care prevention strategy for any child born to the youth; and

“(IV) comply with such other requirements as the Secretary shall establish.

“(B) TRAUMA-INFORMED.—The services or programs to be provided to or on behalf of a child are provided under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address trauma's consequences and facilitate healing.

“(C) ONLY SERVICES AND PROGRAMS PROVIDED IN ACCORDANCE WITH PROMISING, SUPPORTED, OR WELL-SUPPORTED PRACTICES PERMITTED.—

“(i) IN GENERAL.—Only State expenditures for services or programs specified in subparagraph (A) or (B) of paragraph (1) that are provided in accordance with practices that meet the requirements specified in clause (ii) of this subparagraph and that meet the requirements specified in clause (iii), (iv), or (v), respectively, for being a promising, supported, or well-supported practice, shall be eligible for a Federal matching payment under section 474(a)(6)(A).

“(ii) GENERAL PRACTICE REQUIREMENTS.—The general practice requirements specified in this clause are the following:

“(I) The practice has a book, manual, or other available writings that specify the components of the practice protocol and describe how to administer the practice.

“(II) There is no empirical basis suggesting that, compared to its likely benefits, the practice constitutes a risk of harm to those receiving it.

“(III) If multiple outcome studies have been conducted, the overall weight of evidence supports the benefits of the practice.

“(IV) Outcome measures are reliable and valid, and are administered consistently and accurately across all those receiving the practice.

“(V) There is no case data suggesting a risk of harm that was probably caused by the treatment and that was severe or frequent.

“(iii) PROMISING PRACTICE.—A practice shall be considered to be a ‘promising practice’ if the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least one study that—

“(I) was rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed; and

“(II) utilized some form of control (such as an untreated group, a placebo group, or a wait list study).

“(iv) SUPPORTED PRACTICE.—A practice shall be considered to be a ‘supported practice’ if—

“(I) the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least one study that—

“(aa) was rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed;

“(bb) was a rigorous random-controlled trial (or, if not available, a study using a rigorous quasi-experimental research design); and

“(cc) was carried out in a usual care or practice setting; and

“(II) the study described in subclause (I) established that the practice has a sustained ef-

fect (when compared to a control group) for at least 6 months beyond the end of the treatment.

“(v) WELL-SUPPORTED PRACTICE.—A practice shall be considered to be a ‘well-supported practice’ if—

“(I) the practice is superior to an appropriate comparison practice using conventional standards of statistical significance (in terms of demonstrated meaningful improvements in validated measures of important child and parent outcomes, such as mental health, substance abuse, and child safety and well-being), as established by the results or outcomes of at least two studies that—

“(aa) were rated by an independent systematic review for the quality of the study design and execution and determined to be well-designed and well-executed;

“(bb) were rigorous random-controlled trials (or, if not available, studies using a rigorous quasi-experimental research design); and

“(cc) were carried out in a usual care or practice setting; and

“(II) at least one of the studies described in subclause (I) established that the practice has a sustained effect (when compared to a control group) for at least 1 year beyond the end of treatment.

“(D) GUIDANCE ON PRACTICES CRITERIA AND PRE-APPROVED SERVICES AND PROGRAMS.—

“(i) IN GENERAL.—Not later than October 1, 2018, the Secretary shall issue guidance to States regarding the practices criteria required for services or programs to satisfy the requirements of subparagraph (C). The guidance shall include a pre-approved list of services and programs that satisfy the requirements.

“(ii) UPDATES.—The Secretary shall issue updates to the guidance required by clause (i) as often as the Secretary determines necessary.

“(E) OUTCOME ASSESSMENT AND REPORTING.—The State shall collect and report to the Secretary the following information with respect to each child for whom, or on whose behalf mental health and substance abuse prevention and treatment services or in-home parent skill-based programs are provided during a 12-month period beginning on the date the child is determined by the State to be a child described in paragraph (2):

“(i) The specific services or programs provided and the total expenditures for each of the services or programs.

“(ii) The duration of the services or programs provided.

“(iii) In the case of a child described in paragraph (2)(A), the child's placement status at the beginning, and at the end, of the 1-year period, respectively, and whether the child entered foster care within 2 years after being determined a candidate for foster care.

“(5) STATE PLAN COMPONENT.—

“(A) IN GENERAL.—A State electing to provide services or programs specified in paragraph (1) shall submit as part of the State plan required by subsection (a) a prevention services and programs plan component that meets the requirements of subparagraph (B).

“(B) PREVENTION SERVICES AND PROGRAMS PLAN COMPONENT.—In order to meet the requirements of this subparagraph, a prevention services and programs plan component, with respect to each 5-year period for which the plan component is in operation in the State, shall include the following:

“(i) How providing services and programs specified in paragraph (1) is expected to improve specific outcomes for children and families.

“(ii) How the State will monitor and oversee the safety of children who receive services and programs specified in paragraph (1), including through periodic risk assessments throughout the period in which the services and programs are provided on behalf of a child and reexamination of the prevention plan maintained for the child under paragraph (4) for the provision of the services or programs if the State determines the risk of the child entering foster care

remains high despite the provision of the services or programs.

“(iii) With respect to the services and programs specified in subparagraphs (A) and (B) of paragraph (1), information on the specific promising, supported, or well-supported practices the State plans to use to provide the services or programs, including a description of—

“(I) the services or programs and whether the practices used are promising, supported, or well-supported;

“(II) how the State plans to implement the services or programs, including how implementation of the services or programs will be continuously monitored to ensure fidelity to the practice model and to determine outcomes achieved and how information learned from the monitoring will be used to refine and improve practices;

“(III) how the State selected the services or programs;

“(IV) the target population for the services or programs; and

“(V) how each service or program provided will be evaluated through a well-designed and rigorous process, which may consist of an ongoing, cross-site evaluation approved by the Secretary.

“(iv) A description of the consultation that the State agencies responsible for administering the State plans under this part and part B engage in with other State agencies responsible for administering health programs, including mental health and substance abuse prevention and treatment services, and with other public and private agencies with experience in administering child and family services, including community-based organizations, in order to foster a continuum of care for children described in paragraph (2) and their parents or kin caregivers.

“(v) A description of how the State shall assess children and their parents or kin caregivers to determine eligibility for services or programs specified in paragraph (1).

“(vi) A description of how the services or programs specified in paragraph (1) that are provided for or on behalf of a child and the parents or kin caregivers of the child will be coordinated with other child and family services provided to the child and the parents or kin caregivers of the child under the State plans in effect under subparts 1 and 2 of part B.

“(vii) Descriptions of steps the State is taking to support and enhance a competent, skilled, and professional child welfare workforce to deliver trauma-informed and evidence-based services, including—

“(I) ensuring that staff is qualified to provide services or programs that are consistent with the promising, supported, or well-supported practice models selected; and

“(II) developing appropriate prevention plans, and conducting the risk assessments required under clause (iii).

“(viii) A description of how the State will provide training and support for caseworkers in assessing what children and their families need, connecting to the families served, knowing how to access and deliver the needed trauma-informed and evidence-based services, and overseeing and evaluating the continuing appropriateness of the services.

“(ix) A description of how caseload size and type for prevention caseworkers will be determined, managed, and overseen.

“(x) An assurance that the State will report to the Secretary such information and data as the Secretary may require with respect to the provision of services and programs specified in paragraph (1), including information and data necessary to determine the performance measures for the State under paragraph (6) and compliance with paragraph (7).

“(C) REIMBURSEMENT FOR SERVICES UNDER THE PREVENTION PLAN COMPONENT.—

“(i) LIMITATION.—Except as provided in subclause (ii), a State may not receive a Federal

payment under this part for a given promising, supported, or well-supported practice unless (in accordance with subparagraph (B)(iii)(V)) the plan includes a well-designed and rigorous evaluation strategy for that practice.

“(ii) **WAIVER OF LIMITATION.**—The Secretary may waive the requirement for a well-designed and rigorous evaluation of any well-supported practice if the Secretary deems the evidence of the effectiveness of the practice to be compelling and the State meets the continuous quality improvement requirements included in subparagraph (B)(iii)(II) with regard to the practice.

“(6) **PREVENTION SERVICES MEASURES.**—

“(A) **ESTABLISHMENT; ANNUAL UPDATES.**—Beginning with fiscal year 2021, and annually thereafter, the Secretary shall establish the following prevention services measures based on information and data reported by States that elect to provide services and programs specified in paragraph (1):

“(i) **PERCENTAGE OF CANDIDATES FOR FOSTER CARE WHO DO NOT ENTER FOSTER CARE.**—The percentage of candidates for foster care for whom, or on whose behalf, the services or programs are provided who do not enter foster care, including those placed with a kin caregiver outside of foster care, during the 12-month period in which the services or programs are provided and through the end of the succeeding 12-month period.

“(ii) **PER-CHILD SPENDING.**—The total amount of expenditures made for mental health and substance abuse prevention and treatment services or in-home parent skill-based programs, respectively, for, or on behalf of, each child described in paragraph (2).

“(B) **DATA.**—The Secretary shall establish and annually update the prevention services measures—

“(i) based on the median State values of the information reported under each clause of subparagraph (A) for the 3 then most recent years; and

“(ii) taking into account State differences in the price levels of consumption goods and services using the most recent regional price parities published by the Bureau of Economic Analysis of the Department of Commerce or such other data as the Secretary determines appropriate.

“(C) **PUBLICATION OF STATE PREVENTION SERVICES MEASURES.**—The Secretary shall annually make available to the public the prevention services measures of each State.

“(7) **MAINTENANCE OF EFFORT FOR STATE FOSTER CARE PREVENTION EXPENDITURES.**—

“(A) **IN GENERAL.**—If a State elects to provide services and programs specified in paragraph (1) for a fiscal year, the State foster care prevention expenditures for the fiscal year shall not be less than the amount of the expenditures for fiscal year 2014 (or, at the option of a State described in subparagraph (E), fiscal year 2015 or fiscal year 2016 (whichever the State elects)).

“(B) **STATE FOSTER CARE PREVENTION EXPENDITURES.**—The term ‘State foster care prevention expenditures’ means the following:

“(i) **TANF; IV-B; SSBG.**—State expenditures for foster care prevention services and activities under the State program funded under part A (including from amounts made available by the Federal Government), under the State plan developed under part B (including any such amounts), or under the Social Services Block Grant Programs under subtitle A of title XX (including any such amounts).

“(ii) **OTHER STATE PROGRAMS.**—State expenditures for foster care prevention services and activities under any State program that is not described in clause (i) (other than any State expenditures for foster care prevention services and activities under the State program under this part (including under a waiver of the program)).

“(C) **STATE EXPENDITURES.**—The term ‘State expenditures’ means all State or local funds that are expended by the State or a local agency including State or local funds that are matched or

reimbursed by the Federal Government and State or local funds that are not matched or reimbursed by the Federal Government.

“(D) **DETERMINATION OF PREVENTION SERVICES AND ACTIVITIES.**—The Secretary shall require each State that elects to provide services and programs specified in paragraph (1) to report the expenditures specified in subparagraph (B) for fiscal year 2014 and for such fiscal years thereafter as are necessary to determine whether the State is complying with the maintenance of effort requirement in subparagraph (A). The Secretary shall specify the specific services and activities under each program referred to in subparagraph (B) that are ‘prevention services and activities’ for purposes of the reports.

“(E) **STATE DESCRIBED.**—For purposes of subparagraph (A), a State is described in this subparagraph if the population of children in the State in 2014 was less than 200,000 (as determined by the United States Census Bureau).

“(8) **PROHIBITION AGAINST USE OF STATE FOSTER CARE PREVENTION EXPENDITURES AND FEDERAL IV-E PREVENTION FUNDS FOR MATCHING OR EXPENDITURE REQUIREMENT.**—A State that elects to provide services and programs specified in paragraph (1) shall not use any State foster care prevention expenditures for a fiscal year for the State share of expenditures under section 474(a)(6) for a fiscal year.

“(9) **ADMINISTRATIVE COSTS.**—Expenditures described in section 474(a)(6)(B)—

“(A) shall not be eligible for payment under subparagraph (A), (B), or (E) of section 474(a)(3); and

“(B) shall be eligible for payment under section 474(a)(6)(B) without regard to whether the expenditures are incurred on behalf of a child who is, or is potentially, eligible for foster care maintenance payments under this part.

“(10) **APPLICATION.**—

“(A) **IN GENERAL.**—The provision of services or programs under this subsection to or on behalf of a child described in paragraph (2) shall not be considered to be receipt of aid or assistance under the State plan under this part for purposes of eligibility for any other program established under this Act.

“(B) **CANDIDATES IN KINSHIP CARE.**—A child described in paragraph (2) for whom such services or programs under this subsection are provided for more than 6 months while in the home of a kin caregiver, and who would satisfy the AFDC eligibility requirement of section 472(a)(3)(A)(ii)(II) but for residing in the home of the caregiver for more than 6 months, is deemed to satisfy that requirement for purposes of determining whether the child is eligible for foster care maintenance payments under section 472.”

(b) **DEFINITION.**—Section 475 of such Act (42 U.S.C. 675) is amended by adding at the end the following:

“(13) The term ‘child who is a candidate for foster care’ means, a child who is identified in a prevention plan under section 471(e)(4)(A) as being at imminent risk of entering foster care (without regard to whether the child would be eligible for foster care maintenance payments under section 472 or is or would be eligible for adoption assistance or kinship guardianship assistance payments under section 473) but who can remain safely in the child’s home or in a kinship placement as long as services or programs specified in section 471(e)(1) that are necessary to prevent the entry of the child into foster care are provided. The term includes a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement.”

(c) **PAYMENTS UNDER TITLE IV-E.**—Section 474(a) of such Act (42 U.S.C. 674(a)) is amended—

(1) in paragraph (5), by striking the period at the end and inserting “; plus”; and

(2) by adding at the end the following:

“(6) subject to section 471(e)—

“(A) for each quarter—

“(i) subject to clause (ii)—

“(I) beginning after September 30, 2019, and before October 1, 2026, an amount equal to 50 percent of the total amount expended during the quarter for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices in section 471(e)(4)(C); and

“(II) beginning after September 30, 2026, an amount equal to the Federal medical assistance percentage (which shall be as defined in section 1905(b), in the case of a State other than the District of Columbia, or 70 percent, in the case of the District of Columbia) of the total amount expended during the quarter for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices in section 471(e)(4)(C) (or, with respect to the payments made during the quarter under a cooperative agreement or contract entered into by the State and an Indian tribe, tribal organization, or tribal consortium for the administration or payment of funds under this part, an amount equal to the Federal medical assistance percentage that would apply under section 479B(d) (in this paragraph referred to as the ‘tribal FMAP’) if the Indian tribe, tribal organization, or tribal consortium made the payments under a program operated under that section, unless the tribal FMAP is less than the Federal medical assistance percentage that applies to the State); except that

“(ii) not less than 50 percent of the total amount expended by a State under clause (i) for a fiscal year shall be for the provision of services or programs specified in subparagraph (A) or (B) of section 471(e)(1) that are provided in accordance with well-supported practices; plus

“(B) for each quarter specified in subparagraph (A), an amount equal to the sum of the following proportions of the total amount expended during the quarter—

“(i) 50 percent of so much of the expenditures as are found necessary by the Secretary for the proper and efficient administration of the State plan for the provision of services or programs specified in section 471(e)(1), including expenditures for activities approved by the Secretary that promote the development of necessary processes and procedures to establish and implement the provision of the services and programs for individuals who are eligible for the services and programs and expenditures attributable to data collection and reporting; and

“(ii) 50 percent of so much of the expenditures with respect to the provision of services and programs specified in section 471(e)(1) as are for training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision and of the members of the staff of State-licensed or State-approved child welfare agencies providing services to children described in section 471(e)(2) and their parents or kin caregivers, including on how to determine who are individuals eligible for the services or programs, how to identify and provide appropriate services and programs, and how to oversee and evaluate the ongoing appropriateness of the services and programs.”

(d) **TECHNICAL ASSISTANCE AND BEST PRACTICES, CLEARINGHOUSE, AND DATA COLLECTION AND EVALUATIONS.**—Section 476 of such Act (42 U.S.C. 676) is amended by adding at the end the following:

“(d) **TECHNICAL ASSISTANCE AND BEST PRACTICES, CLEARINGHOUSE, DATA COLLECTION, AND EVALUATIONS RELATING TO PREVENTION SERVICES AND PROGRAMS.**—

“(1) **TECHNICAL ASSISTANCE AND BEST PRACTICES.**—The Secretary shall provide to States and, as applicable, to Indian tribes, tribal organizations, and tribal consortia, technical assistance regarding the provision of services and

programs described in section 471(e)(1) and shall disseminate best practices with respect to the provision of the services and programs, including how to plan and implement a well-designed and rigorous evaluation of a promising, supported, or well-supported practice.

“(2) **CLEARINGHOUSE OF PROMISING, SUPPORTED, AND WELL-SUPPORTED PRACTICES.**—The Secretary shall, directly or through grants, contracts, or interagency agreements, evaluate research on the practices specified in clauses (iii), (iv), and (v), respectively, of section 471(e)(4)(C), and programs that meet the requirements described in section 427(a)(1), including culturally specific, or location- or population-based adaptations of the practices, to identify and establish a public clearinghouse of the practices that satisfy each category described by such clauses. In addition, the clearinghouse shall include information on the specific outcomes associated with each practice, including whether the practice has been shown to prevent child abuse and neglect and reduce the likelihood of foster care placement by supporting birth families and kinship families and improving targeted supports for pregnant and parenting youth and their children.

“(3) **DATA COLLECTION AND EVALUATIONS.**—The Secretary, directly or through grants, contracts, or interagency agreements, may collect data and conduct evaluations with respect to the provision of services and programs described in section 471(e)(1) for purposes of assessing the extent to which the provision of the services and programs—

“(A) reduces the likelihood of foster care placement;

“(B) increases use of kinship care arrangements; or

“(C) improves child well-being.

“(4) **REPORTS TO CONGRESS.**—

“(A) **IN GENERAL.**—The Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives periodic reports based on the provision of services and programs described in section 471(e)(1) and the activities carried out under this subsection.

“(B) **PUBLIC AVAILABILITY.**—The Secretary shall make the reports to Congress submitted under this paragraph publicly available.

“(5) **APPROPRIATION.**—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary \$1,000,000 for fiscal year 2018 and each fiscal year thereafter to carry out this subsection.”.

(e) **APPLICATION TO PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.**—

(1) **IN GENERAL.**—Section 479B of such Act (42 U.S.C. 679c) is amended—

(A) in subsection (c)(1)—

(i) in subparagraph (C)(i)—

(I) in subclause (II), by striking “and” after the semicolon;

(II) in subclause (III), by striking the period at the end and inserting “; and”; and

(III) by adding at the end the following:

“(IV) at the option of the tribe, organization, or consortium, services and programs specified in section 471(e)(1) to children described in section 471(e)(2) and their parents or kin caregivers, in accordance with section 471(e) and subparagraph (E).”; and

(ii) by adding at the end the following:

“(E) **PREVENTION SERVICES AND PROGRAMS FOR CHILDREN AND THEIR PARENTS AND KIN CAREGIVERS.**—

“(i) **IN GENERAL.**—In the case of a tribe, organization, or consortium that elects to provide services and programs specified in section 471(e)(1) to children described in section 471(e)(2) and their parents or kin caregivers under the plan, the Secretary shall specify the requirements applicable to the provision of the services and programs. The requirements shall, to the greatest extent practicable, be consistent with the requirements applicable to States under

section 471(e) and shall permit the provision of the services and programs in the form of services and programs that are adapted to the culture and context of the tribal communities served.

“(ii) **PERFORMANCE MEASURES.**—The Secretary shall establish specific performance measures for each tribe, organization, or consortium that elects to provide services and programs specified in section 471(e)(1). The performance measures shall, to the greatest extent practicable, be consistent with the prevention services measures required for States under section 471(e)(6) but shall allow for consideration of factors unique to the provision of the services by tribes, organizations, or consortia.”; and

(B) in subsection (d)(1), by striking “and (5)” and inserting “(5), and (6)(A)”.

(2) **CONFORMING AMENDMENT.**—The heading for subsection (d) of section 479B of such Act (42 U.S.C. 679c) is amended by striking “FOR FOSTER CARE MAINTENANCE AND ADOPTION ASSISTANCE PAYMENTS”.

(f) **APPLICATION TO PROGRAMS OPERATED BY TERRITORIES.**—Section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by striking “or 413(f)” and inserting “413(f), or 474(a)(6)”.

SEC. 50712. FOSTER CARE MAINTENANCE PAYMENTS FOR CHILDREN WITH PARENTS IN A LICENSED RESIDENTIAL FAMILY-BASED TREATMENT FACILITY FOR SUBSTANCE ABUSE.

(a) **IN GENERAL.**—Section 472 of the Social Security Act (42 U.S.C. 672) is amended—

(1) in subsection (a)(2)(C), by striking “or” and inserting “, with a parent residing in a licensed residential family-based treatment facility, but only to the extent permitted under subsection (j), or in a”; and

(2) by adding at the end the following:

“(j) **CHILDREN PLACED WITH A PARENT RESIDING IN A LICENSED RESIDENTIAL FAMILY-BASED TREATMENT FACILITY FOR SUBSTANCE ABUSE.**—

“(1) **IN GENERAL.**—Notwithstanding the preceding provisions of this section, a child who is eligible for foster care maintenance payments under this section, or who would be eligible for the payments if the eligibility were determined without regard to paragraphs (1)(B) and (3) of subsection (a), shall be eligible for the payments for a period of not more than 12 months during which the child is placed with a parent who is in a licensed residential family-based treatment facility for substance abuse, but only if—

“(A) the recommendation for the placement is specified in the child’s case plan before the placement;

“(B) the treatment facility provides, as part of the treatment for substance abuse, parenting skills training, parent education, and individual and family counseling; and

“(C) the substance abuse treatment, parenting skills training, parent education, and individual and family counseling is provided under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing.

“(2) **APPLICATION.**—With respect to children for whom foster care maintenance payments are made under paragraph (1), only the children who satisfy the requirements of paragraphs (1)(B) and (3) of subsection (a) shall be considered to be children with respect to whom foster care maintenance payments are made under this section for purposes of subsection (h) or section 473(b)(3)(B).”.

(b) **CONFORMING AMENDMENT.**—Section 474(a)(1) of such Act (42 U.S.C. 674(a)(1)) is amended by inserting “subject to section 472(j),” before “an amount equal to the Federal” the first place it appears.

SEC. 50713. TITLE IV-E PAYMENTS FOR EVIDENCE-BASED KINSHIP NAVIGATOR PROGRAMS.

Section 474(a) of the Social Security Act (42 U.S.C. 674(a)), as amended by section 50711(c), is amended—

(1) in paragraph (6), by striking the period at the end and inserting “; plus”; and

(2) by adding at the end the following:

“(7) an amount equal to 50 percent of the amounts expended by the State during the quarter as the Secretary determines are for kinship navigator programs that meet the requirements described in section 427(a)(1) and that the Secretary determines are operated in accordance with promising, supported, or well-supported practices that meet the applicable criteria specified for the practices in section 471(e)(4)(C), without regard to whether the expenditures are incurred on behalf of children who are, or are potentially, eligible for foster care maintenance payments under this part.”.

PART II—ENHANCED SUPPORT UNDER TITLE IV-B

SEC. 50721. ELIMINATION OF TIME LIMIT FOR FAMILY REUNIFICATION SERVICES WHILE IN FOSTER CARE AND PERMITTING TIME-LIMITED FAMILY REUNIFICATION SERVICES WHEN A CHILD RETURNS HOME FROM FOSTER CARE.

(a) **IN GENERAL.**—Section 431(a)(7) of the Social Security Act (42 U.S.C. 629a(a)(7)) is amended—

(1) in the paragraph heading, by striking “TIME-LIMITED FAMILY” and inserting “FAMILY”; and

(2) in subparagraph (A)—

(A) by striking “time-limited family” and inserting “family”;

(B) by inserting “or a child who has been returned home” after “child care institution”; and

(C) by striking “, but only during the 15-month period that begins on the date that the child, pursuant to section 475(5)(F), is considered to have entered foster care” and inserting “and to ensure the strength and stability of the reunification. In the case of a child who has been returned home, the services and activities shall only be provided during the 15-month period that begins on the date that the child returns home”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 430 of such Act (42 U.S.C. 629) is amended in the matter preceding paragraph (1), by striking “time-limited”.

(2) Subsections (a)(4), (a)(5)(A), and (b)(1) of section 432 of such Act (42 U.S.C. 629b) are amended by striking “time-limited” each place it appears.

SEC. 50722. REDUCING BUREAUCRACY AND UNNECESSARY DELAYS WHEN PLACING CHILDREN IN HOMES ACROSS STATE LINES.

(a) **STATE PLAN REQUIREMENT.**—Section 471(a)(25) of the Social Security Act (42 U.S.C. 671(a)(25)) is amended—

(1) by striking “provide” and inserting “provides”; and

(2) by inserting “, which, in the case of a State other than the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, or American Samoa, not later than October 1, 2027, shall include the use of an electronic interstate case-processing system” before the first semicolon.

(b) **EXEMPTION OF INDIAN TRIBES.**—Section 479B(c) of such Act (42 U.S.C. 679c(c)) is amended by adding at the end the following:

“(4) **INAPPLICABILITY OF STATE PLAN REQUIREMENT TO HAVE IN EFFECT PROCEDURES PROVIDING FOR THE USE OF AN ELECTRONIC INTERSTATE CASE-PROCESSING SYSTEM.**—The requirement in section 471(a)(25) that a State plan provide that the State shall have in effect procedures providing for the use of an electronic interstate

case-processing system shall not apply to an Indian tribe, tribal organization, or tribal consortium that elects to operate a program under this part.”.

(c) **FUNDING FOR THE DEVELOPMENT OF AN ELECTRONIC INTERSTATE CASE-PROCESSING SYSTEM TO EXPEDITE THE INTERSTATE PLACEMENT OF CHILDREN IN FOSTER CARE OR GUARDIANSHIP, OR FOR ADOPTION.**—Section 437 of such Act (42 U.S.C. 629g) is amended by adding at the end the following:

“(g) **FUNDING FOR THE DEVELOPMENT OF AN ELECTRONIC INTERSTATE CASE-PROCESSING SYSTEM TO EXPEDITE THE INTERSTATE PLACEMENT OF CHILDREN IN FOSTER CARE OR GUARDIANSHIP, OR FOR ADOPTION.**—

“(1) **PURPOSE.**—The purpose of this subsection is to facilitate the development of an electronic interstate case-processing system for the exchange of data and documents to expedite the placements of children in foster, guardianship, or adoptive homes across State lines.

“(2) **REQUIREMENTS.**—A State that seeks funding under this subsection shall submit to the Secretary the following:

“(A) A description of the goals and outcomes to be achieved, which goals and outcomes must result in—

“(i) reducing the time it takes for a child to be provided with a safe and appropriate permanent living arrangement across State lines;

“(ii) improving administrative processes and reducing costs in the foster care system; and

“(iii) the secure exchange of relevant case files and other necessary materials in real time, and timely communications and placement decisions regarding interstate placements of children.

“(B) A description of the activities to be funded in whole or in part with the funds, including the sequencing of the activities.

“(C) A description of the strategies for integrating programs and services for children who are placed across State lines.

“(D) Such other information as the Secretary may require.

“(3) **FUNDING AUTHORITY.**—The Secretary may provide funds to a State that complies with paragraph (2). In providing funds under this subsection, the Secretary shall prioritize States that are not yet connected with the electronic interstate case-processing system referred to in paragraph (1).

“(4) **USE OF FUNDS.**—A State to which funding is provided under this subsection shall use the funding to support the State in connecting with, or enhancing or expediting services provided under, the electronic interstate case-processing system referred to in paragraph (1).

“(5) **EVALUATIONS.**—Not later than 1 year after the final year in which funds are awarded under this subsection, the Secretary shall submit to the Congress, and make available to the general public by posting on a website, a report that contains the following information:

“(A) How using the electronic interstate case-processing system developed pursuant to paragraph (4) has changed the time it takes for children to be placed across State lines.

“(B) The number of cases subject to the Interstate Compact on the Placement of Children that were processed through the electronic interstate case-processing system, and the number of interstate child placement cases that were processed outside the electronic interstate case-processing system, by each State in each year.

“(C) The progress made by States in implementing the electronic interstate case-processing system.

“(D) How using the electronic interstate case-processing system has affected various metrics related to child safety and well-being, including the time it takes for children to be placed across State lines.

“(E) How using the electronic interstate case-processing system has affected administrative costs and caseworker time spent on placing children across State lines.

“(6) **DATA INTEGRATION.**—The Secretary, in consultation with the Secretariat for the Interstate Compact on the Placement of Children and the States, shall assess how the electronic interstate case-processing system developed pursuant to paragraph (4) could be used to better serve and protect children that come to the attention of the child welfare system, by—

“(A) connecting the system with other data systems (such as systems operated by State law enforcement and judicial agencies, systems operated by the Federal Bureau of Investigation for the purposes of the Innocence Lost National Initiative, and other systems);

“(B) simplifying and improving reporting related to paragraphs (34) and (35) of section 471(a) regarding children or youth who have been identified as being a sex trafficking victim or children missing from foster care; and

“(C) improving the ability of States to quickly comply with background check requirements of section 471(a)(20), including checks of child abuse and neglect registries as required by section 471(a)(20)(B).”.

(d) **RESERVATION OF FUNDS TO IMPROVE THE INTERSTATE PLACEMENT OF CHILDREN.**—Section 437(b) of such Act (42 U.S.C. 629g(b)) is amended by adding at the end the following:

“(4) **IMPROVING THE INTERSTATE PLACEMENT OF CHILDREN.**—The Secretary shall reserve \$5,000,000 of the amount made available for fiscal year 2018 for grants under subsection (g), and the amount so reserved shall remain available through fiscal year 2022.”.

SEC. 50723. ENHANCEMENTS TO GRANTS TO IMPROVE WELL-BEING OF FAMILIES AFFECTED BY SUBSTANCE ABUSE.

Section 437(f) of the Social Security Act (42 U.S.C. 629g(f)) is amended—

(1) in the subsection heading, by striking “INCREASE THE WELL-BEING OF, AND TO IMPROVE THE PERMANENCY OUTCOMES FOR, CHILDREN AFFECTED BY” and inserting “IMPLEMENT IV–E PREVENTION SERVICES, AND IMPROVE THE WELL-BEING OF, AND IMPROVE PERMANENCY OUTCOMES FOR, CHILDREN AND FAMILIES AFFECTED BY HEROIN, OPIOIDS, AND OTHER”;

(2) by striking paragraph (2) and inserting the following:

“(2) **REGIONAL PARTNERSHIP DEFINED.**—In this subsection, the term ‘regional partnership’ means a collaborative agreement (which may be established on an interstate, State, or intrastate basis) entered into by the following:

“(A) **MANDATORY PARTNERS FOR ALL PARTNERSHIP GRANTS.**—

“(i) The State child welfare agency that is responsible for the administration of the State plan under this part and part E.

“(ii) The State agency responsible for administering the substance abuse prevention and treatment block grant provided under subpart II of part B of title XIX of the Public Health Service Act.

“(B) **MANDATORY PARTNERS FOR PARTNERSHIP GRANTS PROPOSING TO SERVE CHILDREN IN OUT-OF-HOME PLACEMENTS.**—If the partnership proposes to serve children in out-of-home placements, the Juvenile Court or Administrative Office of the Court that is most appropriate to oversee the administration of court programs in the region to address the population of families who come to the attention of the court due to child abuse or neglect.

“(C) **OPTIONAL PARTNERS.**—At the option of the partnership, any of the following:

“(i) An Indian tribe or tribal consortium.

“(ii) Nonprofit child welfare service providers.

“(iii) For-profit child welfare service providers.

“(iv) Community health service providers, including substance abuse treatment providers.

“(v) Community mental health providers.

“(vi) Local law enforcement agencies.

“(vii) School personnel.

“(viii) Tribal child welfare agencies (or a consortium of the agencies).

“(ix) Any other providers, agencies, personnel, officials, or entities that are related to

the provision of child and family services under a State plan approved under this subpart.

“(D) **EXCEPTION FOR REGIONAL PARTNERSHIPS WHERE THE LEAD APPLICANT IS AN INDIAN TRIBE OR TRIBAL CONSORTIA.**—If an Indian tribe or tribal consortium enters into a regional partnership for purposes of this subsection, the Indian tribe or tribal consortium—

“(i) may (but is not required to) include the State child welfare agency as a partner in the collaborative agreement;

“(ii) may not enter into a collaborative agreement only with tribal child welfare agencies (or a consortium of the agencies); and

“(iii) if the condition described in paragraph (2)(B) applies, may include tribal court organizations in lieu of other judicial partners.”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking “2012 through 2016” and inserting “2017 through 2021”; and

(ii) by striking “\$500,000 and not more than \$1,000,000” and inserting “\$250,000 and not more than \$1,000,000”;

(B) in subparagraph (B)—

(i) in the subparagraph heading, by inserting

“; PLANNING” after “APPROVAL”;

(ii) in clause (i), by striking “clause (ii)” and

inserting “clauses (ii) and (iii)”; and

(iii) by adding at the end the following:

“(iii) **SUFFICIENT PLANNING.**—A grant awarded under this subsection shall be disbursed in two phases: a planning phase (not to exceed 2 years) and an implementation phase. The total disbursement to a grantee for the planning phase may not exceed \$250,000, and may not exceed the total anticipated funding for the implementation phase.”; and

(C) by adding at the end the following:

“(D) **LIMITATION ON PAYMENT FOR A FISCAL YEAR.**—No payment shall be made under subparagraph (A) or (C) for a fiscal year until the Secretary determines that the eligible partnership has made sufficient progress in meeting the goals of the grant and that the members of the eligible partnership are coordinating to a reasonable degree with the other members of the eligible partnership.”;

(4) in paragraph (4)—

(A) in subparagraph (B)—

(i) in clause (i), by inserting “, parents, and families” after “children”;

(ii) in clause (ii), by striking “safety and permanence for such children; and” and inserting “safe, permanent caregiving relationships for the children;”;

(iii) in clause (iii), by striking “or” and inserting “increase reunification rates for children who have been placed in out-of-home care, or decrease”;

(iv) by redesignating clause (iii) as clause (v) and inserting after clause (ii) the following:

“(iii) improve the substance abuse treatment outcomes for parents including retention in treatment and successful completion of treatment;

“(iv) facilitate the implementation, delivery, and effectiveness of prevention services and programs under section 471(e); and”;

(B) in subparagraph (D), by striking “where appropriate,”; and

(C) by striking subparagraphs (E) and (F) and inserting the following:

“(E) A description of a plan for sustaining the services provided by or activities funded under the grant after the conclusion of the grant period, including through the use of prevention services and programs under section 471(e) and other funds provided to the State for child welfare and substance abuse prevention and treatment services.

“(F) Additional information needed by the Secretary to determine that the proposed activities and implementation will be consistent with research or evaluations showing which practices and approaches are most effective.”;

(5) in paragraph (5)(A), by striking “abuse treatment” and inserting “use disorder treatment including medication assisted treatment

and in-home substance abuse disorder treatment and recovery”;

(6) in paragraph (7)—

(A) by striking “and” at the end of subparagraph (C); and

(B) by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

“(D) demonstrate a track record of successful collaboration among child welfare, substance abuse disorder treatment and mental health agencies; and”;

(7) in paragraph (8)—

(A) in subparagraph (A)—

(i) by striking “establish indicators that will be” and inserting “review indicators that are”; and

(ii) by striking “in using funds made available under such grants to achieve the purpose of this subsection” and inserting “and establish a set of core indicators related to child safety, parental recovery, parenting capacity, and family well-being. In developing the core indicators, to the extent possible, indicators shall be made consistent with the outcome measures described in section 471(e)(6)”;

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting “base the performance measures on lessons learned from prior rounds of regional partnership grants under this subsection, and” before “consult”; and

(ii) by striking clauses (iii) and (iv) and inserting the following:

“(iii) Other stakeholders or constituencies as determined by the Secretary.”;

(8) in paragraph (9)(A), by striking clause (i) and inserting the following:

“(i) SEMIANNUAL REPORTS.—Not later than September 30 of each fiscal year in which a recipient of a grant under this subsection is paid funds under the grant, and every 6 months thereafter, the grant recipient shall submit to the Secretary a report on the services provided and activities carried out during the reporting period, progress made in achieving the goals of the program, the number of children, adults, and families receiving services, and such additional information as the Secretary determines is necessary. The report due not later than September 30 of the last such fiscal year shall include, at a minimum, data on each of the performance indicators included in the evaluation of the regional partnership.”;

(9) in paragraph (10), by striking “2012 through 2016” and inserting “2017 through 2021”.

PART III—MISCELLANEOUS

SEC. 50731. REVIEWING AND IMPROVING LICENSING STANDARDS FOR PLACEMENT IN A RELATIVE FOSTER FAMILY HOME.

(a) IDENTIFICATION OF REPUTABLE MODEL LICENSING STANDARDS.—Not later than October 1, 2018, the Secretary of Health and Human Services shall identify reputable model licensing standards with respect to the licensing of foster family homes (as defined in section 472(c)(1) of the Social Security Act).

(b) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (34)(B), by striking “and” after the semicolon;

(2) in paragraph (35)(B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(36) provides that, not later than April 1, 2019, the State shall submit to the Secretary information addressing—

“(A) whether the State licensing standards are in accord with model standards identified by the Secretary, and if not, the reason for the specific deviation and a description as to why having a standard that is reasonably in accord with the corresponding national model standards is not appropriate for the State;

“(B) whether the State has elected to waive standards established in 471(a)(10)(A) for rel-

ative foster family homes (pursuant to waiver authority provided by 471(a)(10)(D)), a description of which standards the State most commonly waives, and if the State has not elected to waive the standards, the reason for not waiving these standards;

“(C) if the State has elected to waive standards specified in subparagraph (B), how caseworkers are trained to use the waiver authority and whether the State has developed a process or provided tools to assist caseworkers in waiving nonsafety standards per the authority provided in 471(a)(10)(D) to quickly place children with relatives; and

“(D) a description of the steps the State is taking to improve caseworker training or the process, if any; and”.

SEC. 50732. DEVELOPMENT OF A STATEWIDE PLAN TO PREVENT CHILD ABUSE AND NEGLECT FATALITIES.

Section 422(b)(19) of the Social Security Act (42 U.S.C. 622(b)(19)) is amended to read as follows:

“(19) document steps taken to track and prevent child maltreatment deaths by including—

“(A) a description of the steps the State is taking to compile complete and accurate information on the deaths required by Federal law to be reported by the State agency referred to in paragraph (1), including gathering relevant information on the deaths from the relevant organizations in the State including entities such as State vital statistics department, child death review teams, law enforcement agencies, offices of medical examiners, or coroners; and

“(B) a description of the steps the State is taking to develop and implement a comprehensive, statewide plan to prevent the fatalities that involves and engages relevant public and private agency partners, including those in public health, law enforcement, and the courts.”.

SEC. 50733. MODERNIZING THE TITLE AND PURPOSE OF TITLE IV-E.

(a) PART HEADING.—The heading for part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended to read as follows:

“PART E—FEDERAL PAYMENTS FOR FOSTER CARE, PREVENTION, AND PERMANENCY.”

(b) PURPOSE.—The first sentence of section 470 of such Act (42 U.S.C. 670) is amended—

(1) by striking “1995 and” and inserting “1995”;

(2) by inserting “kinship guardianship assistance, and prevention services or programs specified in section 471(e)(1),” after “needs”; and

(3) by striking “(commencing with the fiscal year which begins October 1, 1980)”.

SEC. 50734. EFFECTIVE DATES.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), subject to subsection (b), the amendments made by parts I through III of this subtitle shall take effect on October 1, 2018.

(2) EXCEPTIONS.—The amendments made by sections 50711(d), 50731, and 50733 shall take effect on the date of enactment of this Act.

(b) TRANSITION RULE.—

(1) IN GENERAL.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by parts I through III of this subtitle, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(2) APPLICATION TO PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—In the case of an Indian tribe, tribal organization, or tribal consortium which the Secretary of Health and Human Services determines requires time to take action necessary to comply with the additional requirements imposed by the amendments made by parts I through III of this subtitle (whether the tribe, organization, or tribal consortium has a plan under section 479B of the Social Security Act or a cooperative agreement or contract entered into with a State), the Secretary shall provide the tribe, organization, or tribal consortium with such additional time as the Secretary determines is necessary for the tribe, organization, or tribal consortium to take the action to comply with the additional requirements before being regarded as failing to comply with the requirements.

PART IV—ENSURING THE NECESSITY OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME

SEC. 50741. LIMITATION ON FEDERAL FINANCIAL PARTICIPATION FOR PLACEMENTS THAT ARE NOT IN FOSTER FAMILY HOMES.

(a) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

(1) IN GENERAL.—Section 472 of the Social Security Act (42 U.S.C. 672), as amended by section 50712(a), is amended—

(A) in subsection (a)(2)(C), by inserting “, but only to the extent permitted under subsection (k)” after “institution”; and

(B) by adding at the end the following:

“(k) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

“(1) IN GENERAL.—Beginning with the third week for which foster care maintenance payments are made under this section on behalf of a child placed in a child-care institution, no Federal payment shall be made to the State under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of the child unless—

“(A) the child is placed in a child-care institution that is a setting specified in paragraph (2) (or is placed in a licensed residential family-based treatment facility consistent with subsection (j)); and

“(B) in the case of a child placed in a qualified residential treatment program (as defined in paragraph (4)), the requirements specified in paragraph (3) and section 475A(c) are met.

“(2) SPECIFIED SETTINGS FOR PLACEMENT.—The settings for placement specified in this paragraph are the following:

“(A) A qualified residential treatment program (as defined in paragraph (4)).

“(B) A setting specializing in providing prenatal, post-partum, or parenting supports for youth.

“(C) In the case of a child who has attained 18 years of age, a supervised setting in which the child is living independently.

“(D) A setting providing high-quality residential care and supportive services to children and youth who have been found to be, or are at risk of becoming, sex trafficking victims, in accordance with section 471(a)(9)(C).

“(3) ASSESSMENT TO DETERMINE APPROPRIATENESS OF PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.—

“(A) DEADLINE FOR ASSESSMENT.—In the case of a child who is placed in a qualified residential treatment program, if the assessment required under section 475A(c)(1) is not completed within 30 days after the placement is made, no Federal payment shall be made to the State under section 474(a)(1) for any amounts expended for foster care maintenance payments on behalf of the child during the placement.

“(B) DEADLINE FOR TRANSITION OUT OF PLACEMENT.—If the assessment required under section 475A(c)(1) determines that the placement of a child in a qualified residential treatment program is not appropriate, a court disapproves

such a placement under section 475A(c)(2), or a child who has been in an approved placement in a qualified residential treatment program is going to return home or be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home, Federal payments shall be made to the State under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of the child while the child remains in the qualified residential treatment program only during the period necessary for the child to transition home or to such a placement. In no event shall a State receive Federal payments under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of a child who remains placed in a qualified residential treatment program after the end of the 30-day period that begins on the date a determination is made that the placement is no longer the recommended or approved placement for the child.

“(4) **QUALIFIED RESIDENTIAL TREATMENT PROGRAM.**—For purposes of this part, the term ‘qualified residential treatment program’ means a program that—

“(A) has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to a child, is able to implement the treatment identified for the child by the assessment of the child required under section 475A(c);

“(B) subject to paragraphs (5) and (6), has registered or licensed nursing staff and other licensed clinical staff who—

“(i) provide care within the scope of their practice as defined by State law;

“(ii) are on-site according to the treatment model referred to in subparagraph (A); and

“(iii) are available 24 hours a day and 7 days a week;

“(C) to extent appropriate, and in accordance with the child’s best interests, facilitates participation of family members in the child’s treatment program;

“(D) facilitates outreach to the family members of the child, including siblings, documents how the outreach is made (including contact information), and maintains contact information for any known biological family and fictive kin of the child;

“(E) documents how family members are integrated into the treatment process for the child, including post-discharge, and how sibling connections are maintained;

“(F) provides discharge planning and family-based aftercare support for at least 6 months post-discharge; and

“(G) is licensed in accordance with section 471(a)(10) and is accredited by any of the following independent, not-for-profit organizations:

“(i) The Commission on Accreditation of Rehabilitation Facilities (CARF).

“(ii) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

“(iii) The Council on Accreditation (COA).

“(iv) Any other independent, not-for-profit accrediting organization approved by the Secretary.

“(5) **ADMINISTRATIVE COSTS.**—The prohibition in paragraph (1) on Federal payments under section 474(a)(1) shall not be construed as prohibiting Federal payments for administrative expenditures incurred on behalf of a child placed in a child-care institution and for which payment is available under section 474(a)(3).

“(6) **RULE OF CONSTRUCTION.**—The requirements in paragraph (4)(B) shall not be construed as requiring a qualified residential treatment program to acquire nursing and behavioral health staff solely through means of a direct employer to employee relationship.”.

(2) **CONFORMING AMENDMENT.**—Section 474(a)(1) of the Social Security Act (42 U.S.C. 674(a)(1)), as amended by section 50712(b), is amended by striking “section 472(j)” and inserting “subsections (j) and (k) of section 472”.

(b) **DEFINITION OF FOSTER FAMILY HOME, CHILD-CARE INSTITUTION.**—Section 472(c) of such Act (42 U.S.C. 672(c)(1)) is amended to read as follows:

“(c) **DEFINITIONS.**—For purposes of this part:

“(1) **FOSTER FAMILY HOME.**—

“(A) **IN GENERAL.**—The term ‘foster family home’ means the home of an individual or family—

“(i) that is licensed or approved by the State in which it is situated as a foster family home that meets the standards established for the licensing or approval; and

“(ii) in which a child in foster care has been placed in the care of an individual, who resides with the child and who has been licensed or approved by the State to be a foster parent—

“(I) that the State deems capable of adhering to the reasonable and prudent parent standard;

“(II) that provides 24-hour substitute care for children placed away from their parents or other caretakers; and

“(III) that provides the care for not more than six children in foster care.

“(B) **STATE FLEXIBILITY.**—The number of foster children that may be cared for in a home under subparagraph (A) may exceed the numerical limitation in subparagraph (A)(ii)(III), at the option of the State, for any of the following reasons:

“(i) To allow a parenting youth in foster care to remain with the child of the parenting youth.

“(ii) To allow siblings to remain together.

“(iii) To allow a child with an established meaningful relationship with the family to remain with the family.

“(iv) To allow a family with special training or skills to provide care to a child who has a severe disability.

“(C) **RULE OF CONSTRUCTION.**—Subparagraph (A) shall not be construed as prohibiting a foster parent from renting the home in which the parent cares for a foster child placed in the parent’s care.

“(2) **CHILD-CARE INSTITUTION.**—

“(A) **IN GENERAL.**—The term ‘child-care institution’ means a private child-care institution, or a public child-care institution which accommodates no more than 25 children, which is licensed by the State in which it is situated or has been approved by the agency of the State responsible for licensing or approval of institutions of this type as meeting the standards established for the licensing.

“(B) **SUPERVISED SETTINGS.**—In the case of a child who has attained 18 years of age, the term shall include a supervised setting in which the individual is living independently, in accordance with such conditions as the Secretary shall establish in regulations.

“(C) **EXCLUSIONS.**—The term shall not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.”.

(c) **TRAINING FOR STATE JUDGES, ATTORNEYS, AND OTHER LEGAL PERSONNEL IN CHILD WELFARE CASES.**—Section 438(b)(1) of such Act (42 U.S.C. 629h(b)(1)) is amended in the matter preceding subparagraph (A) by inserting “shall provide for the training of judges, attorneys, and other legal personnel in child welfare cases on Federal child welfare policies and payment limitations with respect to children in foster care who are placed in settings that are not a foster family home,” after “with respect to the child.”.

(d) **ASSURANCE OF NONIMPACT ON JUVENILE JUSTICE SYSTEM.**—

(1) **STATE PLAN REQUIREMENT.**—Section 471(a) of such Act (42 U.S.C. 671(a)), as amended by section 50731, is further amended by adding at the end the following:

“(37) includes a certification that, in response to the limitation imposed under section 472(k) with respect to foster care maintenance payments made on behalf of any child who is placed in a setting that is not a foster family home, the

State will not enact or advance policies or practices that would result in a significant increase in the population of youth in the State’s juvenile justice system.”.

(2) **GAO STUDY AND REPORT.**—The Comptroller General of the United States shall evaluate the impact, if any, on State juvenile justice systems of the limitation imposed under section 472(k) of the Social Security Act (as added by section 50741(a)(1)) on foster care maintenance payments made on behalf of any child who is placed in a setting that is not a foster family home, in accordance with the amendments made by subsections (a) and (b) of this section. In particular, the Comptroller General shall evaluate the extent to which children in foster care who also are subject to the juvenile justice system of the State are placed in a facility under the jurisdiction of the juvenile justice system and whether the lack of available congregate care placements under the jurisdiction of the child welfare systems is a contributing factor to that result. Not later than December 31, 2025, the Comptroller General shall submit to Congress a report on the results of the evaluation.

SEC. 50742. ASSESSMENT AND DOCUMENTATION OF THE NEED FOR PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.

Section 475A of the Social Security Act (42 U.S.C. 675a) is amended by adding at the end the following:

“(c) **ASSESSMENT, DOCUMENTATION, AND JUDICIAL DETERMINATION REQUIREMENTS FOR PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.**—In the case of any child who is placed in a qualified residential treatment program (as defined in section 472(k)(4)), the following requirements shall apply for purposes of approving the case plan for the child and the case system review procedure for the child:

“(1)(A) Within 30 days of the start of each placement in such a setting, a qualified individual (as defined in subparagraph (D)) shall—

“(i) assess the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool approved by the Secretary;

“(ii) determine whether the needs of the child can be met with family members or through placement in a foster family home or, if not, which setting from among the settings specified in section 472(k)(2) would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and

“(iii) develop a list of child-specific short- and long-term mental and behavioral health goals.

“(B)(i) The State shall assemble a family and permanency team for the child in accordance with the requirements of clauses (ii) and (iii). The qualified individual conducting the assessment required under subparagraph (A) shall work in conjunction with the family of, and permanency team for, the child while conducting and making the assessment.

“(ii) The family and permanency team shall consist of all appropriate biological family members, relative, and fictive kin of the child, as well as, as appropriate, professionals who are a resource to the family of the child, such as teachers, medical or mental health providers who have treated the child, or clergy. In the case of a child who has attained age 14, the family and permanency team shall include the members of the permanency planning team for the child that are selected by the child in accordance with section 475(5)(C)(iv).

“(iii) The State shall document in the child’s case plan—

“(I) the reasonable and good faith effort of the State to identify and include all the individuals described in clause (ii) on the child’s family and permanency team;

“(II) all contact information for members of the family and permanency team, as well as

contact information for other family members and fictive kin who are not part of the family and permanency team;

“(III) evidence that meetings of the family and permanency team, including meetings relating to the assessment required under subparagraph (A), are held at a time and place convenient for family;

“(IV) if reunification is the goal, evidence demonstrating that the parent from whom the child was removed provided input on the members of the family and permanency team;

“(V) evidence that the assessment required under subparagraph (A) is determined in conjunction with the family and permanency team;

“(VI) the placement preferences of the family and permanency team relative to the assessment that recognizes children should be placed with their siblings unless there is a finding by the court that such placement is contrary to their best interest; and

“(VII) if the placement preferences of the family and permanency team and child are not the placement setting recommended by the qualified individual conducting the assessment under subparagraph (A), the reasons why the preferences of the team and of the child were not recommended.

“(C) In the case of a child who the qualified individual conducting the assessment under subparagraph (A) determines should not be placed in a foster family home, the qualified individual shall specify in writing the reasons why the needs of the child cannot be met by the family of the child or in a foster family home. A shortage or lack of foster family homes shall not be an acceptable reason for determining that the needs of the child cannot be met in a foster family home. The qualified individual also shall specify in writing why the recommended placement in a qualified residential treatment program is the setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child.

“(D)(i) Subject to clause (ii), in this subsection, the term ‘qualified individual’ means a trained professional or licensed clinician who is not an employee of the State agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the State.

“(ii) The Secretary may approve a request of a State to waive any requirement in clause (i) upon a submission by the State, in accordance with criteria established by the Secretary, that certifies that the trained professionals or licensed clinicians with responsibility for performing the assessments described in subparagraph (A) shall maintain objectivity with respect to determining the most effective and appropriate placement for a child.

“(2) Within 60 days of the start of each placement in a qualified residential treatment program, a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or an administrative body appointed or approved by the court, independently, shall—

“(A) consider the assessment, determination, and documentation made by the qualified individual conducting the assessment under paragraph (1);

“(B) determine whether the needs of the child can be met through placement in a foster family home or, if not, whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and

“(C) approve or disapprove the placement.

“(3) The written documentation made under paragraph (1)(C) and documentation of the determination and approval or disapproval of the

placement in a qualified residential treatment program by a court or administrative body under paragraph (2) shall be included in and made part of the case plan for the child.

“(4) As long as a child remains placed in a qualified residential treatment program, the State agency shall submit evidence at each status review and each permanency hearing held with respect to the child—

“(A) demonstrating that ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home, that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child;

“(B) documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

“(C) documenting the efforts made by the State agency to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.

“(5) In the case of any child who is placed in a qualified residential treatment program for more than 12 consecutive months or 18 nonconsecutive months (or, in the case of a child who has not attained age 13, for more than 6 consecutive or nonconsecutive months), the State agency shall submit to the Secretary—

“(A) the most recent versions of the evidence and documentation specified in paragraph (4); and

“(B) the signed approval of the head of the State agency for the continued placement of the child in that setting.”

SEC. 50743. PROTOCOLS TO PREVENT INAPPROPRIATE DIAGNOSES.

(a) STATE PLAN REQUIREMENT.—Section 422(b)(15)(A) of the Social Security Act (42 U.S.C. 622(b)(15)(A)) is amended—

(1) in clause (vi), by striking “and” after the semicolon;

(2) by redesignating clause (vii) as clause (viii); and

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

“(vii) the procedures and protocols the State has established to ensure that children in foster care placements are not inappropriately diagnosed with mental illness, other emotional or behavioral disorders, medically fragile conditions, or developmental disabilities, and placed in settings that are not foster family homes as a result of the inappropriate diagnoses; and”.

(b) EVALUATION.—Section 476 of such Act (42 U.S.C. 676), as amended by section 50711(d), is further amended by adding at the end the following:

“(e) EVALUATION OF STATE PROCEDURES AND PROTOCOLS TO PREVENT INAPPROPRIATE DIAGNOSES OF MENTAL ILLNESS OR OTHER CONDITIONS.—The Secretary shall conduct an evaluation of the procedures and protocols established by States in accordance with the requirements of section 422(b)(15)(A)(vii). The evaluation shall analyze the extent to which States comply with and enforce the procedures and protocols and the effectiveness of various State procedures and protocols and shall identify best practices. Not later than January 1, 2020, the Secretary shall submit a report on the results of the evaluation to Congress.”

SEC. 50744. ADDITIONAL DATA AND REPORTS REGARDING CHILDREN PLACED IN A SETTING THAT IS NOT A FOSTER FAMILY HOME.

Section 479A(a)(7)(A) of the Social Security Act (42 U.S.C. 679b(a)(7)(A)) is amended by striking clauses (i) through (vi) and inserting the following:

“(i) with respect to each such placement—

“(I) the type of the placement setting, including whether the placement is shelter care, a

group home and if so, the range of the child population in the home, a residential treatment facility, a hospital or institution providing medical, rehabilitative, or psychiatric care, a setting specializing in providing prenatal, post-partum, or parenting supports, or some other kind of child-care institution and if so, what kind;

“(II) the number of children in the placement setting and the age, race, ethnicity, and gender of each of the children;

“(III) for each child in the placement setting, the length of the placement of the child in the setting, whether the placement of the child in the setting is the first placement of the child and if not, the number and type of previous placements of the child, and whether the child has special needs or another diagnosed mental or physical illness or condition; and

“(IV) the extent of any specialized education, treatment, counseling, or other services provided in the setting; and

“(ii) separately, the number and ages of children in the placements who have a permanency plan of another planned permanent living arrangement; and”.

SEC. 50745. CRIMINAL RECORDS CHECKS AND CHECKS OF CHILD ABUSE AND NEGLECT REGISTRIES FOR ADULTS WORKING IN CHILD-CARE INSTITUTIONS AND OTHER GROUP CARE SETTINGS.

(a) STATE PLAN REQUIREMENT.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(1) in subparagraph (A)(ii), by striking “and” after the semicolon;

(2) in subparagraph (B)(iii), by striking “and” after the semicolon;

(3) in subparagraph (C), by adding “and” after the semicolon; and

(4) by inserting after subparagraph (C), the following new subparagraph:

“(D) provides procedures for any child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, to conduct criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(f)(3)(A) of title 28, United States Code), and checks described in subparagraph (B) of this paragraph, on any adult working in a child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, unless the State reports to the Secretary the alternative criminal records checks and child abuse registry checks the State conducts on any adult working in a child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, and why the checks specified in this subparagraph are not appropriate for the State;”.

(b) TECHNICAL AMENDMENTS.—Subparagraphs (A) and (C) of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) are each amended by striking “section 534(e)(3)(A)” and inserting “section 534(f)(3)(A)”.

SEC. 50746. EFFECTIVE DATES; APPLICATION TO WAIVERS.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Subject to paragraph (2) and subsections (b), (c), and (d), the amendments made by this part shall take effect as if enacted on January 1, 2018.

(2) TRANSITION RULE.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this part, the State plan shall not be regarded as failing to comply with the requirements of part B or E of title IV of such Act solely on the basis of the failure of the plan to meet the additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment

of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(b) **LIMITATION ON FEDERAL FINANCIAL PARTICIPATION FOR PLACEMENTS THAT ARE NOT IN FOSTER FAMILY HOMES AND RELATED PROVISIONS.**—

(1) **IN GENERAL.**—The amendments made by sections 50741(a), 50741(b), 50741(d), and 50742 shall take effect on October 1, 2019.

(2) **STATE OPTION TO DELAY EFFECTIVE DATE FOR NOT MORE THAN 2 YEARS.**—If a State requests a delay in the effective date, the Secretary of Health and Human Services shall delay the effective date provided for in paragraph (1) with respect to the State for the amount of time requested by the State, not to exceed 2 years. If the effective date is so delayed for a period with respect to a State under the preceding sentence, then—

(A) notwithstanding section 50734, the date that the amendments made by section 50711(c) take effect with respect to the State shall be delayed for the period; and

(B) in applying section 474(a)(6) of the Social Security Act with respect to the State, “on or after the date this paragraph takes effect with respect to the State” is deemed to be substituted for “after September 30, 2019” in subparagraph (A)(i)(I) of such section.

(c) **CRIMINAL RECORDS CHECKS AND CHECKS OF CHILD ABUSE AND NEGLECT REGISTRIES FOR ADULTS WORKING IN CHILD-CARE INSTITUTIONS AND OTHER GROUP CARE SETTINGS.**—Subject to subsection (a)(2), the amendments made by section 50745 shall take effect on October 1, 2018.

(d) **APPLICATION TO STATES WITH WAIVERS.**—In the case of a State that, on the date of enactment of this Act, has in effect a waiver approved under section 1130 of the Social Security Act (42 U.S.C. 1320a–9), the amendments made by this part shall not apply with respect to the State before the expiration (determined without regard to any extensions) of the waiver to the extent the amendments are inconsistent with the terms of the waiver.

PART V—CONTINUING SUPPORT FOR CHILD AND FAMILY SERVICES

SEC. 50751. SUPPORTING AND RETAINING FOSTER FAMILIES FOR CHILDREN.

(a) **SUPPORTING AND RETAINING FOSTER PARENTS AS A FAMILY SUPPORT SERVICE.**—Section 431(a)(2)(B) of the Social Security Act (42 U.S.C. 631(a)(2)(B)) is amended by redesignating clauses (iii) through (vi) as clauses (iv) through (vii), respectively, and inserting after clause (ii) the following:

“(iii) To support and retain foster families so they can provide quality family-based settings for children in foster care.”

(b) **SUPPORT FOR FOSTER FAMILY HOMES.**—Section 436 of such Act (42 U.S.C. 629f) is amended by adding at the end the following:

“(c) **SUPPORT FOR FOSTER FAMILY HOMES.**—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary for fiscal year 2018, \$8,000,000 for the Secretary to make competitive grants to States, Indian tribes, or tribal consortia to support the recruitment and retention of high-quality foster families to increase their capacity to place more children in family settings, focused on States, Indian tribes, or tribal consortia with the highest percentage of children in non-family settings. The amount appropriated under this subparagraph shall remain available through fiscal year 2022.”

SEC. 50752. EXTENSION OF CHILD AND FAMILY SERVICES PROGRAMS.

(a) **EXTENSION OF STEPHANIE TUBBS JONES CHILD WELFARE SERVICES PROGRAM.**—Section 425 of the Social Security Act (42 U.S.C. 625) is amended by striking “2012 through 2016” and inserting “2017 through 2021”.

(b) **EXTENSION OF PROMOTING SAFE AND STABLE FAMILIES PROGRAM AUTHORIZATIONS.**—

(1) **IN GENERAL.**—Section 436(a) of such Act (42 U.S.C. 629f(a)) is amended by striking all that follows “\$345,000,000” and inserting “for each of fiscal years 2017 through 2021.”

(2) **DISCRETIONARY GRANTS.**—Section 437(a) of such Act (42 U.S.C. 629g(a)) is amended by striking “2012 through 2016” and inserting “2017 through 2021”.

(c) **EXTENSION OF FUNDING RESERVATIONS FOR MONTHLY CASEWORKER VISITS AND REGIONAL PARTNERSHIP GRANTS.**—Section 436(b) of such Act (42 U.S.C. 629f(b)) is amended—

(1) in paragraph (4)(A), by striking “2012 through 2016” and inserting “2017 through 2021”; and

(2) in paragraph (5), by striking “2012 through 2016” and inserting “2017 through 2021”.

(d) **REAUTHORIZATION OF FUNDING FOR STATE COURTS.**—

(1) **EXTENSION OF PROGRAM.**—Section 438(c)(1) of such Act (42 U.S.C. 629h(c)(1)) is amended by striking “2012 through 2016” and inserting “2017 through 2021”.

(2) **EXTENSION OF FEDERAL SHARE.**—Section 438(d) of such Act (42 U.S.C. 629h(d)) is amended by striking “2012 through 2016” and inserting “2017 through 2021”.

(e) **REPEAL OF EXPIRED PROVISIONS.**—Section 438(e) of such Act (42 U.S.C. 629h(e)) is repealed.

SEC. 50753. IMPROVEMENTS TO THE JOHN H. CHAFFEE FOSTER CARE INDEPENDENCE PROGRAM AND RELATED PROVISIONS.

(a) **AUTHORITY TO SERVE FORMER FOSTER YOUTH UP TO AGE 23.**—Section 477 of the Social Security Act (42 U.S.C. 677) is amended—

(1) in subsection (a)(5), by inserting “(or 23 years of age, in the case of a State with a certification under subsection (b)(3)(A)(ii) to provide assistance and services to youths who have aged out of foster care and have not attained such age, in accordance with such subsection)” after “21 years of age”;

(2) in subsection (b)(3)(A)—

(A) by inserting “(i)” before “A certification”;

(B) by striking “children who have left foster care” and all that follows through the period and inserting “youths who have aged out of foster care and have not attained 21 years of age.”; and

(C) by adding at the end the following:

“(ii) If the State has elected under section 475(8)(B) to extend eligibility for foster care to all children who have not attained 21 years of age, or if the Secretary determines that the State agency responsible for administering the State plans under this part and part B uses State funds or any other funds not provided under this part to provide services and assistance for youths who have aged out of foster care that are comparable to the services and assistance the youths would receive if the State had made such an election, the certification required under clause (i) may provide that the State will provide assistance and services to youths who have aged out of foster care and have not attained 23 years of age.”; and

(3) in subsection (b)(3)(B), by striking “children who have left foster care” and all that follows through the period and inserting “youths who have aged out of foster care and have not attained 21 years of age (or 23 years of age, in the case of a State with a certification under subparagraph (A)(i) to provide assistance and services to youths who have aged out of foster care and have not attained such age, in accordance with subparagraph (A)(ii)).”

(b) **AUTHORITY TO REDISTRIBUTE UNSPENT FUNDS.**—Section 477(d) of such Act (42 U.S.C. 677(d)) is amended—

(1) in paragraph (4), by inserting “or does not expend allocated funds within the time period specified under section 477(d)(3)” after “provided by the Secretary”; and

(2) by adding at the end the following:

“(5) **REDISTRIBUTION OF UNEXPENDED AMOUNTS.**—

“(A) **AVAILABILITY OF AMOUNTS.**—To the extent that amounts paid to States under this section in a fiscal year remain unexpended by the States at the end of the succeeding fiscal year, the Secretary may make the amounts available for redistribution in the second succeeding fiscal year among the States that apply for additional funds under this section for that second succeeding fiscal year.

“(B) **REDISTRIBUTION.**—

“(i) **IN GENERAL.**—The Secretary shall redistribute the amounts made available under subparagraph (A) for a fiscal year among eligible applicant States. In this subparagraph, the term ‘eligible applicant State’ means a State that has applied for additional funds for the fiscal year under subparagraph (A) if the Secretary determines that the State will use the funds for the purpose for which originally allotted under this section.

“(ii) **AMOUNT TO BE REDISTRIBUTED.**—The amount to be redistributed to each eligible applicant State shall be the amount so made available multiplied by the State foster care ratio, (as defined in subsection (c)(4), except that, in such subsection, ‘all eligible applicant States’ (as defined in subsection (d)(5)(B)(i)) shall be substituted for ‘all States’).

“(iii) **TREATMENT OF REDISTRIBUTED AMOUNT.**—Any amount made available to a State under this paragraph shall be regarded as part of the allotment of the State under this section for the fiscal year in which the redistribution is made.

“(C) **TRIBES.**—For purposes of this paragraph, the term ‘State’ includes an Indian tribe, tribal organization, or tribal consortium that receives an allotment under this section.”

(c) **EXPANDING AND CLARIFYING THE USE OF EDUCATION AND TRAINING VOUCHERS.**—

(1) **IN GENERAL.**—Section 477(i)(3) of such Act (42 U.S.C. 677(i)(3)) is amended—

(A) by striking “on the date” and all that follows through “23” and inserting “to remain eligible until they attain 26”; and

(B) by inserting “, but in no event may a youth participate in the program for more than 5 years (whether or not consecutive)” before the period.

(2) **CONFORMING AMENDMENT.**—Section 477(i)(1) of such Act (42 U.S.C. 677(i)(1)) is amended by inserting “who have attained 14 years of age” before the period.

(d) **OTHER IMPROVEMENTS.**—Section 477 of such Act (42 U.S.C. 677), as amended by subsections (a), (b), and (c), is amended—

(1) in the section heading, by striking “**INDEPENDENCE PROGRAM**” and inserting “**PROGRAM FOR SUCCESSFUL TRANSITION TO ADULTHOOD**”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “identify children who are likely to remain in foster care until 18 years of age and to help these children make the transition to self-sufficiency by providing services” and inserting “support all youth who have experienced foster care at age 14 or older in their transition to adulthood through transitional services”;

(ii) by inserting “and post-secondary education” after “high school diploma”; and

(iii) by striking “training in daily living skills, training in budgeting and financial management skills” and inserting “training and opportunities to practice daily living skills (such as financial literacy training and driving instruction)”;

(B) in paragraph (2), by striking “who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment” and inserting “who have experienced foster care at age 14 or older achieve meaningful, permanent connections with a caring adult”;

(C) in paragraph (3), by striking “who are likely to remain in foster care until 18 years of age prepare for and enter postsecondary training and education institutions” and inserting

“who have experienced foster care at age 14 or older engage in age or developmentally appropriate activities, positive youth development, and experiential learning that reflects what their peers in intact families experience”; and

(D) by striking paragraph (4) and redesignating paragraphs (5) through (8) as paragraphs (4) through (7);

(3) in subsection (b)—

(A) in paragraph (2)(D), by striking “adolescents” and inserting “youth”; and

(B) in paragraph (3)—

(i) in subparagraph (D)—

(I) by inserting “including training on youth development” after “to provide training”; and

(II) by striking “adolescents preparing for independent living” and all that follows through the period and inserting “youth preparing for a successful transition to adulthood and making a permanent connection with a caring adult.”;

(ii) in subparagraph (H), by striking “adolescents” each place it appears and inserting “youth”; and

(iii) in subparagraph (K)—

(I) by striking “an adolescent” and inserting “a youth”; and

(II) by striking “the adolescent” each place it appears and inserting “the youth”; and

(4) in subsection (f), by striking paragraph (2) and inserting the following:

“(2) **REPORT TO CONGRESS.**—Not later than October 1, 2019, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the National Youth in Transition Database and any other databases in which States report outcome measures relating to children in foster care and children who have aged out of foster care or left foster care for kinship guardianship or adoption. The report shall include the following:

“(A) A description of the reasons for entry into foster care and of the foster care experiences, such as length of stay, number of placement settings, case goal, and discharge reason of 17-year-olds who are surveyed by the National Youth in Transition Database and an analysis of the comparison of that description with the reasons for entry and foster care experiences of children of other ages who exit from foster care before attaining age 17.

“(B) A description of the characteristics of the individuals who report poor outcomes at ages 19 and 21 to the National Youth in Transition Database.

“(C) Benchmarks for determining what constitutes a poor outcome for youth who remain in

or have exited from foster care and plans the executive branch will take to incorporate these benchmarks in efforts to evaluate child welfare agency performance in providing services to children transitioning from foster care.

“(D) An analysis of the association between types of placement, number of overall placements, time spent in foster care, and other factors, and outcomes at ages 19 and 21.

“(E) An analysis of the differences in outcomes for children in and formerly in foster care at age 19 and 21 among States.”.

(e) **CLARIFYING DOCUMENTATION PROVIDED TO FOSTER YOUTH LEAVING FOSTER CARE.**—Section 475(5)(I) of such Act (42 U.S.C. 675(5)(I)) is amended by inserting after “REAL ID Act of 2005” the following: “, and any official documentation necessary to prove that the child was previously in foster care”.

PART VI—CONTINUING INCENTIVES TO STATES TO PROMOTE ADOPTION AND LEGAL GUARDIANSHIP

SEC. 50761. REAUTHORIZING ADOPTION AND LEGAL GUARDIANSHIP INCENTIVE PROGRAMS.

(a) **IN GENERAL.**—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended—

(1) in subsection (b)(4), by striking “2013 through 2015” and inserting “2016 through 2020”;

(2) in subsection (h)(1)(D), by striking “2016” and inserting “2021”; and

(3) in subsection (h)(2), by striking “2016” and inserting “2021”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if enacted on October 1, 2017.

PART VII—TECHNICAL CORRECTIONS

SEC. 50771. TECHNICAL CORRECTIONS TO DATA EXCHANGE STANDARDS TO IMPROVE PROGRAM COORDINATION.

(a) **IN GENERAL.**—Section 440 of the Social Security Act (42 U.S.C. 629m) is amended to read as follows:

“**SEC. 440. DATA EXCHANGE STANDARDS FOR IMPROVED INTEROPERABILITY.**

“(a) **DESIGNATION.**—The Secretary shall, in consultation with an interagency work group established by the Office of Management and Budget and considering State government perspectives, by rule, designate data exchange standards to govern, under this part and part E—

“(1) necessary categories of information that State agencies operating programs under State plans approved under this part are required under applicable Federal law to electronically exchange with another State agency; and

“(2) Federal reporting and data exchange required under applicable Federal law.

“(b) **REQUIREMENTS.**—The data exchange standards required by paragraph (1) shall, to the extent practicable—

“(1) incorporate a widely accepted, non-proprietary, searchable, computer-readable format, such as the Extensible Markup Language;

“(2) contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;

“(3) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance;

“(4) be consistent with and implement applicable accounting principles;

“(5) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and

“(6) be capable of being continually upgraded as necessary.

“(c) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to require a change to existing data exchange standards found to be effective and efficient.”.

(b) **EFFECTIVE DATE.**—Not later than the date that is 24 months after the date of the enactment of this section, the Secretary of Health and Human Services shall issue a proposed rule that—

(1) identifies federally required data exchanges, include specification and timing of exchanges to be standardized, and address the factors used in determining whether and when to standardize data exchanges; and

(2) specifies State implementation options and describes future milestones.

SEC. 50772. TECHNICAL CORRECTIONS TO STATE REQUIREMENT TO ADDRESS THE DEVELOPMENTAL NEEDS OF YOUNG CHILDREN.

Section 422(b)(18) of the Social Security Act (42 U.S.C. 622(b)(18)) is amended by striking “such children” and inserting “all vulnerable children under 5 years of age”.

PART VIII—ENSURING STATES REINVEST SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE

SEC. 50781. DELAY OF ADOPTION ASSISTANCE PHASE-IN.

(a) **IN GENERAL.**—The table in section 473(e)(1)(B) of the Social Security Act (42 U.S.C. 673(e)(1)(B)) is amended by striking the last 2 rows and inserting the following:

“2017 through 2023	2
2024	2 (or, in the case of a child for whom an adoption assistance agreement is entered into under this section on or after July 1, 2024, any age)
2025 or thereafter	any age.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if enacted on January 1, 2018.

SEC. 50782. GAO STUDY AND REPORT ON STATE REINVESTMENT OF SAVINGS RESULTING FROM INCREASE IN ADOPTION ASSISTANCE.

(a) **STUDY.**—The Comptroller General of the United States shall study the extent to which States are complying with the requirements of section 473(a)(8) of the Social Security Act (42 U.S.C. 673(a)(8)) relating to the effects of phasing out the AFDC income eligibility requirements for adoption assistance payments under section 473 of the Social Security Act, as enacted by section 402 of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351; 122 Stat. 3975) and amended by section 206 of the Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183; 128 Stat. 1919). In particular, the Comptroller General shall analyze the extent to which States are complying with the following

requirements under section 473(a)(8)(D) of the Social Security Act:

(1) The requirement to spend an amount equal to the amount of the savings (if any) in State expenditures under part E of title IV of the Social Security Act resulting from phasing out the AFDC income eligibility requirements for adoption assistance payments under section 473 of such Act to provide to children of families any service that may be provided under part B or E of title IV of such Act.

(2) The requirement that a State shall spend not less than 30 percent of the amount of any savings described in paragraph (1) on post-adoption services, post-guardianship services, and services to support and sustain positive permanent outcomes for children who otherwise might enter into foster care under the responsibility of the State, with at least ⅓ of the spending by the State to comply with the 30 percent requirement being spent on post-adoption and post-guardianship services.

(b) **REPORT.**—The Comptroller General of the United States shall submit to the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Secretary of Health and Human Services a report that contains the results of the study required by subsection (a), including recommendations to ensure compliance with laws referred to in subsection (a).

TITLE VIII—SUPPORTING SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS

SEC. 50801. SHORT TITLE.

This subtitle may be cited as the “Social Impact Partnerships to Pay for Results Act”.

SEC. 50802. SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS.

Title XX of the Social Security Act (42 U.S.C. 1397 et seq.) is amended—

(1) in the title heading, by striking “TO STATES” and inserting “AND PROGRAMS”; and

(2) by adding at the end the following:

“Subtitle C—Social Impact Demonstration Projects

“PURPOSES

“SEC. 2051. The purposes of this subtitle are the following:

“(1) To improve the lives of families and individuals in need in the United States by funding social programs that achieve real results.

“(2) To redirect funds away from programs that, based on objective data, are ineffective, and into programs that achieve demonstrable, measurable results.

“(3) To ensure Federal funds are used effectively on social services to produce positive outcomes for both service recipients and taxpayers.

“(4) To establish the use of social impact partnerships to address some of our Nation’s most pressing problems.

“(5) To facilitate the creation of public-private partnerships that bundle philanthropic or other private resources with existing public spending to scale up effective social interventions already being implemented by private organizations, nonprofits, charitable organizations, and State and local governments across the country.

“(6) To bring pay-for-performance to the social sector, allowing the United States to improve the impact and effectiveness of vital social services programs while redirecting inefficient or duplicative spending.

“(7) To incorporate outcomes measurement and randomized controlled trials or other rigorous methodologies for assessing program impact.

“SOCIAL IMPACT PARTNERSHIP APPLICATION

“SEC. 2052. (a) NOTICE.—Not later than 1 year after the date of the enactment of this subtitle, the Secretary of the Treasury, in consultation with the Federal Interagency Council on Social Impact Partnerships, shall publish in the Federal Register a request for proposals from States or local governments for social impact partnership projects in accordance with this section.

“(b) REQUIRED OUTCOMES FOR SOCIAL IMPACT PARTNERSHIP PROJECT.—To qualify as a social impact partnership project under this subtitle, a project must produce one or more measurable, clearly defined outcomes that result in social benefit and Federal, State, or local savings through any of the following:

“(1) Increasing work and earnings by individuals in the United States who are unemployed for more than 6 consecutive months.

“(2) Increasing employment and earnings of individuals who have attained 16 years of age but not 25 years of age.

“(3) Increasing employment among individuals receiving Federal disability benefits.

“(4) Reducing the dependence of low-income families on Federal means-tested benefits.

“(5) Improving rates of high school graduation.

“(6) Reducing teen and unplanned pregnancies.

“(7) Improving birth outcomes and early childhood health and development among low-income families and individuals.

“(8) Reducing rates of asthma, diabetes, or other preventable diseases among low-income families and individuals to reduce the utilization of emergency and other high-cost care.

“(9) Increasing the proportion of children living in two-parent families.

“(10) Reducing incidences and adverse consequences of child abuse and neglect.

“(11) Reducing the number of youth in foster care by increasing adoptions, permanent guardianship arrangements, reunifications, or placements with a fit and willing relative, or by avoiding placing children in foster care by ensuring they can be cared for safely in their own homes.

“(12) Reducing the number of children and youth in foster care residing in group homes, child care institutions, agency-operated foster homes, or other non-family foster homes, unless

it is determined that it is in the interest of the child’s long-term health, safety, or psychological well-being to not be placed in a family foster home.

“(13) Reducing the number of children returning to foster care.

“(14) Reducing recidivism among juvenile offenders, individuals released from prison, or other high-risk populations.

“(15) Reducing the rate of homelessness among our most vulnerable populations.

“(16) Improving the health and well-being of those with mental, emotional, and behavioral health needs.

“(17) Improving the educational outcomes of special-needs or low-income children.

“(18) Improving the employment and well-being of returning United States military members.

“(19) Increasing the financial stability of low-income families.

“(20) Increasing the independence and employability of individuals who are physically or mentally disabled.

“(21) Other measurable outcomes defined by the State or local government that result in positive social outcomes and Federal savings.

“(c) APPLICATION REQUIRED.—The notice described in subsection (a) shall require a State or local government to submit an application for the social impact partnership project that addresses the following:

“(1) The outcome goals of the project.

“(2) A description of each intervention in the project and anticipated outcomes of the intervention.

“(3) Rigorous evidence demonstrating that the intervention can be expected to produce the desired outcomes.

“(4) The target population that will be served by the project.

“(5) The expected social benefits to participants who receive the intervention and others who may be impacted.

“(6) Projected Federal, State, and local government costs and other costs to conduct the project.

“(7) Projected Federal, State, and local government savings and other savings, including an estimate of the savings to the Federal Government, on a program-by-program basis and in the aggregate, if the project is implemented and the outcomes are achieved as a result of the intervention.

“(8) If savings resulting from the successful completion of the project are estimated to accrue to the State or local government, the likelihood of the State or local government to realize those savings.

“(9) A plan for delivering the intervention through a social impact partnership model.

“(10) A description of the expertise of each service provider that will administer the intervention, including a summary of the experience of the service provider in delivering the proposed intervention or a similar intervention, or demonstrating that the service provider has the expertise necessary to deliver the proposed intervention.

“(11) An explanation of the experience of the State or local government, the intermediary, or the service provider in raising private and philanthropic capital to fund social service investments.

“(12) The detailed roles and responsibilities of each entity involved in the project, including any State or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

“(13) A summary of the experience of the service provider in delivering the proposed intervention or a similar intervention, or a summary demonstrating the service provider has the expertise necessary to deliver the proposed intervention.

“(14) A summary of the unmet need in the area where the intervention will be delivered or among the target population who will receive the intervention.

“(15) The proposed payment terms, the methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

“(16) The project budget.

“(17) The project timeline.

“(18) The criteria used to determine the eligibility of an individual for the project, including how selected populations will be identified, how they will be referred to the project, and how they will be enrolled in the project.

“(19) The evaluation design.

“(20) The metrics that will be used in the evaluation to determine whether the outcomes have been achieved as a result of the intervention and how the metrics will be measured.

“(21) An explanation of how the metrics used in the evaluation to determine whether the outcomes achieved as a result of the intervention are independent, objective indicators of impact and are not subject to manipulation by the service provider, intermediary, or investor.

“(22) A summary explaining the independence of the evaluator from the other entities involved in the project and the evaluator’s experience in conducting rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials on the intervention or similar interventions.

“(23) The capacity of the service provider to deliver the intervention to the number of participants the State or local government proposes to serve in the project.

“(24) A description of whether and how the State or local government and service providers plan to sustain the intervention, if it is timely and appropriate to do so, to ensure that successful interventions continue to operate after the period of the social impact partnership.

“(d) PROJECT INTERMEDIARY INFORMATION REQUIRED.—The application described in subsection (c) shall also contain the following information about any intermediary for the social impact partnership project (whether an intermediary is a service provider or other entity):

“(1) Experience and capacity for providing or facilitating the provision of the type of intervention proposed.

“(2) The mission and goals.

“(3) Information on whether the intermediary is already working with service providers that provide this intervention or an explanation of the capacity of the intermediary to begin working with service providers to provide the intervention.

“(4) Experience working in a collaborative environment across government and nongovernmental entities.

“(5) Previous experience collaborating with public or private entities to implement evidence-based programs.

“(6) Ability to raise or provide funding to cover operating costs (if applicable to the project).

“(7) Capacity and infrastructure to track outcomes and measure results, including—

“(A) capacity to track and analyze program performance and assess program impact; and

“(B) experience with performance-based awards or performance-based contracting and achieving project milestones and targets.

“(8) Role in delivering the intervention.

“(9) How the intermediary would monitor program success, including a description of the interim benchmarks and outcome measures.

“(e) FEASIBILITY STUDIES FUNDED THROUGH OTHER SOURCES.—The notice described in subsection (a) shall permit a State or local government to submit an application for social impact partnership funding that contains information from a feasibility study developed for purposes other than applying for funding under this subtitle.

“AWARDING SOCIAL IMPACT PARTNERSHIP AGREEMENTS

“SEC. 2053. (a) TIMELINE IN AWARDING AGREEMENT.—Not later than 6 months after receiving

an application in accordance with section 2052, the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, shall determine whether to enter into an agreement for a social impact partnership project with a State or local government.

“(b) **CONSIDERATIONS IN AWARDING AGREEMENT.**—In determining whether to enter into an agreement for a social impact partnership project (the application for which was submitted under section 2052) the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships and the head of any Federal agency administering a similar intervention or serving a population similar to that served by the project, shall consider each of the following:

“(1) The recommendations made by the Commission on Social Impact Partnerships.

“(2) The value to the Federal Government of the outcomes expected to be achieved if the outcomes specified in the agreement are achieved as a result of the intervention.

“(3) The likelihood, based on evidence provided in the application and other evidence, that the State or local government in collaboration with the intermediary and the service providers will achieve the outcomes.

“(4) The savings to the Federal Government if the outcomes specified in the agreement are achieved as a result of the intervention.

“(5) The savings to the State and local governments if the outcomes specified in the agreement are achieved as a result of the intervention.

“(6) The expected quality of the evaluation that would be conducted with respect to the agreement.

“(7) The capacity and commitment of the State or local government to sustain the intervention, if appropriate and timely and if the intervention is successful, beyond the period of the social impact partnership.

“(c) **AGREEMENT AUTHORITY.**—

“(1) **AGREEMENT REQUIREMENTS.**—In accordance with this section, the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships and the head of any Federal agency administering a similar intervention or serving a population similar to that served by the project, may enter into an agreement for a social impact partnership project with a State or local government if the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, determines that each of the following requirements are met:

“(A) The State or local government agrees to achieve one or more outcomes as a result of the intervention, as specified in the agreement and validated by independent evaluation, in order to receive payment.

“(B) The Federal payment to the State or local government for each specified outcome achieved as a result of the intervention is less than or equal to the value of the outcome to the Federal Government over a period not to exceed 10 years, as determined by the Secretary, in consultation with the State or local government.

“(C) The duration of the project does not exceed 10 years.

“(D) The State or local government has demonstrated, through the application submitted under section 2052, that, based on prior rigorous experimental evaluations or rigorous quasi-experimental studies, the intervention can be expected to achieve each outcome specified in the agreement.

“(E) The State, local government, intermediary, or service provider has experience raising private or philanthropic capital to fund social service investments (if applicable to the project).

“(F) The State or local government has shown that each service provider has experience delivering the intervention, a similar intervention, or has otherwise demonstrated the expertise necessary to deliver the intervention.

“(2) **PAYMENT.**—The Secretary shall pay the State or local government only if the independent evaluator described in section 2055 determines that the social impact partnership project has met the requirements specified in the agreement and achieved an outcome as a result of the intervention, as specified in the agreement and validated by independent evaluation.

“(d) **NOTICE OF AGREEMENT AWARD.**—Not later than 30 days after entering into an agreement under this section the Secretary shall publish a notice in the Federal Register that includes, with regard to the agreement, the following:

“(1) The outcome goals of the social impact partnership project.

“(2) A description of each intervention in the project.

“(3) The target population that will be served by the project.

“(4) The expected social benefits to participants who receive the intervention and others who may be impacted.

“(5) The detailed roles, responsibilities, and purposes of each Federal, State, or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

“(6) The payment terms, the methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

“(7) The project budget.

“(8) The project timeline.

“(9) The project eligibility criteria.

“(10) The evaluation design.

“(11) The metrics that will be used in the evaluation to determine whether the outcomes have been achieved as a result of each intervention and how these metrics will be measured.

“(12) The estimate of the savings to the Federal, State, and local government, on a program-by-program basis and in the aggregate, if the agreement is entered into and implemented and the outcomes are achieved as a result of each intervention.

“(e) **AUTHORITY TO TRANSFER ADMINISTRATION OF AGREEMENT.**—The Secretary may transfer to the head of another Federal agency the authority to administer (including making payments under) an agreement entered into under subsection (c), and any funds necessary to do so.

“(f) **REQUIREMENT ON FUNDING USED TO BENEFIT CHILDREN.**—Not less than 50 percent of all Federal payments made to carry out agreements under this section shall be used for initiatives that directly benefit children.

“FEASIBILITY STUDY FUNDING

“SEC. 2054. (a) **REQUESTS FOR FUNDING FOR FEASIBILITY STUDIES.**—The Secretary shall reserve a portion of the amount made available to carry out this subtitle to assist States or local governments in developing feasibility studies to apply for social impact partnership funding under section 2052. To be eligible to receive funding to assist with completing a feasibility study, a State or local government shall submit an application for feasibility study funding addressing the following:

“(1) A description of the outcome goals of the social impact partnership project.

“(2) A description of the intervention, including anticipated program design, target population, an estimate regarding the number of individuals to be served, and setting for the intervention.

“(3) Evidence to support the likelihood that the intervention will produce the desired outcomes.

“(4) A description of the potential metrics to be used.

“(5) The expected social benefits to participants who receive the intervention and others who may be impacted.

“(6) Estimated costs to conduct the project.

“(7) Estimates of Federal, State, and local government savings and other savings if the

project is implemented and the outcomes are achieved as a result of each intervention.

“(8) An estimated timeline for implementation and completion of the project, which shall not exceed 10 years.

“(9) With respect to a project for which the State or local government selects an intermediary to operate the project, any partnerships needed to successfully execute the project and the ability of the intermediary to foster the partnerships.

“(10) The expected resources needed to complete the feasibility study for the State or local government to apply for social impact partnership funding under section 2052.

“(b) **FEDERAL SELECTION OF APPLICATIONS FOR FEASIBILITY STUDY.**—Not later than 6 months after receiving an application for feasibility study funding under subsection (a), the Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships and the head of any Federal agency administering a similar intervention or serving a population similar to that served by the project, shall select State or local government feasibility study proposals for funding based on the following:

“(1) The recommendations made by the Commission on Social Impact Partnerships.

“(2) The likelihood that the proposal will achieve the desired outcomes.

“(3) The value of the outcomes expected to be achieved as a result of each intervention.

“(4) The potential savings to the Federal Government if the social impact partnership project is successful.

“(5) The potential savings to the State and local governments if the project is successful.

“(c) **PUBLIC DISCLOSURE.**—Not later than 30 days after selecting a State or local government for feasibility study funding under this section, the Secretary shall cause to be published on the website of the Federal Interagency Council on Social Impact Partnerships information explaining why a State or local government was granted feasibility study funding.

“(d) **FUNDING RESTRICTION.**—

“(1) **FEASIBILITY STUDY RESTRICTION.**—The Secretary may not provide feasibility study funding under this section for more than 50 percent of the estimated total cost of the feasibility study reported in the State or local government application submitted under subsection (a).

“(2) **AGGREGATE RESTRICTION.**—Of the total amount made available to carry out this subtitle, the Secretary may not use more than \$10,000,000 to provide feasibility study funding to States or local governments under this section.

“(3) **NO GUARANTEE OF FUNDING.**—The Secretary shall have the option to award no funding under this section.

“(e) **SUBMISSION OF FEASIBILITY STUDY REQUIRED.**—Not later than 9 months after the receipt of feasibility study funding under this section, a State or local government receiving the funding shall complete the feasibility study and submit the study to the Federal Interagency Council on Social Impact Partnerships.

“(f) **DELEGATION OF AUTHORITY.**—The Secretary may transfer to the head of another Federal agency the authorities provided in this section and any funds necessary to exercise the authorities.

“EVALUATIONS

“SEC. 2055. (a) **AUTHORITY TO ENTER INTO AGREEMENTS.**—For each State or local government awarded a social impact partnership project approved by the Secretary under this subtitle, the head of the relevant agency, as recommended by the Federal Interagency Council on Social Impact Partnerships and determined by the Secretary, shall enter into an agreement with the State or local government to pay for all or part of the independent evaluation to determine whether the State or local government project has achieved a specific outcome as a result of the intervention in order for the State or

local government to receive outcome payments under this subtitle.

“(b) **EVALUATOR QUALIFICATIONS.**—The head of the relevant agency may not enter into an agreement with a State or local government unless the head determines that the evaluator is independent of the other parties to the agreement and has demonstrated substantial experience in conducting rigorous evaluations of program effectiveness including, where available and appropriate, well-implemented randomized controlled trials on the intervention or similar interventions.

“(c) **METHODOLOGIES TO BE USED.**—The evaluation used to determine whether a State or local government will receive outcome payments under this subtitle shall use experimental designs using random assignment or other reliable, evidence-based research methodologies, as certified by the Federal Interagency Council on Social Impact Partnerships, that allow for the strongest possible causal inferences when random assignment is not feasible.

“(d) **PROGRESS REPORT.**—

“(1) **SUBMISSION OF REPORT.**—The independent evaluator shall—

“(A) not later than 2 years after a project has been approved by the Secretary and biannually thereafter until the project is concluded, submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a written report summarizing the progress that has been made in achieving each outcome specified in the agreement; and

“(B) before the scheduled time of the first outcome payment and before the scheduled time of each subsequent payment, submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a written report that includes the results of the evaluation conducted to determine whether an outcome payment should be made along with information on the unique factors that contributed to achieving or failing to achieve the outcome, the challenges faced in attempting to achieve the outcome, and information on the improved future delivery of this or similar interventions.

“(2) **SUBMISSION TO THE SECRETARY AND CONGRESS.**—Not later than 30 days after receipt of the written report pursuant to paragraph (1)(B), the Federal Interagency Council on Social Impact Partnerships shall submit the report to the Secretary and each committee of jurisdiction in the House of Representatives and the Senate.

“(e) **FINAL REPORT.**—

“(1) **SUBMISSION OF REPORT.**—Within 6 months after the social impact partnership project is completed, the independent evaluator shall—

“(A) evaluate the effects of the activities undertaken pursuant to the agreement with regard to each outcome specified in the agreement; and

“(B) submit to the head of the relevant agency and the Federal Interagency Council on Social Impact Partnerships a written report that includes the results of the evaluation and the conclusion of the evaluator as to whether the State or local government has fulfilled each obligation of the agreement, along with information on the unique factors that contributed to the success or failure of the project, the challenges faced in attempting to achieve the outcome, and information on the improved future delivery of this or similar interventions.

“(2) **SUBMISSION TO THE SECRETARY AND CONGRESS.**—Not later than 30 days after receipt of the written report pursuant to paragraph (1)(B), the Federal Interagency Council on Social Impact Partnerships shall submit the report to the Secretary and each committee of jurisdiction in the House of Representatives and the Senate.

“(f) **LIMITATION ON COST OF EVALUATIONS.**—Of the amount made available under this subtitle for social impact partnership projects, the Secretary may not obligate more than 15 percent to evaluate the implementation and outcomes of the projects.

“(g) **DELEGATION OF AUTHORITY.**—The Secretary may transfer to the head of another Federal agency the authorities provided in this section and any funds necessary to exercise the authorities.

“FEDERAL INTERAGENCY COUNCIL ON SOCIAL IMPACT PARTNERSHIPS

“SEC. 2056. (a) **ESTABLISHMENT.**—There is established the Federal Interagency Council on Social Impact Partnerships (in this section referred to as the ‘Council’) to—

“(1) coordinate with the Secretary on the efforts of social impact partnership projects funded under this subtitle;

“(2) advise and assist the Secretary in the development and implementation of the projects;

“(3) advise the Secretary on specific programmatic and policy matter related to the projects;

“(4) provide subject-matter expertise to the Secretary with regard to the projects;

“(5) certify to the Secretary that each State or local government that has entered into an agreement with the Secretary for a social impact partnership project under this subtitle and each evaluator selected by the head of the relevant agency under section 2055 has access to Federal administrative data to assist the State or local government and the evaluator in evaluating the performance and outcomes of the project;

“(6) address issues that will influence the future of social impact partnership projects in the United States;

“(7) provide guidance to the executive branch on the future of social impact partnership projects in the United States;

“(8) prior to approval by the Secretary, certify that each State and local government application for a social impact partnership contains rigorous, independent data and reliable, evidence-based research methodologies to support the conclusion that the project will yield savings to the State or local government or the Federal Government if the project outcomes are achieved;

“(9) certify to the Secretary, in the case of each approved social impact partnership that is expected to yield savings to the Federal Government, that the project will yield a projected savings to the Federal Government if the project outcomes are achieved, and coordinate with the relevant Federal agency to produce an after-action accounting once the project is complete to determine the actual Federal savings realized, and the extent to which actual savings aligned with projected savings; and

“(10) provide periodic reports to the Secretary and make available reports periodically to Congress and the public on the implementation of this subtitle.

“(b) **COMPOSITION OF COUNCIL.**—The Council shall have 11 members, as follows:

“(1) **CHAIR.**—The Chair of the Council shall be the Director of the Office of Management and Budget.

“(2) **OTHER MEMBERS.**—The head of each of the following entities shall designate one officer or employee of the entity to be a Council member:

“(A) The Department of Labor.

“(B) The Department of Health and Human Services.

“(C) The Social Security Administration.

“(D) The Department of Agriculture.

“(E) The Department of Justice.

“(F) The Department of Housing and Urban Development.

“(G) The Department of Education.

“(H) The Department of Veterans Affairs.

“(I) The Department of the Treasury.

“(J) The Corporation for National and Community Service.

“COMMISSION ON SOCIAL IMPACT PARTNERSHIPS

“SEC. 2057. (a) **ESTABLISHMENT.**—There is established the Commission on Social Impact Partnerships (in this section referred to as the ‘Commission’).

“(b) **DUTIES.**—The duties of the Commission shall be to—

“(1) assist the Secretary and the Federal Interagency Council on Social Impact Partnerships in reviewing applications for funding under this subtitle;

“(2) make recommendations to the Secretary and the Federal Interagency Council on Social Impact Partnerships regarding the funding of social impact partnership agreements and feasibility studies; and

“(3) provide other assistance and information as requested by the Secretary or the Federal Interagency Council on Social Impact Partnerships.

“(c) **COMPOSITION.**—The Commission shall be composed of nine members, of whom—

“(1) one shall be appointed by the President, who will serve as the Chair of the Commission;

“(2) one shall be appointed by the Majority Leader of the Senate;

“(3) one shall be appointed by the Minority Leader of the Senate;

“(4) one shall be appointed by the Speaker of the House of Representatives;

“(5) one shall be appointed by the Minority Leader of the House of Representatives;

“(6) one shall be appointed by the Chairman of the Committee on Finance of the Senate;

“(7) one shall be appointed by the ranking member of the Committee on Finance of the Senate;

“(8) one member shall be appointed by the Chairman of the Committee on Ways and Means of the House of Representatives; and

“(9) one shall be appointed by the ranking member of the Committee on Ways and Means of the House of Representatives.

“(d) **QUALIFICATIONS OF COMMISSION MEMBERS.**—The members of the Commission shall—

“(1) be experienced in finance, economics, pay for performance, or program evaluation;

“(2) have relevant professional or personal experience in a field related to one or more of the outcomes listed in this subtitle; or

“(3) be qualified to review applications for social impact partnership projects to determine whether the proposed metrics and evaluation methodologies are appropriately rigorous and reliant upon independent data and evidence-based research.

“(e) **TIMING OF APPOINTMENTS.**—The appointments of the members of the Commission shall be made not later than 120 days after the date of the enactment of this subtitle, or, in the event of a vacancy, not later than 90 days after the date the vacancy arises. If a member of Congress fails to appoint a member by that date, the President may select a member of the President's choice on behalf of the member of Congress. Notwithstanding the preceding sentence, if not all appointments have been made to the Commission as of that date, the Commission may operate with no fewer than five members until all appointments have been made.

“(f) **TERM OF APPOINTMENTS.**—

“(1) **IN GENERAL.**—The members appointed under subsection (c) shall serve as follows:

“(A) Three members shall serve for 2 years.

“(B) Three members shall serve for 3 years.

“(C) Three members (one of which shall be Chair of the Commission appointed by the President) shall serve for 4 years.

“(2) **ASSIGNMENT OF TERMS.**—The Commission shall designate the term length that each member appointed under subsection (c) shall serve by unanimous agreement. In the event that unanimous agreement cannot be reached, term lengths shall be assigned to the members by a random process.

“(g) **VACANCIES.**—Subject to subsection (e), in the event of a vacancy in the Commission, whether due to the resignation of a member, the expiration of a member's term, or any other reason, the vacancy shall be filled in the manner in which the original appointment was made and shall not affect the powers of the Commission.

“(h) **APPOINTMENT POWER.**—Members of the Commission appointed under subsection (c) shall not be subject to confirmation by the Senate.

“LIMITATION ON USE OF FUNDS

“SEC. 2058. Of the amounts made available to carry out this subtitle, the Secretary may not use more than \$2,000,000 in any fiscal year to support the review, approval, and oversight of social impact partnership projects, including activities conducted by—

“(1) the Federal Interagency Council on Social Impact Partnerships; and

“(2) any other agency consulted by the Secretary before approving a social impact partnership project or a feasibility study under section 2054.

“NO FEDERAL FUNDING FOR CREDIT ENHANCEMENTS

“SEC. 2059. No amount made available to carry out this subtitle may be used to provide any insurance, guarantee, or other credit enhancement to a State or local government under which a Federal payment would be made to a State or local government as the result of a State or local government failing to achieve an outcome specified in an agreement.

“AVAILABILITY OF FUNDS

“SEC. 2060. Amounts made available to carry out this subtitle shall remain available until 10 years after the date of the enactment of this subtitle.

“WEBSITE

“SEC. 2061. The Federal Interagency Council on Social Impact Partnerships shall establish and maintain a public website that shall display the following:

“(1) A copy of, or method of accessing, each notice published regarding a social impact partnership project pursuant to this subtitle.

“(2) A copy of each feasibility study funded under this subtitle.

“(3) For each State or local government that has entered into an agreement with the Secretary for a social impact partnership project, the website shall contain the following information:

“(A) The outcome goals of the project.

“(B) A description of each intervention in the project.

“(C) The target population that will be served by the project.

“(D) The expected social benefits to participants who receive the intervention and others who may be impacted.

“(E) The detailed roles, responsibilities, and purposes of each Federal, State, or local government entity, intermediary, service provider, independent evaluator, investor, or other stakeholder.

“(F) The payment terms, methodology used to calculate outcome payments, the payment schedule, and performance thresholds.

“(G) The project budget.

“(H) The project timeline.

“(I) The project eligibility criteria.

“(J) The evaluation design.

“(K) The metrics used to determine whether the proposed outcomes have been achieved and how these metrics are measured.

“(4) A copy of the progress reports and the final reports relating to each social impact partnership project.

“(5) An estimate of the savings to the Federal, State, and local government, on a program-by-program basis and in the aggregate, resulting from the successful completion of the social impact partnership project.

“REGULATIONS

“SEC. 2062. The Secretary, in consultation with the Federal Interagency Council on Social Impact Partnerships, may issue regulations as necessary to carry out this subtitle.

“DEFINITIONS

“SEC. 2063. In this subtitle:

“(1) AGENCY.—The term ‘agency’ has the meaning given that term in section 551 of title 5, United States Code.

“(2) INTERVENTION.—The term ‘intervention’ means a specific service delivered to achieve an

impact through a social impact partnership project.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(4) SOCIAL IMPACT PARTNERSHIP PROJECT.—The term ‘social impact partnership project’ means a project that finances social services using a social impact partnership model.

“(5) SOCIAL IMPACT PARTNERSHIP MODEL.—The term ‘social impact partnership model’ means a method of financing social services in which—

“(A) Federal funds are awarded to a State or local government only if a State or local government achieves certain outcomes agreed on by the State or local government and the Secretary; and

“(B) the State or local government coordinates with service providers, investors (if applicable to the project), and (if necessary) an intermediary to identify—

“(i) an intervention expected to produce the outcome;

“(ii) a service provider to deliver the intervention to the target population; and

“(iii) investors to fund the delivery of the intervention.

“(6) STATE.—The term ‘State’ means each State of the United States, the District of Columbia, each commonwealth, territory or possession of the United States, and each federally recognized Indian tribe.

“FUNDING

“SEC. 2064. Out of any money in the Treasury of the United States not otherwise appropriated, there is hereby appropriated \$100,000,000 for fiscal year 2018 to carry out this subtitle.”

TITLE IX—PUBLIC HEALTH PROGRAMS

SEC. 50901. EXTENSION FOR COMMUNITY HEALTH CENTERS, THE NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GME PROGRAMS.

(a) COMMUNITY HEALTH CENTERS FUNDING.—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)), as amended by section 3101 of Public Law 115–96, is amended to read as follows:

“(F) \$3,800,000,000 for fiscal year 2018 and \$4,000,000,000 for fiscal year 2019.”

(b) OTHER COMMUNITY HEALTH CENTERS PROVISIONS.—Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended—

(1) in subsection (b)(1)(A)(ii), by striking “abuse” and inserting “use disorder”;

(2) in subsection (b)(2)(A), by striking “abuse” and inserting “use disorder”;

(3) in subsection (c)—

(A) in paragraph (1), by striking subparagraphs (B) through (D);

(B) by striking “(1) IN GENERAL” and all that follows through “The Secretary” and inserting the following:

“(1) CENTERS.—The Secretary”; and

(C) in paragraph (1), as amended, by redesignating clauses (i) through (v) as subparagraphs (A) through (E) and moving the margin of each of such redesignated subparagraph 2 ems to the left;

(4) by striking subsection (d) and inserting the following:

“(d) IMPROVING QUALITY OF CARE.—

“(1) SUPPLEMENTAL AWARDS.—The Secretary may award supplemental grant funds to health centers funded under this section to implement evidence-based models for increasing access to high-quality primary care services, which may include models related to—

“(A) improving the delivery of care for individuals with multiple chronic conditions;

“(B) workforce configuration;

“(C) reducing the cost of care;

“(D) enhancing care coordination;

“(E) expanding the use of telehealth and technology-enabled collaborative learning and capacity building models;

“(F) care integration, including integration of behavioral health, mental health, or substance use disorder services; and

“(G) addressing emerging public health or substance use disorder issues to meet the health needs of the population served by the health center.

“(2) SUSTAINABILITY.—In making supplemental awards under this subsection, the Secretary may consider whether the health center involved has submitted a plan for continuing the activities funded under this subsection after supplemental funding is expended.

“(3) SPECIAL CONSIDERATION.—The Secretary may give special consideration to applications for supplemental funding under this subsection that seek to address significant barriers to access to care in areas with a greater shortage of health care providers and health services relative to the national average.”;

(5) in subsection (e)(1)—

(A) in subparagraph (B)—

(i) by striking “2 years” and inserting “1 year”; and

(ii) by adding at the end the following: “The Secretary shall not make a grant under this paragraph unless the applicant provides assurances to the Secretary that within 120 days of receiving grant funding for the operation of the health center, the applicant will submit, for approval by the Secretary, an implementation plan to meet the requirements of subsection (k)(3). The Secretary may extend such 120-day period for achieving compliance upon a demonstration of good cause by the health center.”; and

(B) in subparagraph (C)—

(i) in the subparagraph heading, by striking “AND PLANS”;

(ii) by striking “or plan (as described in subparagraphs (B) and (C) of subsection (c)(1))”;

(iii) by striking “or plan, including the purchase” and inserting the following: “including—

“(i) the purchase”;

(iv) by inserting “, which may include data and information systems” after “of equipment”;

(v) by striking the period at the end and inserting a semicolon; and

(vi) by adding at the end the following:

“(ii) the provision of training and technical assistance; and

“(iii) other activities that—

“(I) reduce costs associated with the provision of health services;

“(II) improve access to, and availability of, health services provided to individuals served by the centers;

“(III) enhance the quality and coordination of health services; or

“(IV) improve the health status of communities.”;

(6) in subsection (e)(5)(B)—

(A) in the heading of subparagraph (B), by striking “AND PLANS”; and

(B) by striking “and subparagraphs (B) and (C) of subsection (c)(1) to a health center or to a network or plan” and inserting “to a health center or to a network”;

(7) in subsection (e), by adding at the end the following:

“(6) NEW ACCESS POINTS AND EXPANDED SERVICES.—

“(A) APPROVAL OF NEW ACCESS POINTS.—

“(i) IN GENERAL.—The Secretary may approve applications for grants under subparagraph (A) or (B) of paragraph (1) to establish new delivery sites.

“(ii) SPECIAL CONSIDERATION.—In carrying out clause (i), the Secretary may give special consideration to applicants that have demonstrated the new delivery site will be located within a sparsely populated area, or an area which has a level of unmet need that is higher relative to other applicants.

“(iii) CONSIDERATION OF APPLICATIONS.—In carrying out clause (i), the Secretary shall approve applications for grants in such a manner that the ratio of the medically underserved populations in rural areas which may be expected to use the services provided by the applicants involved to the medically underserved populations in urban areas which may be expected to

use the services provided by the applicants is not less than two to three or greater than three to two.

“(iv) **SERVICE AREA OVERLAP.**—If in carrying out clause (i) the applicant proposes to serve an area that is currently served by another health center funded under this section, the Secretary may consider whether the award of funding to an additional health center in the area can be justified based on the unmet need for additional services within the catchment area.

“(B) **APPROVAL OF EXPANDED SERVICE APPLICATIONS.**—

“(i) **IN GENERAL.**—The Secretary may approve applications for grants under subparagraph (A) or (B) of paragraph (1) to expand the capacity of the applicant to provide required primary health services described in subsection (b)(1) or additional health services described in subsection (b)(2).

“(ii) **PRIORITY EXPANSION PROJECTS.**—In carrying out clause (i), the Secretary may give special consideration to expanded service applications that seek to address emerging public health or behavioral health, mental health, or substance abuse issues through increasing the availability of additional health services described in subsection (b)(2) in an area in which there are significant barriers to accessing care.

“(iii) **CONSIDERATION OF APPLICATIONS.**—In carrying out clause (i), the Secretary shall approve applications for grants in such a manner that the ratio of the medically underserved populations in rural areas which may be expected to use the services provided by the applicants involved to the medically underserved populations in urban areas which may be expected to use the services provided by such applicants is not less than two to three or greater than three to two.”;

(8) in subsection (h)—

(A) in paragraph (1), by striking “and children and youth at risk of homelessness” and inserting “, children and youth at risk of homelessness, homeless veterans, and veterans at risk of homelessness”; and

(B) in paragraph (5)—

(i) by striking subparagraph (B);

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(iii) in subparagraph (B) (as so redesignated)—

(I) in the subparagraph heading, by striking “ABUSE” and inserting “USE DISORDER”; and

(II) by striking “abuse” and inserting “use disorder”;

(9) in subsection (k)—

(A) in paragraph (2)—

(i) in the paragraph heading, by inserting “UNMET” before “NEED”;

(ii) in the matter preceding subparagraph (A), by inserting “or subsection (e)(6)” after “subsection (e)(1)”;

(iii) in subparagraph (A), by inserting “unmet” before “need for health services”;

(iv) in subparagraph (B), by striking “and” at the end;

(v) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(vi) by adding after subparagraph (C) the following:

“(D) in the case of an application for a grant pursuant to subsection (e)(6), a demonstration that the applicant has consulted with appropriate State and local government agencies, and health care providers regarding the need for the health services to be provided at the proposed delivery site.”;

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by inserting “or subsection (e)(6)” after “subsection (e)(1)(B)”;

(ii) in subparagraph (B), by striking “in the catchment area of the center” and inserting “, including other health care providers that provide care within the catchment area, local hospitals, and specialty providers in the catchment area of the center, to provide access to services

not available through the health center and to reduce the non-urgent use of hospital emergency departments”;

(iii) in subparagraph (H)(ii), by inserting “who shall be directly employed by the center” after “approves the selection of a director for the center”;

(iv) in subparagraph (L), by striking “and” at the end;

(v) in subparagraph (M), by striking the period and inserting “; and”; and

(vi) by inserting after subparagraph (M), the following:

“(N) the center has written policies and procedures in place to ensure the appropriate use of Federal funds in compliance with applicable Federal statutes, regulations, and the terms and conditions of the Federal award.”; and

(C) by striking paragraph (4);

(10) in subsection (l), by adding at the end the following: “Funds expended to carry out activities under this subsection and operational support activities under subsection (m) shall not exceed 3 percent of the amount appropriated for this section for the fiscal year involved.”;

(11) in subsection (q)(4), by adding at the end the following: “A waiver provided by the Secretary under this paragraph may not remain in effect for more than 1 year and may not be extended after such period. An entity may not receive more than one waiver under this paragraph in consecutive years.”;

(12) in subsection (r)(3)—

(A) by striking “appropriate committees of Congress a report concerning the distribution of funds under this section” and inserting the following: “Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report including, at a minimum—

“(A) the distribution of funds for carrying out this section”;

(B) by striking “populations. Such report shall include an assessment” and inserting the following: “populations;

“(B) an assessment”;

(C) by striking “and the rationale for any substantial changes in the distribution of funds.” and inserting a semicolon; and

(D) by adding at the end the following:

“(C) the distribution of awards and funding for new or expanded services in each of rural areas and urban areas;

“(D) the distribution of awards and funding for establishing new access points, and the number of new access points created;

“(E) the amount of unexpended funding for loan guarantees and loan guarantee authority under title XVI;

“(F) the rationale for any substantial changes in the distribution of funds;

“(G) the rate of closures for health centers and access points;

“(H) the number and reason for any grants awarded pursuant to subsection (e)(1)(B); and

“(I) the number and reason for any waivers provided pursuant to subsection (q)(4).”;

(13) in subsection (r), by adding at the end the following new paragraph:

“(5) **FUNDING FOR PARTICIPATION OF HEALTH CENTERS IN ALL OF US RESEARCH PROGRAM.**—In addition to any amounts made available pursuant to paragraph (1) of this subsection, section 402A of this Act, or section 10503 of the Patient Protection and Affordable Care Act, there is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, to the Secretary \$25,000,000 for fiscal year 2018 to support the participation of health centers in the All of Us Research Program under the Precision Medicine Initiative under section 498E of this Act.”; and

(14) by striking subsection (s).

(c) **NATIONAL HEALTH SERVICE CORPS.**—Section 10503(b)(2)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(2)(F)), as amended by section 3101 of Public Law 115-96, is amended to read as follows:

“(F) \$310,000,000 for each of fiscal years 2018 and 2019.”.

(d) **TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.**—

(1) **PAYMENTS.**—Subsection (a) of section 340H of the Public Health Service Act (42 U.S.C. 256h) is amended to read as follows:

“(a) **PAYMENTS.**—

“(1) **IN GENERAL.**—Subject to subsection (h)(2), the Secretary shall make payments under this section for direct expenses and indirect expenses to qualified teaching health centers that are listed as sponsoring institutions by the relevant accrediting body for, as appropriate—

“(A) maintenance of filled positions at existing approved graduate medical residency training programs;

“(B) expansion of existing approved graduate medical residency training programs; and

“(C) establishment of new approved graduate medical residency training programs.

“(2) **PER RESIDENT AMOUNT.**—In making payments under paragraph (1), the Secretary shall consider the cost of training residents at teaching health centers and the implications of the per resident amount on approved graduate medical residency training programs at teaching health centers.

“(3) **PRIORITY.**—In making payments under paragraph (1)(C), the Secretary shall give priority to qualified teaching health centers that—

“(A) serve a health professional shortage area with a designation in effect under section 332 or a medically underserved community (as defined in section 799B); or

“(B) are located in a rural area (as defined in section 1886(d)(2)(D) of the Social Security Act).”.

(2) **FUNDING.**—Paragraph (1) of section 340H(g) of the Public Health Service Act (42 U.S.C. 256h(g)), as amended by section 3101 of Public Law 115-96, is amended by striking “and \$30,000,000 for the period of the first and second quarters of fiscal year 2018,” and inserting “and \$126,500,000 for each of fiscal years 2018 and 2019.”.

(3) **ANNUAL REPORTING.**—Subsection (h)(1) of section 340H of the Public Health Service Act (42 U.S.C. 256h) is amended—

(A) by redesignating subparagraph (D) as subparagraph (H); and

(B) by inserting after subparagraph (C) the following:

“(D) The number of patients treated by residents described in paragraph (4).

“(E) The number of visits by patients treated by residents described in paragraph (4).

“(F) Of the number of residents described in paragraph (4) who completed their residency training at the end of such residency academic year, the number and percentage of such residents entering primary care practice (meaning any of the areas of practice listed in the definition of a primary care residency program in section 749A).

“(G) Of the number of residents described in paragraph (4) who completed their residency training at the end of such residency academic year, the number and percentage of such residents who entered practice at a health care facility—

“(i) primarily serving a health professional shortage area with a designation in effect under section 332 or a medically underserved community (as defined in section 799B); or

“(ii) located in a rural area (as defined in section 1886(d)(2)(D) of the Social Security Act).”.

(4) **REPORT ON TRAINING COSTS.**—Not later than March 31, 2019, the Secretary of Health and Human Services shall submit to the Congress a report on the direct graduate expenses of approved graduate medical residency training programs, and the indirect expenses associated with the additional costs of teaching residents, of qualified teaching health centers (as such terms are used or defined in section 340H of the Public Health Service Act (42 U.S.C. 256h)).

(5) **DEFINITION.**—Subsection (j) of section 340H of the Public Health Service Act (42 U.S.C. 256h) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) NEW APPROVED GRADUATE MEDICAL RESIDENCY TRAINING PROGRAM.—The term ‘new approved graduate medical residency training program’ means an approved graduate medical residency training program for which the sponsoring qualified teaching health center has not received a payment under this section for a previous fiscal year (other than pursuant to subsection (a)(1)(C)).”

(6) TECHNICAL CORRECTION.—Subsection (f) of section 340H (42 U.S.C. 256h) is amended by striking “hospital” each place it appears and inserting “teaching health center”.

(7) PAYMENTS FOR PREVIOUS FISCAL YEARS.—The provisions of section 340H of the Public Health Service Act (42 U.S.C. 256h), as in effect on the day before the date of enactment of Public Law 115–96, shall continue to apply with respect to payments under such section for fiscal years before fiscal year 2018.

(e) APPLICATION.—Amounts appropriated pursuant to this section for fiscal year 2018 or 2019 are subject to the requirements contained in Public Law 115–31 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254b–256).

(f) CONFORMING AMENDMENTS.—Paragraph (4) of section 3014(h) of title 18, United States Code, as amended by section 3101 of Public Law 115–96, is amended by striking “and section 3101(d) of the CHIP and Public Health Funding Extension Act” and inserting “and section 50901(e) of the Advancing Chronic Care, Extenders, and Social Services Act”.

SEC. 50902. EXTENSION FOR SPECIAL DIABETES PROGRAMS.

(a) SPECIAL DIABETES PROGRAM FOR TYPE I DIABETES.—Section 330B(b)(2)(D) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(D)), as amended by section 3102 of Public Law 115–96, is amended to read as follows:

“(D) \$150,000,000 for each of fiscal years 2018 and 2019, to remain available until expended.”.

(b) SPECIAL DIABETES PROGRAM FOR INDIGENTS.—Subparagraph (D) of section 330C(c)(2) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)), as amended by section 3102 of Public Law 115–96, is amended to read as follows:

“(D) \$150,000,000 for each of fiscal years 2018 and 2019, to remain available until expended.”.

TITLE X—MISCELLANEOUS HEALTH CARE POLICIES

SEC. 51001. HOME HEALTH PAYMENT REFORM.

(a) BUDGET NEUTRAL TRANSITION TO A 30-DAY UNIT OF PAYMENT FOR HOME HEALTH SERVICES.—Section 1895(b) of the Social Security Act (42 U.S.C. 1395fff(b)) is amended—

(1) in paragraph (2)—

(A) by striking “PAYMENT.—In defining” and inserting “PAYMENT.—

“(A) IN GENERAL.—In defining”; and

(B) by adding at the end the following new subparagraph:

“(B) 30-DAY UNIT OF SERVICE.—For purposes of implementing the prospective payment system with respect to home health units of service furnished during a year beginning with 2020, the Secretary shall apply a 30-day unit of service as the unit of service applied under this paragraph.”;

(2) in paragraph (3)—

(A) in subparagraph (A), by adding at the end the following new clause:

“(iv) BUDGET NEUTRALITY FOR 2020.—With respect to payments for home health units of service furnished that end during the 12-month period beginning January 1, 2020, the Secretary shall calculate a standard prospective payment amount (or amounts) for 30-day units of service (as described in paragraph (2)(B)) for the prospective payment system under this subsection. Such standard prospective payment amount (or amounts) shall be calculated in a manner such

that the estimated aggregate amount of expenditures under the system during such period with application of paragraph (2)(B) is equal to the estimated aggregate amount of expenditures that otherwise would have been made under the system during such period if paragraph (2)(B) had not been enacted. The previous sentence shall be applied before (and not affect the application of) paragraph (3)(B). In calculating such amount (or amounts), the Secretary shall make assumptions about behavior changes that could occur as a result of the implementation of paragraph (2)(B) and the case-mix adjustment factors established under paragraph (4)(B) and shall provide a description of such assumptions in the notice and comment rulemaking used to implement this clause.”; and

(B) by adding at the end the following new subparagraph:

“(D) BEHAVIOR ASSUMPTIONS AND ADJUSTMENTS.—

“(i) IN GENERAL.—The Secretary shall annually determine the impact of differences between assumed behavior changes (as described in paragraph (3)(A)(iv)) and actual behavior changes on estimated aggregate expenditures under this subsection with respect to years beginning with 2020 and ending with 2026.

“(ii) PERMANENT ADJUSTMENTS.—The Secretary shall, at a time and in a manner determined appropriate, through notice and comment rulemaking, provide for one or more permanent increases or decreases to the standard prospective payment amount (or amounts) for applicable years, on a prospective basis, to offset for such increases or decreases in estimated aggregate expenditures (as determined under clause (i)).

“(iii) TEMPORARY ADJUSTMENTS FOR RETROSPECTIVE BEHAVIOR.—The Secretary shall, at a time and in a manner determined appropriate, through notice and comment rulemaking, provide for one or more temporary increases or decreases to the payment amount for a unit of home health services (as determined under paragraph (4)) for applicable years, on a prospective basis, to offset for such increases or decreases in estimated aggregate expenditures (as determined under clause (i)). Such a temporary increase or decrease shall apply only with respect to the year for which such temporary increase or decrease is made, and the Secretary shall not take into account such a temporary increase or decrease in computing such amount under this subsection for a subsequent year.”; and

(3) in paragraph (4)(B)—

(A) by striking “FACTORS.—The Secretary” and inserting “FACTORS.—

“(i) IN GENERAL.—The Secretary”; and

(B) by adding at the end the following new clause:

“(ii) TREATMENT OF THERAPY THRESHOLDS.—For 2020 and subsequent years, the Secretary shall eliminate the use of therapy thresholds (established by the Secretary) in case mix adjustment factors established under clause (i) for calculating payments under the prospective payment system under this subsection.”.

(b) TECHNICAL EXPERT PANEL.—

(1) IN GENERAL.—During the period beginning on January 1, 2018, and ending on December 31, 2018, the Secretary of Health and Human Services shall hold at least one session of a technical expert panel, the participants of which shall include home health providers, patient representatives, and other relevant stakeholders. The technical expert panel shall identify and prioritize recommendations with respect to the prospective payment system for home health services under section 1895(b) of the Social Security Act (42 U.S.C. 1395fff(b)), on the following:

(A) The Home Health Groupings Model, as described in the proposed rule “Medicare and Medicaid Programs; CY 2018 Home Health Prospective Payment System Rate Update and Proposed CY 2019 Case-Mix Adjustment Methodology Refinements; Home Health Value-Based Purchasing Model; and Home Health Quality

Reporting Requirements” (82 Fed. Reg. 35294 through 35332 (July 28, 2017)).

(B) Alternative case-mix models to the Home Health Groupings Model that were submitted during 2017 as comments in response to proposed rule making, including patient-focused factors that consider the risks of hospitalization and readmission to a hospital, improvement or maintenance of functionality of individuals to increase the capacity for self-care, quality of care, and resource utilization.

(2) INAPPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the technical expert panel under paragraph (1).

(3) REPORT.—Not later than April 1, 2019, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the recommendations of such panel described in such paragraph.

(4) NOTICE AND COMMENT RULEMAKING.—Not later than December 31, 2019, the Secretary of Health and Human Services shall pursue notice and comment rulemaking on a case-mix system with respect to the prospective payment system for home health services under section 1895(b) of the Social Security Act (42 U.S.C. 1395fff(b)).

(c) REPORTS.—

(1) INTERIM REPORT.—Not later than March 15, 2022, the Medicare Payment Advisory Commission shall submit to Congress an interim report on the application of a 30-day unit of service as the unit of service applied under section 1895(b)(2) of the Social Security Act (42 U.S.C. 1395fff(b)(2)), as amended by subsection (a), including an analysis of the level of payments provided to home health agencies as compared to the cost of delivering home health services, and any unintended consequences, including with respect to behavioral changes and quality.

(2) FINAL REPORT.—Not later than March 15, 2026, such Commission shall submit to Congress a final report on such application and any such consequences.

SEC. 51002. INFORMATION TO SATISFY DOCUMENTATION OF MEDICARE ELIGIBILITY FOR HOME HEALTH SERVICES.

(a) PART A.—Section 1814(a) of the Social Security Act (42 U.S.C. 1395f(a)) is amended by inserting before “For purposes of paragraph (2)(C),” the following new sentence: “For purposes of documentation for physician certification and recertification made under paragraph (2) on or after January 1, 2019, and made with respect to home health services furnished by a home health agency, in addition to using documentation in the medical record of the physician who so certifies or the medical record of the acute or post-acute care facility (in the case that home health services were furnished to an individual who was directly admitted to the home health agency from such a facility), the Secretary may use documentation in the medical record of the home health agency as supporting material, as appropriate to the case involved.”.

(b) PART B.—Section 1835(a) of the Social Security Act (42 U.S.C. 1395n(a)) is amended by inserting before “For purposes of paragraph (2)(A),” the following new sentence: “For purposes of documentation for physician certification and recertification made under paragraph (2) on or after January 1, 2019, and made with respect to home health services furnished by a home health agency, in addition to using documentation in the medical record of the physician who so certifies or the medical record of the acute or post-acute care facility (in the case that home health services were furnished to an individual who was directly admitted to the home health agency from such a facility), the Secretary may use documentation in the medical record of the home health agency as supporting material, as appropriate to the case involved.”.

SEC. 51003. TECHNICAL AMENDMENTS TO PUBLIC LAW 114-10.

(a) MIPS TRANSITION.—Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—

(I) in subsection (q)—
(A) in paragraph (1)—
(i) in subparagraph (B), by striking “items and services” and inserting “covered professional services (as defined in subsection (k)(3)(A))”; and

(ii) in subparagraph (C)(iv)—
(I) by amending subclause (I) to read as follows:

“(I) The minimum number (as determined by the Secretary) of—

“(aa) for performance periods beginning before January 1, 2018, individuals enrolled under this part who are treated by the eligible professional for the performance period involved; and

“(bb) for performance periods beginning on or after January 1, 2018, individuals enrolled under this part who are furnished covered professional services (as defined in subsection (k)(3)(A)) by the eligible professional for the performance period involved.”;

(II) in subclause (II), by striking “items and services” and inserting “covered professional services (as defined in subsection (k)(3)(A))”; and

(III) by amending subclause (III) to read as follows:

“(III) The minimum amount (as determined by the Secretary) of—

“(aa) for performance periods beginning before January 1, 2018, allowed charges billed by such professional under this part for such performance period; and

“(bb) for performance periods beginning on or after January 1, 2018, allowed charges for covered professional services (as defined in subsection (k)(3)(A)) billed by such professional for such performance period.”;

(B) in paragraph (5)(D)—

(i) in clause (i)(I), by inserting “subject to clause (iii),” after “clauses (i) and (ii) of paragraph (2)(A).”; and

(ii) by adding at the end the following new clause:

“(iii) TRANSITION YEARS.—For each of the second, third, fourth, and fifth years for which the MIPS applies to payments, the performance score for the performance category described in paragraph (2)(A)(ii) shall not take into account the improvement of the professional involved.”;

(C) in paragraph (5)(E)—

(i) in clause (i)(I)(bb)—

(I) in the heading by striking “FIRST 2 YEARS” and inserting “FIRST 5 YEARS”; and

(II) by striking “the first and second years” and inserting “each of the first through fifth years”;

(ii) in clause (i)(II)(bb)—

(I) in the heading, by striking “2 YEARS” and inserting “5 YEARS”; and

(II) by striking the second sentence and inserting the following new sentences: “For each of the second, third, fourth, and fifth years for which the MIPS applies to payments, not less than 10 percent and not more than 30 percent of such score shall be based on performance with respect to the category described in clause (ii) of paragraph (2)(A). Nothing in the previous sentence shall be construed, with respect to a performance period for a year described in the previous sentence, as preventing the Secretary from basing 30 percent of such score for such year with respect to the category described in such clause (ii), if the Secretary determines, based on information posted under subsection (r)(2)(I) that sufficient resource use measures are ready for adoption for use under the performance category under paragraph (2)(A)(ii) for such performance period.”;

(D) in paragraph (6)(D)—

(i) in clause (i), in the second sentence, by striking “Such performance threshold” and inserting “Subject to clauses (iii) and (iv), such performance threshold”;

(ii) in clause (ii)—

(I) in the first sentence, by inserting “(beginning with 2019 and ending with 2024)” after “for each year of the MIPS”; and

(II) in the second sentence, by inserting “subject to clause (iii),” after “For each such year,”;

(iii) in clause (iii)—

(I) in the heading, by striking “2” and inserting “5”; and

(II) in the first sentence, by striking “two years” and inserting “five years”; and

(iv) by adding at the end the following new clause:

“(iv) ADDITIONAL SPECIAL RULE FOR THIRD, FOURTH AND FIFTH YEARS OF MIPS.—For purposes of determining MIPS adjustment factors under subparagraph (A), in addition to the requirements specified in clause (iii), the Secretary shall increase the performance threshold with respect to each of the third, fourth, and fifth years to which the MIPS applies to ensure a gradual and incremental transition to the performance threshold described in clause (i) (as estimated by the Secretary) with respect to the sixth year to which the MIPS applies.”;

(E) in paragraph (6)(E)—

(i) by striking “In the case of items and services” and inserting “In the case of covered professional services (as defined in subsection (k)(3)(A))”; and

(ii) by striking “under this part with respect to such items and services” and inserting “under this part with respect to such covered professional services”; and

(F) in paragraph (7), in the first sentence, by striking “items and services” and inserting “covered professional services (as defined in subsection (k)(3)(A))”;

(2) in subsection (r)(2), by adding at the end the following new subparagraph:

“(I) INFORMATION.—The Secretary shall, not later than December 31st of each year (beginning with 2018), post on the Internet website of the Centers for Medicare & Medicaid Services information on resource use measures in use under subsection (q), resource use measures under development and the time-frame for such development, potential future resource use measure topics, a description of stakeholder engagement, and the percent of expenditures under part A and this part that are covered by resource use measures.”; and

(3) in subsection (s)(5)(B), by striking “section 1833(z)(2)(C)” and inserting “section 1833(z)(3)(D)”.

(b) PHYSICIAN-FOCUSED PAYMENT MODEL TECHNICAL ADVISORY COMMITTEE PROVISION OF INITIAL PROPOSAL FEEDBACK.—Section 1868(c)(2)(C) of the Social Security Act (42 U.S.C. 1395ee(c)(2)(C)) is amended to read as follows:

“(C) COMMITTEE REVIEW OF MODELS SUBMITTED.—The Committee, on a periodic basis—

“(i) shall review models submitted under subparagraph (B);

“(ii) may provide individuals and stakeholder entities who submitted such models with—

“(I) initial feedback on such models regarding the extent to which such models meet the criteria described in subparagraph (A); and

“(II) an explanation of the basis for the feedback provided under subclause (I); and

“(iii) shall prepare comments and recommendations regarding whether such models meet the criteria described in subparagraph (A) and submit such comments and recommendations to the Secretary.”.

SEC. 51004. EXPANDED ACCESS TO MEDICARE INTENSIVE CARDIAC REHABILITATION PROGRAMS.

Section 1861(eee)(4)(B) of the Social Security Act (42 U.S.C. 1395x(eee)(4)(B)) is amended—

(1) in clause (v), by striking “or” at the end;

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

(3) by adding at the end the following new clauses:

“(vii) stable, chronic heart failure (defined as patients with left ventricular ejection fraction of

35 percent or less and New York Heart Association (NYHA) class II to IV symptoms despite being on optimal heart failure therapy for at least 6 weeks); or

“(viii) any additional condition for which the Secretary has determined that a cardiac rehabilitation program shall be covered, unless the Secretary determines, using the same process used to determine that the condition is covered for a cardiac rehabilitation program, that such coverage is not supported by the clinical evidence.”.

SEC. 51005. EXTENSION OF BLENDED SITE NEUTRAL PAYMENT RATE FOR CERTAIN LONG-TERM CARE HOSPITAL DISCHARGES; TEMPORARY ADJUSTMENT TO SITE NEUTRAL PAYMENT RATES.

(a) EXTENSION.—Section 1886(m)(6)(B)(i) of the Social Security Act (42 U.S.C. 1395ww(m)(6)(B)(i)) is amended—

(1) in subclause (I), by striking “fiscal year 2016 or fiscal year 2017” and inserting “fiscal years 2016 through 2019”; and

(2) in subclause (II), by striking “2018” and inserting “2020”.

(b) TEMPORARY ADJUSTMENT TO SITE NEUTRAL PAYMENT RATES.—Section 1886(m)(6)(B) of the Social Security Act (42 U.S.C. 1395ww(m)(6)(B)) is amended—

(1) in clause (ii), in the matter preceding subclause (I), by striking “In this paragraph” and inserting “Subject to clause (iv), in this paragraph”; and

(2) by adding at the end the following new clause:

“(iv) ADJUSTMENT.—For each of fiscal years 2018 through 2026, the amount that would otherwise apply under clause (ii)(I) for the year (determined without regard to this clause) shall be reduced by 4.6 percent.”.

SEC. 51006. RECOGNITION OF ATTENDING PHYSICIAN ASSISTANTS AS ATTENDING PHYSICIANS TO SERVE HOSPICE PATIENTS.

(a) RECOGNITION OF ATTENDING PHYSICIAN ASSISTANTS AS ATTENDING PHYSICIANS TO SERVE HOSPICE PATIENTS.—

(1) IN GENERAL.—Section 1861(dd)(3)(B) of the Social Security Act (42 U.S.C. 1395x(dd)(3)(B)) is amended—

(A) by striking “or nurse” and inserting “, the nurse”; and

(B) by inserting “, or the physician assistant (as defined in such subsection)” after “sub-section (aa)(5))”.

(2) CLARIFICATION OF HOSPICE ROLE OF PHYSICIAN ASSISTANTS.—Section 1814(a)(7)(A)(i)(I) of the Social Security Act (42 U.S.C. 1395f(a)(7)(A)(i)(I)) is amended by inserting “or a physician assistant” after “a nurse practitioner”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2019.

SEC. 51007. EXTENSION OF ENFORCEMENT INSTRUCTION ON SUPERVISION REQUIREMENTS FOR OUTPATIENT THERAPEUTIC SERVICES IN CRITICAL ACCESS AND SMALL RURAL HOSPITALS THROUGH 2017.

Section 1 of Public Law 113-198, as amended by section 1 of Public Law 114-112 and section 16004(a) of the 21st Century Cures Act (Public Law 114-255), is amended—

(1) in the section heading, by striking “2016” and inserting “2017”; and

(2) by striking “and 2016” and inserting “2016, and 2017”.

SEC. 51008. ALLOWING PHYSICIAN ASSISTANTS, NURSE PRACTITIONERS, AND CLINICAL NURSE SPECIALISTS TO SUPERVISE CARDIAC, INTENSIVE CARDIAC, AND PULMONARY REHABILITATION PROGRAMS.

(a) CARDIAC AND INTENSIVE CARDIAC REHABILITATION PROGRAMS.—Section 1861(eee) of the Social Security Act (42 U.S.C. 1395x(eee)) is amended—

(1) in paragraph (1)—
 (A) by striking “physician-supervised”; and
 (B) by inserting “under the supervision of a physician (as defined in subsection (r)(1)) or a physician assistant, nurse practitioner, or clinical nurse specialist (as those terms are defined in subsection (aa)(5))” before the period at the end;

(2) in paragraph (2)—
 (A) in subparagraph (A)(iii), by striking the period at the end and inserting a semicolon; and
 (B) in subparagraph (B), by striking “a physician” and inserting “a physician (as defined in subsection (r)(1)) or a physician assistant, nurse practitioner, or clinical nurse specialist (as those terms are defined in subsection (aa)(5))”; and

(3) in paragraph (4)(A), in the matter preceding clause (i)—

(A) by striking “physician-supervised”; and
 (B) by inserting “under the supervision of a physician (as defined in subsection (r)(1)) or a physician assistant, nurse practitioner, or clinical nurse specialist (as those terms are defined in subsection (aa)(5))” after “paragraph (3)”;.

(b) PULMONARY REHABILITATION PROGRAMS.—Section 1861(ff)(1) of the Social Security Act (42 U.S.C. 1395x(ff)(1)) is amended—

(1) by striking “physician-supervised”; and
 (2) by inserting “under the supervision of a physician (as defined in subsection (r)(1)) or a physician assistant, nurse practitioner, or clinical nurse specialist (as those terms are defined in subsection (aa)(5))” before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2024.

SEC. 51009. TRANSITIONAL PAYMENT RULES FOR CERTAIN RADIATION THERAPY SERVICES UNDER THE PHYSICIAN FEE SCHEDULE.

Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—

(1) in subsection (b)(11), by striking “2017 and 2018” and inserting “2017, 2018, and 2019”; and
 (2) in subsection (c)(2)(K)(iv), by striking “2017 and 2018” and inserting “2017, 2018, and 2019”.

TITLE XI—PROTECTING SENIORS’ ACCESS TO MEDICARE ACT

SEC. 52001. REPEAL OF THE INDEPENDENT PAYMENT ADVISORY BOARD.

(a) REPEAL.—Section 1899A of the Social Security Act (42 U.S.C. 1395kkk) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) LOBBYING COOLING-OFF PERIOD.—Paragraph (3) of section 207(c) of title 18, United States Code, is repealed.

(2) GAO STUDY AND REPORT.—Section 3403(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 1395kkk-1) is repealed.

(3) MEDPAC REVIEW AND COMMENT.—Section 1805(b) of the Social Security Act (42 U.S.C. 1395b-6(b)) is amended—

(A) by striking paragraph (4);

(B) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively; and

(C) by redesignating the paragraph (9) that was redesignated by section 3403(c)(1) of the Patient Protection and Affordable Care Act (Public Law 111-148) as paragraph (8).

(4) NAME CHANGE.—Section 10320(b) of the Patient Protection and Affordable Care Act (Public Law 111-148) is repealed.

(5) RULE OF CONSTRUCTION.—Section 10320(c) of the Patient Protection and Affordable Care Act (Public Law 111-148) is repealed.

TITLE XII—OFFSETS

SEC. 53101. MODIFYING REDUCTIONS IN MEDICAID DSH ALLOTMENTS.

Section 1923(f)(7)(A) of the Social Security Act (42 U.S.C. 1396r-4(f)(7)(A)) is amended—

(1) in clause (i), in the matter preceding subclause (I), by striking “2018” and inserting “2020”; and

(2) in clause (ii), by striking subclauses (I) through (VIII) and inserting the following:

“(I) \$4,000,000,000 for fiscal year 2020; and
 “(II) \$8,000,000,000 for each of fiscal years 2021 through 2025.”.

SEC. 53102. THIRD PARTY LIABILITY IN MEDICAID AND CHIP.

(a) MODIFICATION OF THIRD PARTY LIABILITY RULES RELATED TO SPECIAL TREATMENT OF CERTAIN TYPES OF CARE AND PAYMENTS.—

(1) IN GENERAL.—Section 1902(a)(25)(E) of the Social Security Act (42 U.S.C. 1396a(a)(25)(E)) is amended, in the matter preceding clause (i), by striking “prenatal or”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act.

(b) DELAY IN EFFECTIVE DATE AND REPEAL OF CERTAIN BIPARTISAN BUDGET ACT OF 2013 AMENDMENTS.—

(1) REPEAL.—Effective as of September 30, 2017, subsection (b) of section 202 of the Bipartisan Budget Act of 2013 (Public Law 113-67; 127 Stat. 1177; 42 U.S.C. 1396a note) (including any amendments made by such subsection) is repealed and the provisions amended by such subsection shall be applied and administered as if such amendments had never been enacted.

(2) DELAY IN EFFECTIVE DATE.—Subsection (c) of section 202 of the Bipartisan Budget Act of 2013 (Public Law 113-67; 127 Stat. 1177; 42 U.S.C. 1396a note) is amended to read as follows:

“(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2019.”.

(3) EFFECTIVE DATE; TREATMENT.—The repeal and amendment made by this subsection shall take effect as if enacted on September 30, 2017, and shall apply with respect to any open claims, including claims pending, generated, or filed, after such date. The amendments made by subsections (a) and (b) of section 202 of the Bipartisan Budget Act of 2013 (Public Law 113-67; 127 Stat. 1177; 42 U.S.C. 1396a note) that took effect on October 1, 2017, are null and void and section 1902(a)(25) of the Social Security Act (42 U.S.C. 1396a(a)(25)) shall be applied and administered as if such amendments had not taken effect on such date.

(c) GAO STUDY AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate on the impacts of the amendments made by subsections (a)(1) and (b)(2), including—

(1) the impact, or potential effect, of such amendments on access to prenatal and preventive pediatric care (including early and periodic screening, diagnostic, and treatment services) covered under State plans under such title (or waivers of such plans);

(2) the impact, or potential effect, of such amendments on access to services covered under such plans or waivers for individuals on whose behalf child support enforcement is being carried out by a State agency under part D of title IV of such Act; and

(3) the impact, or potential effect, on providers of services under such plans or waivers of delays in payment or related issues that result from such amendments.

(d) APPLICATION TO CHIP.—

(1) IN GENERAL.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (R) as subparagraphs (C) through (S), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph:

“(B) Section 1902(a)(25) (relating to third party liability).”.

(2) MANDATORY REPORTING.—Section 1902(a)(25)(I)(i) of the Social Security Act (42 U.S.C. 1396a(a)(25)(I)(i)) is amended—

(A) by striking “medical assistance under the State plan” and inserting “medical assistance under a State plan (or under a waiver of the plan)”;.

(B) by striking “(and, at State option, child” and inserting “and child”; and

(C) by striking “title XXI” and inserting “title XXI”.

SEC. 53103. TREATMENT OF LOTTERY WINNINGS AND OTHER LUMP-SUM INCOME FOR PURPOSES OF INCOME ELIGIBILITY UNDER MEDICAID.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(17), by striking “(e)(14), (e)(14)” and inserting “(e)(14), (e)(15)”; and

(2) in subsection (e)(14), by adding at the end the following new subparagraph:

“(K) TREATMENT OF CERTAIN LOTTERY WINNINGS AND INCOME RECEIVED AS A LUMP SUM.—

“(i) IN GENERAL.—In the case of an individual who is the recipient of qualified lottery winnings (pursuant to lotteries occurring on or after January 1, 2018) or qualified lump sum income (received on or after such date) and whose eligibility for medical assistance is determined based on the application of modified adjusted gross income under subparagraph (A), a State shall, in determining such eligibility, include such winnings or income (as applicable) as income received—

“(I) in the month in which such winnings or income (as applicable) is received if the amount of such winnings or income is less than \$80,000;

“(II) over a period of 2 months if the amount of such winnings or income (as applicable) is greater than or equal to \$80,000 but less than \$90,000;

“(III) over a period of 3 months if the amount of such winnings or income (as applicable) is greater than or equal to \$90,000 but less than \$100,000; and

“(IV) over a period of 3 months plus 1 additional month for each increment of \$10,000 of such winnings or income (as applicable) received, not to exceed a period of 120 months (for winnings or income of \$1,260,000 or more), if the amount of such winnings or income is greater than or equal to \$100,000.

“(ii) COUNTING IN EQUAL INSTALLMENTS.—For purposes of subclauses (II), (III), and (IV) of clause (i), winnings or income to which such subclause applies shall be counted in equal monthly installments over the period of months specified under such subclause.

“(iii) HARDSHIP EXEMPTION.—An individual whose income, by application of clause (i), exceeds the applicable eligibility threshold established by the State, shall continue to be eligible for medical assistance to the extent that the State determines, under procedures established by the State (in accordance with standards specified by the Secretary), that the denial of eligibility of the individual would cause an undue medical or financial hardship as determined on the basis of criteria established by the Secretary.

“(iv) NOTIFICATIONS AND ASSISTANCE REQUIRED IN CASE OF LOSS OF ELIGIBILITY.—A State shall, with respect to an individual who loses eligibility for medical assistance under the State plan (or a waiver of such plan) by reason of clause (i)—

“(I) before the date on which the individual loses such eligibility, inform the individual—

“(aa) of the individual’s opportunity to enroll in a qualified health plan offered through an Exchange established under title I of the Patient Protection and Affordable Care Act during the special enrollment period specified in section 9801(f)(3) of the Internal Revenue Code of 1986 (relating to loss of Medicaid or CHIP coverage); and

“(bb) of the date on which the individual would no longer be considered ineligible by reason of clause (i) to receive medical assistance under the State plan or under any waiver of

such plan and be eligible to reapply to receive such medical assistance; and

“(II) provide technical assistance to the individual seeking to enroll in such a qualified health plan.

“(v) **QUALIFIED LOTTERY WINNINGS DEFINED.**—In this subparagraph, the term ‘qualified lottery winnings’ means winnings from a sweepstakes, lottery, or pool described in paragraph (3) of section 4402 of the Internal Revenue Code of 1986 or a lottery operated by a multistate or multijurisdictional lottery association, including amounts awarded as a lump sum payment.

“(vi) **QUALIFIED LUMP SUM INCOME DEFINED.**—In this subparagraph, the term ‘qualified lump sum income’ means income that is received as a lump sum from monetary winnings from gambling (as defined by the Secretary and including gambling activities described in section 1955(b)(4) of title 18, United States Code).”.

(b) RULES OF CONSTRUCTION.—

(1) **INTERCEPTION OF LOTTERY WINNINGS ALLOWED.**—Nothing in the amendment made by subsection (a)(2) shall be construed as preventing a State from intercepting the State lottery winnings awarded to an individual in the State to recover amounts paid by the State under the State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for medical assistance furnished to the individual.

(2) **APPLICABILITY LIMITED TO ELIGIBILITY OF RECIPIENT OF LOTTERY WINNINGS OR LUMP SUM INCOME.**—Nothing in the amendment made by subsection (a)(2) shall be construed, with respect to a determination of household income for purposes of a determination of eligibility for medical assistance under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver of such plan) made by applying modified adjusted gross income under subparagraph (A) of section 1902(e)(14) of such Act (42 U.S.C. 1396a(e)(14)), as limiting the eligibility for such medical assistance of any individual that is a member of the household other than the individual who received qualified lottery winnings or qualified lump-sum income (as defined in subparagraph (K) of such section 1902(e)(14), as added by subsection (a)(2) of this section).

SEC. 53104. REBATE OBLIGATION WITH RESPECT TO LINE EXTENSION DRUGS.

(a) **IN GENERAL.**—Section 1927(c)(2)(C) of the Social Security Act (42 U.S.C. 1396r–8(c)(2)(C)) is amended by striking “(C) TREATMENT OF NEW FORMULATIONS.—In the case” and all that follows through the period at the end of the first sentence and inserting the following:

“(C) **TREATMENT OF NEW FORMULATIONS.**—

“(i) **IN GENERAL.**—In the case of a drug that is a line extension of a single source drug or an innovator multiple source drug that is an oral solid dosage form, the rebate obligation for a rebate period with respect to such drug under this subsection shall be the greater of the amount described in clause (ii) for such drug or the amount described in clause (iii) for such drug.

“(ii) **AMOUNT 1.**—For purposes of clause (i), the amount described in this clause with respect to a drug described in clause (i) and rebate period is the amount computed under paragraph (1) for such drug, increased by the amount computed under subparagraph (A) and, as applicable, subparagraph (B) for such drug and rebate period.

“(iii) **AMOUNT 2.**—For purposes of clause (i), the amount described in this clause with respect to a drug described in clause (i) and rebate period is the amount computed under paragraph (1) for such drug, increased by the product of—

“(I) the average manufacturer price for the rebate period of the line extension of a single source drug or an innovator multiple source drug that is an oral solid dosage form;

“(II) the highest additional rebate (calculated as a percentage of average manufacturer price) under this paragraph for the rebate period for any strength of the original single source drug or innovator multiple source drug; and

“(III) the total number of units of each dosage form and strength of the line extension product paid for under the State plan in the rebate period (as reported by the State).”.

(b) **EFFECTIVE DATE.**—The amendments made subsection (a) shall apply with respect to rebate periods beginning on or after October 1, 2018.

SEC. 53105. MEDICAID IMPROVEMENT FUND.

Section 1941(b) of the Social Security Act (42 U.S.C. 1396w–1(b)) is amended—

(1) in paragraph (1), by striking “\$5,000,000” and inserting “\$0”; and

(2) in paragraph (3)(A), by striking “\$980,000,000” and inserting “\$0”.

SEC. 53106. PHYSICIAN FEE SCHEDULE UPDATE.

Section 1848(d)(18) of the Social Security Act (42 U.S.C. 1395w–4(d)(18)) is amended by striking “paragraph (1)(C)” and all that follows and inserting the following: “paragraph (1)(C)—

“(A) for 2016 and each subsequent year through 2018 shall be 0.5 percent; and

“(B) for 2019 shall be 0.25 percent.”.

SEC. 53107. PAYMENT FOR OUTPATIENT PHYSICAL THERAPY SERVICES AND OUTPATIENT OCCUPATIONAL THERAPY SERVICES FURNISHED BY A THERAPY ASSISTANT.

Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

“(v) **PAYMENT FOR OUTPATIENT PHYSICAL THERAPY SERVICES AND OUTPATIENT OCCUPATIONAL THERAPY SERVICES FURNISHED BY A THERAPY ASSISTANT.**—

“(1) **IN GENERAL.**—In the case of an outpatient physical therapy service or outpatient occupational therapy service furnished on or after January 1, 2022, for which payment is made under section 1848 or subsection (k), that is furnished in whole or in part by a therapy assistant (as defined by the Secretary), the amount of payment for such service shall be an amount equal to 85 percent of the amount of payment otherwise applicable for the service under this part. Nothing in the preceding sentence shall be construed to change applicable requirements with respect to such services.

“(2) **USE OF MODIFIER.**—

“(A) **ESTABLISHMENT.**—Not later than January 1, 2019, the Secretary shall establish a modifier to indicate (in a form and manner specified by the Secretary), in the case of an outpatient physical therapy service or outpatient occupational therapy service furnished in whole or in part by a therapy assistant (as so defined), that the service was furnished by a therapy assistant.

“(B) **REQUIRED USE.**—Each request for payment, or bill submitted, for an outpatient physical therapy service or outpatient occupational therapy service furnished in whole or in part by a therapy assistant (as so defined) on or after January 1, 2020, shall include the modifier established under subparagraph (A) for each such service.

“(3) **IMPLEMENTATION.**—The Secretary shall implement this subsection through notice and comment rulemaking.”.

SEC. 53108. REDUCTION FOR NON-EMERGENCY ESRD AMBULANCE TRANSPORTS.

Section 1834(l)(15) of the Social Security Act (42 U.S.C. 1395m(l)(15)) is amended by striking “on or after October 1, 2013” and inserting “during the period beginning on October 1, 2013, and ending on September 30, 2018, and by 23 percent for such services furnished on or after October 1, 2018”.

SEC. 53109. HOSPITAL TRANSFER POLICY FOR EARLY DISCHARGES TO HOSPICE CARE.

(a) **IN GENERAL.**—Section 1886(d)(5)(J) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(J)) is amended—

(1) in clause (ii)—

(A) in subclause (III), by striking “or” at the end;

(B) by redesignating subclause (IV) as subclause (V); and

(C) by inserting after subclause (III) the following new subclause:

“(IV) for discharges occurring on or after October 1, 2018, is provided hospice care by a hospice program; or”; and

(2) in clause (iv)—

(A) by inserting after the first sentence the following new sentence: “The Secretary shall include in the proposed rule published for fiscal year 2019, a description of the effect of clause (ii)(IV).”; and

(B) in subclause (I), by striking “and (III)” and inserting “(III), and, in the case of proposed and final rules for fiscal year 2019 and subsequent fiscal years, (IV)”.

(b) **MEDPAC EVALUATION AND REPORT.**—

(1) **EVALUATION.**—The Medicare Payment Advisory Commission (in this subsection referred to as the “Commission”) shall conduct an evaluation of the effects of the amendments made by subsection (a), including the effects on—

(A) the numbers of discharges of patients from an inpatient hospital setting to a hospice program;

(B) the lengths of stays of patients in an inpatient hospital setting who are discharged to a hospice program;

(C) spending under the Medicare program under title XVIII of the Social Security Act; and

(D) other areas determined appropriate by the Commission.

(2) **CONSIDERATION.**—In conducting the evaluation under paragraph (1), the Commission shall consider factors such as whether the timely access to hospice care by patients admitted to a hospital has been affected through changes to hospital policies or behaviors made as a result of such amendments.

(3) **PRELIMINARY RESULTS.**—Not later than March 15, 2020, the Commission shall provide Congress with preliminary results on the evaluation being conducted under paragraph (1).

(4) **REPORT.**—Not later than March 15, 2021, the Commission shall submit to Congress a report on the evaluation conducted under paragraph (1).

SEC. 53110. MEDICARE PAYMENT UPDATE FOR HOME HEALTH SERVICES.

Section 1885(b)(3)(B) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(B)) is amended—

(1) in clause (iii), in the last sentence, by inserting before the period at the end the following: “and for 2020 shall be 1.5 percent”; and

(2) in clause (vi), by inserting “and 2020” after “except 2018”.

SEC. 53111. MEDICARE PAYMENT UPDATE FOR SKILLED NURSING FACILITIES.

Section 1888(b)(5)(B) of the Social Security Act (42 U.S.C. 1395yy(e)(5)(B)) is amended—

(1) in clause (i), by striking “and (iii)” and inserting “, (iii), and (iv)”; and

(2) in clause (ii), by striking “clause (iii)” and inserting “clauses (iii) and (iv)”; and

(3) by adding at the end the following new clause:

“(iv) **SPECIAL RULE FOR FISCAL YEAR 2019.**—For fiscal year 2019 (or other similar annual period specified in clause (i)), the skilled nursing facility market basket percentage, after application of clause (ii), is equal to 2.4 percent.”.

SEC. 53112. PREVENTING THE ARTIFICIAL INFLATION OF STAR RATINGS AFTER THE CONSOLIDATION OF MEDICARE ADVANTAGE PLANS OFFERED BY THE SAME ORGANIZATION.

Section 1853(o)(4) of the Social Security Act (42 U.S.C. 1395w–23(o)(4)) is amended by adding at the end the following new subparagraph:

“(D) **SPECIAL RULE TO PREVENT THE ARTIFICIAL INFLATION OF STAR RATINGS AFTER THE CONSOLIDATION OF MEDICARE ADVANTAGE PLANS OFFERED BY A SINGLE ORGANIZATION.**—

“(i) **IN GENERAL.**—If—

“(I) a Medicare Advantage organization has entered into more than one contract with the Secretary with respect to the offering of Medicare Advantage plans; and

“(II) on or after January 1, 2019, the Secretary approves a request from the organization

to consolidate the plans under one or more contract (in this subparagraph referred to as a 'closed contract') with the plans offered under a separate contract (in this subparagraph referred to as the 'continuing contract');

with respect to the continuing contract, the Secretary shall adjust the quality rating under the 5-star rating system and any quality increase under this subsection and rebate amounts under section 1854 to reflect an enrollment-weighted average of scores or ratings for the continuing and closed contracts, as determined appropriate by the Secretary.

"If the modified adjusted gross income is:

More than \$85,000 but not more than \$107,000
 More than \$107,000 but not more than \$133,500
 More than \$133,500 but not more than \$160,000
 More than \$160,000 but less than \$500,000
 At least \$500,000

(b) **JOINT RETURNS.**—Section 1839(i)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1395r(i)(3)(C)(ii)) is amended by inserting before the period the following: "except, with respect to the dollar amounts applied in the last row of the table under subclause (III) of such clause (and the second dollar amount specified in the second to last row of such table), clause (i) shall be applied by substituting dollar amounts which are 150 percent of such dollar amounts for the calendar year".

(c) **INFLATION ADJUSTMENT.**—Section 1839(i)(5) of the Social Security Act (42 U.S.C. 1395r(i)(5)) is amended—

(1) in subparagraph (A), by striking "In the case" and inserting "Subject to subparagraph (C), in the case";

(2) in subparagraph (B), by striking "subparagraph (A)" and inserting "subparagraph (A) or (C)"; and

(3) by adding at the end the following new subparagraph:

“(C) TREATMENT OF ADJUSTMENTS FOR CERTAIN HIGHER INCOME INDIVIDUALS.—

“(i) **IN GENERAL.**—Subparagraph (A) shall not apply with respect to each dollar amount in paragraph (3) of \$500,000.

“(ii) **ADJUSTMENT BEGINNING 2028.**—In the case of any calendar year beginning after 2027, each dollar amount in paragraph (3) of \$500,000 shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the percentage (if any) by which the average of the Consumer Price Index for all urban consumers (United States city average) for the 12-month period ending with August of the preceding calendar year exceeds such average for the 12-month period ending with August 2026.”.

SEC. 53115. MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “\$220,000,000” and inserting “\$0”.

SEC. 53116. CLOSING THE DONUT HOLE FOR SENIORS.

(a) **CLOSING DONUT HOLE SOONER.**—Section 1860D-2(b)(2)(D) of the Social Security Act (42 U.S.C. 1395w-102(b)(2)(D))—

(1) in clause (i), by amending subclause (I) to read as follows:

“(I) equal to the difference between—

“(aa) the applicable gap percentage (specified in clause (ii) for the year); and

“(bb) the discount percentage specified in section 1860D-14A(g)(4)(A) for such applicable drugs (or, in the case of a year after 2018, 50 percent); or”; and

(2) in clause (ii)—

(A) in subclause (IV), by adding “and” at the end;

(B) by striking subclause (V); and

(C) in subclause (VI)—

(i) by striking “2020” and inserting “2019”; and

(ii) by redesignating such subclause as subclause (V).

“(ii) **APPLICATION.**—An adjustment under clause (i) shall apply for any year for which the quality rating of the continuing contract is based primarily on a measurement period that is prior to the first year in which a closed contract is no longer offered.”.

SEC. 53113. SUNSETTING EXCLUSION OF BIOSIMILARS FROM MEDICARE PART D COVERAGE GAP DISCOUNT PROGRAM.

Section 1860D-14A(g)(2)(A) of the Social Security Act (42 U.S.C. 1395w-114a(g)(2)(A)) is amended by inserting “, with respect to a plan year before 2019,” after “other than”.

(b) **LOWERING DISCOUNTED PRICE.**—Section 1860D-14A(g)(4)(A) of the Social Security Act (42 U.S.C. 1395w-114a(g)(4)(A)) is amended by inserting “(or, with respect to a plan year after plan year 2018, 30 percent)” after “50 percent”.

SEC. 53117. MODERNIZING CHILD SUPPORT ENFORCEMENT FEES.

(a) **IN GENERAL.**—Section 454(6)(B)(ii) of the Social Security Act (42 U.S.C. 654(6)(B)(ii)) is amended—

(1) by striking “\$25” and inserting “\$35”; and

(2) by striking “\$500” each place it appears and inserting “\$550”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by subsection (a) shall take effect on the 1st day of the 1st fiscal year that begins on or after the date of the enactment of this Act, and shall apply to payments under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) for calendar quarters beginning on or after such 1st day.

(2) **DELAY PERMITTED IF STATE LEGISLATION REQUIRED.**—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan developed pursuant to part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) to meet the requirements imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, if the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 53118. INCREASING EFFICIENCY OF PRISON DATA REPORTING.

(a) **IN GENERAL.**—Section 1611(e)(1)(I)(i)(II) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)(II)) is amended by striking “30 days” each place it appears and inserting “15 days”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to any payment made by the Commissioner of Social Security pursuant to section 1611(e)(1)(I)(i)(II) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)(II)) (as amended by such subsection) on or after the date that is 6 months after the date of enactment of this Act.

SEC. 53119. PREVENTION AND PUBLIC HEALTH FUND.

Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u-11(b)), as amended by section 3103 of Public Law 115-96, is amended by striking paragraphs (4) through (9) and inserting the following:

“(4) for fiscal year 2019, \$900,000,000;

“(5) for each of fiscal years 2020 and 2021, \$950,000,000;

SEC. 53114. ADJUSTMENTS TO MEDICARE PART B AND PART D PREMIUM SUBSIDIES FOR HIGHER INCOME INDIVIDUALS.

(a) **IN GENERAL.**—Section 1839(i)(3)(C)(i) of the Social Security Act (42 U.S.C. 1395r(i)(3)(C)(i)) is amended—

(1) in subclause (II), in the matter preceding the table, by striking “years beginning with”; and

(2) by adding at the end the following new subclause:

“(III) Subject to paragraph (5), for years beginning with 2019:

The applicable percentage is:

35 percent
 50 percent
 65 percent
 80 percent
 85 percent.”.
 “(6) for each of fiscal years 2022 and 2023, \$1,000,000,000;
 “(7) for each of fiscal years 2024 and 2025, \$1,300,000,000;
 “(8) for each of fiscal years 2026 and 2027, \$1,800,000,000; and
 “(9) for fiscal year 2028 and each fiscal year thereafter, \$2,000,000,000.”.

DIVISION F—IMPROVEMENTS TO AGRICULTURE PROGRAMS

SEC. 60101. (a) TREATMENT OF SEED COTTON.—

(1) **DESIGNATION OF SEED COTTON AS A COVERED COMMODITY.**—Section 1111(6) of the Agricultural Act of 2014 (7 U.S.C. 9011(6)) is amended—

(A) by striking “The term” and inserting the following:

“(A) **IN GENERAL.**—The term”; and

(B) by adding at the end the following:

“(B) **INCLUSION.**—Effective beginning with the 2018 crop year, the term ‘covered commodity’ includes seed cotton.”.

(2) **REFERENCE PRICE FOR SEED COTTON.**—Section 1111(18) of the Agricultural Act of 2014 (7 U.S.C. 9011(18)) is amended by adding at the end the following:

“(O) For seed cotton, \$0.367 per pound.”.

(3) **DEFINITION OF SEED COTTON.**—Section 1111 of the Agricultural Act of 2014 (7 U.S.C. 9011) is amended—

(A) by redesignating paragraphs (20) through (24) as paragraphs (21) through (25), respectively; and

(B) by inserting after paragraph (19) the following:

“(20) **SEED COTTON.**—The term ‘seed cotton’ means unginning upland cotton that includes both lint and seed.”.

(4) **PAYMENT YIELD.**—Section 1113 of the Agricultural Act of 2014 (7 U.S.C. 9013) is amended by adding at the end the following:

“(e) **PAYMENT YIELD FOR SEED COTTON.**—

“(1) **PAYMENT YIELD.**—Subject to paragraph (2), the payment yield for seed cotton for a farm shall be equal to 2.4 times the payment yield for upland cotton for the farm established under section 1104(e)(3) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8714(e)(3)) (as in effect on September 30, 2013).

“(2) **UPDATE.**—At the sole discretion of the owner of a farm with a yield for upland cotton described in paragraph (1), the owner of the farm shall have a 1-time opportunity to update the payment yield for upland cotton for the farm, as provided in subsection (d), for the purpose of calculating the payment yield for seed cotton under paragraph (1).”.

(5) **PAYMENT ACRES.**—Section 1114(b) of the Agricultural Act of 2014 (7 U.S.C. 9014(b)) is amended by adding at the end the following:

“(4) **SEED COTTON.**—

“(A) **IN GENERAL.**—Not later than 90 days after the date of enactment of this paragraph, the Secretary shall require the owner of a farm

to allocate all generic base acres on the farm under subparagraph (B) or (C), or both.

“(B) NO RECENT HISTORY OF COVERED COMMODITIES.—In the case of a farm on which no covered commodities (including seed cotton) were planted or were prevented from being planted at any time during the 2009 through 2016 crop years, the owner of such farm shall allocate generic base acres on the farm to unassigned crop base for which no payments may be made under section 1116 or 1117.

“(C) RECENT HISTORY OF COVERED COMMODITIES.—In the case of a farm not described in subparagraph (B), the owner of such farm shall allocate generic base acres on the farm—

“(i) subject to subparagraph (D), to seed cotton base acres in a quantity equal to the greater of—

“(I) 80 percent of the generic base acres on the farm; or

“(II) the average number of seed cotton acres planted or prevented from being planted on the farm during the 2009 through 2012 crop years (not to exceed the total generic base acres on the farm); or

“(ii) to base acres for covered commodities (including seed cotton), by applying subparagraphs (B), (D), (E), and (F) of section 1112(a)(3).

“(D) TREATMENT OF RESIDUAL GENERIC BASE ACRES.—In the case of a farm on which generic base acres are allocated under subparagraph (C)(i), the residual generic base acres shall be allocated to unassigned crop base for which no payments may be made under section 1116 or 1117.

“(E) EFFECT OF FAILURE TO ALLOCATE.—In the case of a farm not described in subparagraph (B) for which the owner of the farm fails to make an election under subparagraph (C), the owner of the farm shall be deemed to have elected to allocate all generic base acres in accordance with subparagraph (C)(i).”

(6) RECORDKEEPING REGARDING UNASSIGNED CROP BASE.—Section 1114 of the Agricultural Act of 2014 (7 U.S.C. 9014) is amended by adding at the end the following:

“(f) UNASSIGNED CROP BASE.—The Secretary shall maintain information on generic base acres on a farm allocated as unassigned crop base under subsection (b)(4).”

(7) SPECIAL ELECTION PERIOD FOR PRICE LOSS COVERAGE OR AGRICULTURE RISK COVERAGE.—Section 1115 of the Agricultural Act of 2014 (7 U.S.C. 9015) is amended—

(A) in subsection (a), by striking “For” and inserting “Except as provided in subsection (g), for”; and

(B) by adding at the end the following:

“(g) SPECIAL ELECTION.—

“(1) IN GENERAL.—In the case of acres allocated to seed cotton on a farm, all of the producers on the farm shall be given the opportunity to make a new 1-time election under subsection (a) to reflect the designation of seed cotton as a covered commodity for that crop year under section 1111(6)(B).

“(2) EFFECT OF FAILURE TO MAKE UNANIMOUS ELECTION.—If all the producers on a farm fail to make a unanimous election under paragraph (1), the producers on the farm shall be deemed to have elected price loss coverage under section 1116 for acres allocated on the farm to seed cotton.”

(8) EFFECTIVE PRICE.—Section 1116 of the Agricultural Act of 2014 (7 U.S.C. 9016) is amended by adding at the end the following:

“(h) EFFECTIVE PRICE FOR SEED COTTON.—

“(1) IN GENERAL.—The effective price for seed cotton under subsection (b) shall be equal to the marketing year average price for seed cotton, as calculated under paragraph (2).

“(2) CALCULATION.—The marketing year average price for seed cotton for a crop year shall be equal to the quotient obtained by dividing—

“(A) the sum obtained by adding—

“(i) the product obtained by multiplying—

“(I) the upland cotton lint marketing year average price; and

“(II) the total United States upland cotton lint production, measured in pounds; and

“(ii) the product obtained by multiplying—

“(I) the cottonseed marketing year average price; and

“(II) the total United States cottonseed production, measured in pounds; by

“(B) the sum obtained by adding—

“(i) the total United States upland cotton lint production, measured in pounds; and

“(ii) the total United States cottonseed production, measured in pounds.”

(9) DEEMED LOAN RATE FOR SEED COTTON.—Section 1202 of the Agricultural Act of 2014 (7 U.S.C. 9032) is amended by adding at the end the following:

“(c) SEED COTTON.—

“(1) IN GENERAL.—For purposes of section 1116(b)(2) and paragraphs (1)(B)(ii) and (2)(A)(ii)(II) of section 1117(b), the loan rate for seed cotton shall be deemed to be equal to \$0.25 per pound.

“(2) EFFECT.—Nothing in this subsection authorizes any nonrecourse marketing assistance loan under this subtitle for seed cotton.”

(10) LIMITATION ON STACKED INCOME PROTECTION PLAN FOR PRODUCERS OF UPLAND COTTON.—Section 508B of the Federal Crop Insurance Act (7 U.S.C. 1508b) is amended by adding at the end the following:

“(f) LIMITATION.—Effective beginning with the 2019 crop year, a farm shall not be eligible for the Stacked Income Protection Plan for upland cotton for a crop year for which the farm is enrolled in coverage for seed cotton under—

“(1) price loss coverage under section 1116 of the Agricultural Act of 2014 (7 U.S.C. 9016); or

“(2) agriculture risk coverage under section 1117 of that Act (7 U.S.C. 9017).”

(11) TECHNICAL CORRECTION.—Section 1114(b)(2) of the Agricultural Act of 2014 (7 U.S.C. 9014(b)(2)) is amended by striking “paragraphs (1)(B) and (2)(B)” and inserting “paragraphs (1) and (2)”.

(12) ADMINISTRATION.—The Secretary of Agriculture shall carry out the amendments made by this subsection in accordance with section 1601 of the Agricultural Act of 2014 (7 U.S.C. 9091).

(13) APPLICATION.—Except as provided in paragraph (10), the amendments made by this subsection shall apply beginning with the 2018 crop year.

(b) MARGIN PROTECTION PROGRAM FOR DAIRY PRODUCERS.—

(1) MONTHLY CALCULATION OF ACTUAL DAIRY PRODUCTION MARGIN.—

(A) DEFINITIONS.—Section 1401 of the Agricultural Act of 2014 (7 U.S.C. 9051) is amended—

(i) by striking paragraph (4); and

(ii) by redesignating paragraphs (5) through (11) as paragraphs (4) through (10), respectively.

(B) CALCULATION OF ACTUAL DAIRY PRODUCTION MARGIN.—Section 1402(b)(1) of the Agricultural Act of 2014 (7 U.S.C. 9052(b)(1)) is amended by striking “consecutive 2-month period” each place it appears and inserting “month”.

(C) MARGIN PROTECTION PAYMENTS.—Section 1406 of the Agricultural Act of 2014 (7 U.S.C. 9056) is amended—

(i) by striking “consecutive 2-month period” each place it appears and inserting “month”; and

(ii) in subsection (c)(2)(B), by striking “6” and inserting “12”.

(2) PARTICIPATION OF DAIRY OPERATIONS IN MARGIN PROTECTION PROGRAM.—Section 1404 of the Agricultural Act of 2014 (7 U.S.C. 9054) is amended—

(A) in subsection (b)—

(i) in paragraph (1), by inserting “, including the establishment of a date each calendar year by which a dairy operation shall register for the calendar year” before the period at the end;

(ii) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(iii) by inserting after paragraph (1) the following:

“(2) EXTENSION OF ELECTION PERIOD FOR 2018 CALENDAR YEAR.—The Secretary shall extend

the election period for the 2018 calendar year by not less than 90 days after the date of enactment of the Bipartisan Budget Act of 2018 or such additional period as the Secretary determines is necessary for dairy operations to make new elections to participate for that calendar year, including dairy operations that elected to so participate before that date of enactment.”; and

(B) in subsection (c), by adding at the end the following:

“(4) EXEMPTION.—A limited resource, beginning, veteran, or socially disadvantaged farmer, as defined by the Secretary, shall be exempt from the administrative fee under this subsection.”

(3) PRODUCTION HISTORY OF PARTICIPATING DAIRY OPERATIONS.—Section 1405(a) of the Agricultural Act of 2014 (7 U.S.C. 9055(a)) is amended by adding at the end the following:

“(3) CONTINUED APPLICABILITY OF BASE PRODUCTION HISTORY.—A production history established for a dairy operation under paragraph (1) shall be the base production history for the dairy operation in subsequent years (as adjusted under paragraph (2)).”

(4) PREMIUMS FOR MARGIN PROTECTION PROGRAM.—Section 1407 of the Agricultural Act of 2014 (7 U.S.C. 9057) is amended—

(A) in subsection (b)—

(i) by striking the subsection heading and inserting the following: “TIER I: PREMIUM PER HUNDREDWEIGHT FOR FIRST 5,000,000 POUNDS OF PRODUCTION.”; and

(ii) in paragraph (1), by striking “4,000,000” and inserting “5,000,000”; and

(iii) in paragraph (2)—

(I) by striking “\$0.010” and inserting “None”; and

(II) by striking “\$0.025” and inserting “None”; and

(III) by striking “\$0.040” and inserting “\$0.009”; and

(IV) by striking “\$0.055” and inserting “\$0.016”; and

(V) by striking “\$0.090” and inserting “\$0.040”; and

(VI) by striking “\$0.217” and inserting “\$0.063”; and

(VII) by striking “\$0.300” and inserting “\$0.087”; and

(VIII) by striking “\$0.475” and inserting “\$0.142”; and

(B) in subsection (c)—

(i) by striking the subsection heading and inserting the following: “TIER II: PREMIUM PER HUNDREDWEIGHT FOR PRODUCTION IN EXCESS OF 5,000,000 POUNDS.”; and

(ii) in paragraph (1), by striking “4,000,000” and inserting “5,000,000”.

(5) APPLICATION.—The amendments made by this subsection shall apply beginning with the 2018 calendar year.

(c) LIMITATION ON CROP INSURANCE LIVESTOCK-RELATED EXPENDITURES.—

(1) IN GENERAL.—Section 523(b) of the Federal Crop Insurance Act (7 U.S.C. 1523(b)) is amended by striking paragraph (10).

(2) CONFORMING AMENDMENTS.—Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) is amended in subsections (a)(2)(C) and (b)(1)(D) by striking “subsections (a)(3)(E)(ii) and (b)(10) of section 523” each place it appears and inserting “subsection (a)(3)(E)(ii) of that section”.

SEC. 60102. (a) Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa-2) is amended by striking subsection (a) and inserting the following:

“(a) ESTABLISHMENT.—During each of the 2002 through 2019 fiscal years, the Secretary shall provide payments to producers that enter into contracts with the Secretary under the program.”

(b) Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “2018” and inserting “2018 (and fiscal

year 2019 in the case of the program specified in paragraph (5))"; and

(B) in paragraph (5)(E), by striking "fiscal year 2018" and inserting "each of fiscal years 2018 through 2019"; and

(2) in subsection (b), by striking "2018" and inserting "2018 (and fiscal year 2019 in the case of the program specified in subsection (a)(5))".

This division may be cited as the "Improvements to Agriculture Programs Act of 2018".

DIVISION G—BUDGETARY EFFECTS

SEC. 70101. BUDGETARY EFFECTS.

(a) *IN GENERAL.*—The budgetary effects of division A, subdivision 2 of division B, and division C and each succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) *SENATE PAYGO SCORECARDS.*—The budgetary effects of division A, subdivision 2 of division B, and division C and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) *CLASSIFICATION OF BUDGETARY EFFECTS.*—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of division A, subdivision 2 of division B, and division C and each succeeding division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

MOTION TO CONCUR

Mr. FRELINGHUYSEN. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Frelinghuysen moves that the House concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 1892.

The SPEAKER pro tempore. Pursuant to House Resolution 734, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The gentleman from New Jersey (Mr. FRELINGHUYSEN) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise this morning to present the Senate amendment to the House amendment to the Senate amendment to H.R. 1892, a bipartisan, bicameral bill outlining the funding for the next 2 fiscal years and funding for the government through March 23, providing much needed emergency supplemental funding for disaster recovery, and raising the Nation's debt ceiling.

This legislation will help our Nation move forward without the threat of a shutdown or default and with greater budget scrutiny. This bill will also allow us to move past the destructive cycle of continuing resolutions, which undermine the appropriations process and promotes only more uncertainty

and doubt about our government's and this Congress' ability to function and to meet the needs of those we represent.

I am pleased that this legislation includes an agreement reached on a bipartisan basis by House and Senate leaders on spending caps for both fiscal year 2018 and fiscal year 2019.

Especially important is a substantial increase in funds for national defense. Our Nation faces multiple security challenges and increasingly aggressive, not to mention well equipped, adversaries. We must be prepared to meet these challenges, and we must take care of our men and women in uniform who truly do the work of freedom.

After years of reduction in military funding and months of uncertainty caused by continuing resolutions, it is time we provide our Armed Forces with what they need to rebuild and keep our Nation safe.

The agreement also outlines investments in important bipartisan domestic priorities such as fighting the opioid abuse epidemic, supporting veterans, and rebuilding and renewing our infrastructure around the Nation.

These top line spending levels will enable us to get to work immediately on our 12 appropriations bills to wrap up the fiscal year 2018 and quickly turn our attention to fiscal year 2019.

This legislation also includes a short term continuing resolution, our last for this year, which will fund the Federal Government through March 23. This will maintain programs and services that all Americans depend on until all of the annual appropriations bills can be enacted. I look forward to working with our Senate counterparts to negotiate and complete all of these bills ahead of that deadline.

In addition to these critical pieces of government funding, this legislation also provides \$89.3 billion in emergency disaster funding, funding that has been urgently needed since this House passed its version in December. This funding will provide the residents of Texas, Florida, Puerto Rico, the Virgin Islands, and Western States with the resources to rebuild their lives after last year's historic and devastating natural disasters.

Lastly, this bill increases the debt limit through March 1, 2019, so we can pay our bills and avoid the economic damage of a default.

Mr. Speaker, the Senate has just passed this bill, and now it is up to this House to do the same and to send this legislation to the President for his signature.

I urge a "yes" vote on the bill and reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield myself such time as I may consume.

It is a basic constitutional responsibility of Congress to fund the Federal Government and Republican majorities in the House and the Senate are just turning the process into an embarrassing spectacle, running from one crisis directly into the next.

It has been clear for 9 months that a bipartisan budget agreement would be needed to enact appropriations law, yet it has taken five continuing resolutions, two lapses in funding, countless hours of effort to take even this first step toward full-year funding bills, more than 4 months into the fiscal year.

I am pleased with many aspects of the budget agreement. Increasing statutory spending caps would allow the Appropriations Committee to write responsible, bipartisan spending bills that will invest in this Nation's families, communities, and national security.

I am also pleased the legislation would provide funding for families and communities in Texas, Florida, California, Puerto Rico, and the U.S. Virgin Islands to rebuild their lives following natural disasters.

Unfortunately, this legislation cannot be considered in a vacuum. The Speaker of the House's refusal to commit to considering bipartisan legislation to protect teenagers and young adults from deportation is unjustifiable and maddening.

DREAMers are sons, daughters, parents. They are students and teachers. They serve with distinction in our Armed Forces. They pay taxes and contribute to their communities.

President Trump and the Republican majority hold the lives and futures of these children and young adults in their hands, yet their only concern seems to be how much they can extract and exchange for doing what a decent human being should do simply because it is right.

I cannot vote in good conscience to provide Immigration and Customs Enforcement, the very funding that could be used to deport the DREAMers. I cannot vote to continue the appropriations process while an unthinkable tragic fate hangs over the head of 1.6 million young people.

I do hope that in the weeks ahead a bipartisan bill for DREAMers can pass the Senate and enough pressure can be brought to bear on House Republicans to act. History will condemn these Republican majorities if they fail to do what is right.

Mr. Speaker, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from West Virginia (Mr. JENKINS), a member of our Appropriations Committee.

Mr. JENKINS of West Virginia. Mr. Speaker, West Virginia is literally ground zero in the opioid epidemic. Our overdose rate is not just a little bit higher than the national average of the No. 2 State. It is actually 33 percent higher than the No. 2 State. So when we passed the 21st Century Cures legislation, dedicating \$1 billion to fight this horrific epidemic, it gave us hope; it gave me hope.

And that hope was particularly strong in rural States like West Virginia, that finally we might see real resources where it really counts, in rural

communities. But unfortunately, many of the worst-hit States like mine ended up receiving only a minimal amount of funding.

Let me give you an example. A more populous State received five times more funding than my State, but my State's overdose rate was five times higher than the more populous State.

This bill, like every bill, has parts I like and parts I don't like. One of the issues I have fought for is making sure the now \$6 billion we are putting towards fighting the opioid crisis will actually get to the places where it matters most.

We must use a formula based on per capita statistics to ensure funds go to the hardest hit States and smaller States where the crisis and the need is the greatest.

As a member of the Appropriations Committee, and having a direct hand on how the \$6 billion will be targeted, I have been reassured that rural States like mine will not be shortchanged and—we will work to make sure the language in our funding bill makes it abundantly clear to the Federal agencies that actually set the allocation formulas—we want resources flowing to where they count most.

I want to thank Chairman FRELINGHUYSEN and his predecessor Chairman ROGERS for their commitment and leadership to helping.

Mrs. LOWEY. Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from New Jersey (Mrs. WATSON COLEMAN).

Mrs. WATSON COLEMAN. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, the Speaker of the House is supposed to be the Speaker of this entire House. And the entire will of this House on the Democratic side and Republican side is to pass a DACA bill but we are running out of time.

Instead of following the bipartisan consensus of the majority in this House, this Speaker is yielding to the will of the majority party's anti-immigration fringe unilaterally, and that fringe is led by this President. If we continue to bend to this fringe, this body, this shiny beacon on a hill, this hopefulness in this country will go dark.

The Senate was able to pass the bipartisan agreement due to the hard promise of Leader McCONNELL and the good work of our Democratic leadership as well to allow—simply allow—the body to vote on a DACA bill. We, however, have no such commitment on this side.

22,000 dreamers in the State of New Jersey: they are doctors, they are lawyers, they are connected to their churches, they are parents, they are teachers, they are business owners. I spent time in a church where a Christian, tithe-paying immigrant was taken from his family and put in detention. He was not a threat to anyone.

My constituents did not send me here to deport young people who are American and know no other country.

I ask you, I beg you, I implore you: Do your job. Save these DREAMers, and until we do, I urge a “no” on this vote.

Mr. FRELINGHUYSEN. Mr. Speaker, I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from California (Mr. AGUILAR), a member of the Committee on Appropriations.

Mr. AGUILAR. Mr. Speaker, we have a choice today.

I want to compliment the work that the committees have done to reach an agreement on these funding levels. I am not here to quibble with those funding levels.

What I am here to ask for is a chance. If this is the people's House, we deserve an opportunity to address these issues. I have never said this is a bad deal. I have just said this is an incomplete deal. It is incomplete because we haven't had the commitment that we need to address critical issues that are important to our communities. We have addressed some in this: opioids, community health centers. Those are important issues in all of our communities.

But we haven't addressed issues that are important to everyone. Like Leti Herrera who was my guest to the State of the Union who lost her sister in December, who is scared, who wants to know when her priorities are going to be our priorities. She wants to know when we are going to bring up these issues.

And I can tell her, the Senate has a commitment; they are going to talk about these issues. But the people's House has not said that we are going to talk about these issues. We are going to say, well, when the President signs off, then we will have a conversation. He doesn't have a card that votes in these machines. He has a voice. He should be consulted. He doesn't have a voice in the people's House. He doesn't have a vote here with me and you.

All we want is a commitment to bring up a bipartisan, bicameral bill that addresses these issues. All we want is a chance. All we want is an opportunity to address these issues that are important to our communities.

Please, please, please give us that opportunity to have that conversation.

Mr. FRELINGHUYSEN. Mr. Speaker, I have the right to close, and I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader.

□ 0500

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding. I also thank her for her outstanding statement of values and what our country is about. I thank her for her extraordinary leadership.

I thank all of our colleagues for the unity that we have had over the months when we were having this de-

bate about what this bill would look like.

I want to, again, read a letter that Mr. HOYER, Mr. CLYBURN, and I sent to the Speaker last night—I guess this night, because I think it is very important for people to understand the simplicity of our request, the fairness of our request to the Speaker.

It says: “In the spirit of bipartisanship, we write to again reiterate our sincere desire to ensure that the government remains open and that the priorities of the American people are properly addressed. As you know, Democrats have been clear that we support a budget agreement that ensures that our men and women in uniform have the resources they need to protect our country and that America's middle class and working families have the tools they need to succeed. As part of this agreement, we have always expected that the House and the Senate would address the issue of DACA and our DREAMers.

“Most of our Members believe that the budget agreement is a reasonable compromise to address America's military strength and critical domestic priorities, like fighting the opioid crisis, boosting NIH, moving forward to resolve the pension crisis, caring for our veterans, making college more affordable, and investing in childcare for working families.”

Indeed, that is what the fight has been about all along. We have had to fight the resistance on the Republican side to invest in the domestic agenda. So I was pleased to hear some of our Republican colleagues talk about some of the things in this bill that we, on the Democratic side, insisted upon being there.

So, Mr. Speaker, we are writing again to request that you make a public statement regarding the scheduling of a vote on the DACA bill. That is our request. That is the request of the House Democrats that Mr. HOYER and Mr. CLYBURN sent this letter last night: “Our request is that you publicly state that you will schedule a vote to consider the bipartisan Hurd-Aguilar bill and any other DACA bills that you wish to consider under a Queen of the Hill rule.

“We strongly believe that Members of the House and their constituents deserve the same dignity that Leader McCONNELL has extended to Members of the Senate” by stating that he will allow a vote on this issue.

We asked him for his immediate attention to this issue, but we did not receive that back.

I said earlier that America is the greatest country that ever existed in the history of the world.

Aren't we proud to be Americans?

And what is America?

America is a country of great people of beautiful diversity that have changed over time from the days of our Founders. “E pluribus unum,” they said. They could never imagine how pluribus it could be, how many, how

many different people. Yet they established a Constitution that enabled everyone the right to life, liberty, and the pursuit of happiness. It is a beautiful thing. Our country has become a more diverse country over time, but still, *e pluribus unum*.

In this vote today, we are just saying to pay respect to the fact that we are a nation of immigrants, constantly reinvigorated by newcomers coming with their hopes, dreams, aspirations, courage to make the future better for their families.

That is what America is about. That is what the optimism of our Founders was based on, that every generation would take responsibility. So these newcomers have made America more American.

Then who is America?

America is our great Constitution of the United States, a great Constitution, which we take an oath to support.

And what else is America?

America is a great patrimony, this beautiful land that God has given us to be stewards of. It is important to know that our country is our 50 States, the District of Columbia, and our territories.

In respect for that, I am very pleased that, in this bill, we were successful in the negotiations to get more funding for the territories, especially Puerto Rico and the Virgin Islands, an increase over what was in the original disaster bill.

But there are other things that are important to note that are in this bill. Again, opioids, mental health, National Institutes of Health, these are Democratic priorities that we fought for. That is why this took so long to come to fruition, because there was a resistance on the Republican side to invest on the domestic side.

So they have been increasing the defense number, which we go along with, but wanted commensurate increase on the domestic side, recognizing the domestic side for us and our budget—appropriators know this better than anyone—includes security functions, Homeland Security, the State Department, Veterans Affairs, antiterrorism activities of the Justice Department.

So there is much security on the domestic side. That is why we insisted on increasing the number, and that did happen. That did happen. That is why I am able to say in this letter that there are many good things in this legislation.

But for some reason, sometimes I think the Speaker thinks he is Speaker of the White House, not the Speaker of the House of Representatives. We should have the opportunity—I touched a nerve there, I hear—to have this House, the people's House, work its will, not be the recipients of something that might—as he said: Well, if it passes with 60 votes in the Senate and the President approves, then maybe I will bring it to the floor.

That is not a commitment.

Just let me say again what an honor it is for any of us to associate ourselves

with the aspirations of the DREAMers in our country. They are so magnificent. They are a model of patriotism to our country, and all they wanted was the recognition of the Speaker of the House that they are worthy of that.

In any event, I thank the various speakers who were presiding the other day. I thank the speakers for their courtesies extended. I thank the Chair, too, Mr. Speaker.

But here it is: Yes, I was one of the four principals with the White House negotiating on this legislation. A lot of it came our way.

Do you know why?

Because nobody wants a shutdown.

This is a good bill. It doesn't do everything, but it is a compromise. But the one thing and the one message to allay fear, to build confidence, to honor the vows of our Founders that we could have done is to say: We, the United States of America, in this people's House, want to assure you that we will allow the House of Representatives to work its will.

Let the chips fall where they may, but give us a chance to allay the fear that is in the hearts of these DREAMers and their families and to remove the tears from the eyes of the Statue of Liberty observing what is happening here.

Mr. FRELINGHUYSEN. Mr. Speaker, I reserve the balance of my time.

Mrs. LOWEY. Mr. Speaker, I yield myself the balance of my time to close.

A fifth CR—a fifth CR—while one party controls all levers of government, shows the Republicans' inability to govern.

Even more upsetting is their refusal to put a bipartisan DREAMer bill on the House floor. While there are provisions in the Senate amendment that Democrats support, we implore our colleagues on the other side of the aisle to do what is right and to permit a vote on a bipartisan DREAMer bill.

Mr. Speaker, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Wisconsin (Mr. RYAN), the Speaker of the House.

Mr. RYAN of Wisconsin. Mr. Speaker, I will be brief.

A few hours ago, the Senate passed this agreement with a very big bipartisan vote: 75 percent of the Senate Democrats, 68 percent of the Senate Republicans, Republicans and Democrats coming together on a true compromise measure. I think that is a thing to celebrate.

It accomplishes what so many of us had been fighting for. First and foremost, this agreement accomplishes getting the resources that we need to rebuild our military. Also, this includes long-delayed disaster funding to aid recovery from the hurricanes and the wildfires; money to fight opioids, something that knows no partisan boundaries; and the extension of important healthcare programs.

This agreement will also allow us to step off this carousel of short-term

funding bills that do nothing but hurt our military and stymie our ability to focus on other important agenda items. And I think that has been noted here tonight.

You know, most Americans are not even awake yet, or maybe they are just getting up for the first shift. By the time they catch up with the news this morning, they will see one of two things, depending upon what choice we make here right now.

Either Congress will have done its most basic responsibility: funding the government and taking care of our brave men and women in uniform. I really believe that that is what the majority of this people in this body want to see happen.

Or they will see a second needless shutdown in a matter of weeks. Entirely needless.

Republicans will deliver more than our share of votes this morning. I urge my friends in the minority to stand with us on this bipartisan bill.

My commitment to working together on an immigration measure that we can make law is a sincere commitment. Let me repeat. My commitment to working together on an immigration measure that we can make law is a sincere commitment. We will solve this DACA problem.

Once we get this budget agreement done—and we will get this done, no matter how long it takes for us to stay here—we will focus on bringing that debate to this floor and finding a solution. But we cannot do that unless we pass this budget agreement.

Our military can no longer be held hostage in this process. So, for this morning, let's honor our troops. Let's do our most basic job and let's pass this bill.

Mr. FRELINGHUYSEN. Mr. Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, after much consideration, I will reluctantly vote for this legislation. The bipartisan agreement included \$6 billion to combat opioid abuse and improving mental health, \$2 billion for research at the National Institutes of Health and \$4 billion for college affordability. The measure extends one of my legislative priorities, the Children's Health Insurance Program for 10 years.

Since Hurricane Harvey's landfall in last August, I have worked tirelessly with the Texas Governor, the Texas Congressional delegation, local mayors, county commissioners and police and fire chiefs to identify and meet the needs of impacted Texans. The agreement increases overall disaster relief from \$81 billion to \$89 billion which means it will increase Texas's share of that relief and to significantly increase the funding for critical Army Corps flood management projects that help Texas to take necessary measures against future flooding events.

Additionally, I have fought hard for many years to fund the needs of our veterans, and our transportation infrastructure. This bill provides \$4 billion to reduce the VA healthcare maintenance backlog. There will be \$20 billion to invest in infrastructure, including programs related to rural water and wastewater, clean

and safe drinking water, rural broadband, energy, innovative capital projects, and surface transportation.

The agreement includes funding for child care, including the bipartisan Child Care Development Block Grant program and funding for student-centered programs that aid college completion and affordability, including those that help police officers, teachers and firefighters.

Mr. Speaker, I will vote yes on this bill because the measure also closes the Medicare Part D “donut hole” for seniors in 2019. I will continue to work to make sure that Congress follows through on this deal, and that Texas’ 30th District gets what it needs to move our communities, our state and the Nation forward.

Ms. JACKSON LEE. Mr. Speaker, I rise to explain the importance of the pending legislation, which extends the Continuing Resolution passed by Congress on January 26, 2018 but expired at midnight, February 8, 2018, by an additional six weeks, or until March 23, 2018.

This crucial legislation rests upon three pillars.

First, the legislation before us provides \$89.3 billion in aid to respond to the damage caused by Hurricanes Harvey, Irma and Maria, and the wildfires in California.

Second, the Continuing Resolution pending before us is necessary to finalize and implement a bipartisan and bicameral budget agreement gives parity to defense and non-defense discretionary funding and provides \$117 billion more funding for needed non-defense investments in the areas of education, public health, infrastructure, community development, and disaster relief than proposed under the Trump FY 2018 budget.

Third, I will be advocating for a nay vote on the Previous Question in order to bring to the floor a crucial legislative fix for debate and vote that will provide permanent legal residence and a path to citizenship to the more than 800,000 Dreamers, including the 124,000 who live in Texas, whose lives have been turned upside down because of this Administration’s cruel, unwise, and reckless termination of DACA, the Deferred Action for Childhood Arrivals program.

And in connection with legislation to protect Dreamers, I will insist that the Administration rescind the revocation of Temporary Protected Status (TPS) for Haiti, El Salvador, and Honduras, or failing that, TPS for those countries be extended by congressional legislation.

Mr. Speaker, 44,800 residents of Texas are TPS holders from El Salvador (36,300), Honduras (8,400), and Haiti, who combined are parents of 53,800 U.S.-born children in Texas and 14,000 of whom have home mortgages.

These TPS holders are integral members of the Texas’s social fabric, having lived in Texas an average of 20 years, and contribute an aggregate \$2.2 billion to the Texas economy.

This legislation provides \$89.3 billion in emergency supplemental appropriations to help states, communities, businesses, and individuals respond and recover from Hurricanes Harvey, Irma, and Maria, and the California wildfires.

This amount represents a doubling of the woefully inadequate \$44 billion disaster relief package proposed by the Administration and a substantial increase over the \$81.1 billion disaster relief funding approved by the House.

Ever since the widespread and catastrophic destruction of Hurricane Harvey occurred, I

have been working closely with Senator CORNYN and other federal, state, and local officials, along with my colleagues in the Texas congressional delegation to secure the help necessary for the areas affected by Hurricane Harvey recover and rebuild.

The \$8 billion increase in disaster relief funding reflected in this legislation is due in strong part to the efforts of Senator CORNYN, with whom I worked very closely to ensure that the interests of Houston and Harris County were promoted and protected.

I have witnessed firsthand the pain of storm-weary Houstonians who lost their homes, their belongings, and in many cases their jobs.

Right now, at this very moment, hundreds of thousands of Texans—in Port Arthur, in Port Aransas, in Rockport, in Houston and Harris County—remain homeless or are living in sub-standard homes with blue tarp roofs and infected with mold.

They are struggling and hurting.

So this is personal to me.

That is why right now my highest priority is to ensure that funding that has been made available expeditiously gets in the hands of local governments so that relief can deliver the resources and services so desperately needed.

That is why I am working with the Texas General Land Office Commissioner and have advocated for the immediate release of the \$5 billion that was approved in September 2017 and wrote the HUD Secretary to expedite promulgation of the proposed regulations necessary to release the funds, which finally were published this week in the Federal Register for notice and comment.

And that is why on September 6, 2017, ten days after Hurricane Harvey struck, I introduced the first Hurricane Harvey disaster recovery legislation.

I was joined by 44 colleagues in introducing H.R. 3686, the “Hurricane Harvey Supplemental Appropriations Act of 2017,” which provides \$174 billion in disaster relief for the areas affected by Hurricane Harvey, the worst superstorm ever to strike the mainland United States.

The \$174 billion in funding provided by H.R. 3686 represents a comprehensive response commensurate to the challenge; specifically that legislation would provide relief in the following amounts:

1. Housing and Community Development Fund: \$50 billion
2. FEMA Disaster Relief Fund: \$35 billion
3. Army Corps of Engineers—Construction: \$15 billion
4. Flood Control and Coastal Emergencies: \$13 billion
5. Public Transportation Emergency Relief Program: \$33 billion
6. Small Business Disaster Loans Program: \$2 billion
7. Emergency Conservation Activities: \$650 million
8. National Oceanic and Atmospheric Administration: \$321 million
9. National Aeronautics and Space Administration: \$50 million
10. Legal Services Corporation: \$10 million
11. Army National Guard: \$10 million
12. Army Corps of Engineers—Civil Investigations: \$150 million
13. Coast Guard: \$450 million
14. National Park Service Historic Preservation Fund: \$800 million

15. EPA Environmental Programs and Management: \$2.5 billion

16. EPA Hazardous Substance Superfund: \$7 million

17. Leaking Underground Storage Tank Fund: \$15 million

18. State and Tribal Assistance Grants: \$600 million

19. Employment and Training Services: \$100 million

20. Public Health and Social Services Emergency Fund: \$2.5 billion

21. Airport and Airway Trust Fund: \$90 million

22. Federal-Aid Highways Emergency Relief Program: \$6.5 billion

Although, the disaster relief funding provided in the legislation before us is not as robust as the package I have proposed, it is a significant improvement over what was initially offered by the Administration and will provide much needed assistance to disaster victims in desperate need of help.

I wish to thank the leadership of the Appropriations Committee, in particular T-HUD Appropriations Subcommittee Chairman Diaz-Balart, and Energy and Water Appropriations Ranking Member Kaptur for including in the legislation before us the following beneficial measures that I requested, including:

1. Authority to establish and implement a \$1 billion pilot program to provide small business disaster recovery grants, modeled on H.R. 3930, the “Hurricane Harvey Small Business Recovery Grants Act,” legislation I introduced on October 3, 2017 and is co-sponsored by 16 of our colleagues.

2. \$75 million for the U.S. Army Corps of Engineers’ Investigations account, which is to be used in areas affected by Hurricanes Harvey, Irma, and Maria, and can be used to finance the \$3 million Houston-Area Watershed Assessment Study.

3. This is a highly successful conclusion to the multi-year struggle I waged to secure House approval of this project and funding with the Jackson Lee Amendments to the Energy and Water Appropriations Act for Fiscal Years 2016, 2017, and 2018.

4. The bill also includes helpful legislative language to ensure that in awarding CDBG-Disaster Relief funds to states, the Secretary of HUD should to the maximum extent practicable award grants to units of local government and public housing authorities that have the financial and administrative capacity to manage a grant awarded under the program.

5. The bill also includes a provision for which I advocated expressly providing that religious nonprofit organizations and houses of worship have the same opportunity to qualify for disaster assistance as their secular counterparts.

Let me describe briefly some of the major provisions contained in this disaster relief funding package before us:

FEMA Disaster Relief Fund: \$28 billion to provide critical funding to assist the ongoing federal disaster response to allow up to \$4 billion to be provided for Community Disaster Loans (CDLs).

Emergency Food Assistance Program: \$24 million to provide an additional 35 million pounds of food for food banks in states affected by natural disasters.

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): \$14 million.

\$7.6 million to repair 12 Food and Drug Administration sites damaged by Hurricanes Harvey, Irma, and Maria, including repair of scientific equipment such as those used to test foods for chemical contamination.

Economic Development Assistance Programs: \$600 million in additional funding to provide grants to communities directly impacted by Hurricane Harvey, Irma, and Maria, as well as others disasters declared in 2017.

This funding will support immediate relief efforts and longterm recovery projects, including repairing and replacing basic infrastructure needs that are vital for local economic recovery.

National Oceanic and Atmospheric Administration: \$400 million, with \$100 million allocated for improving weather forecasting capabilities and data collection efforts to better protect lives and property in the wake of future hurricanes, and with \$200 million for fishery disasters causing severe economic harm in coastal communities following Hurricanes Harvey, Irma, and Maria.

National Aeronautics and Space Administration: \$81 million to repair facilities damaged at the Kennedy and Johnson Space Centers.

Legal Services Corporation: \$15 million for mobile resources, technology, and disaster coordinators necessary to provide storm-related services to the population in affected areas.

U.S. Army Corps of Engineers: \$17.39 billion, including \$15 billion for flood control and storm damage reduction construction projects and \$135 million for high priority Investigation studies for risk reduction from future floods and hurricanes.

Of this \$135 million, \$75 million is to be allocated for the Army Corps of Engineers' Investigations account, which is to be used in areas affected by Hurricanes Harvey, Irma, and Maria, and can be used to finance the \$3 million Houston-Area Watershed Assessment Study I have worked to secure and which has been previously approved by the House.

The bill also included \$608 million to finance needed federal dredging projects, such as Houston Shipping Channel and \$810 million to prepare for and mitigate future flood, hurricane, and other natural disasters.

The Department of Housing and Urban Development (HUD), will receive \$28 billion allocated to the Community Development Fund to repair homes, support local business, and rebuild infrastructure while mitigating future risk.

Also included in the legislation is authority for HUD to adjust Section 8 voucher funding for public housing agencies adversely affected by disasters in 2017.

Mr. Speaker, George Bush Intercontinental Airport, located in my congressional district, will benefit from the \$10.3 million to repair Transportation and Security Administration facilities, security equipment, and access control equipment at airports damaged by the hurricanes.

The Texas Gulf Coast will benefit from the \$835 million allocated to the U.S. Coast Guard; \$4 million of which for site assessments to determine environmental compliance and restoration needs.

Federal Emergency Management Agency (FEMA) will receive \$23.5 billion for the Disaster Relief Fund to support response and recovery efforts.

Other important provisions in the FEMA appropriations:

1. Ensure that religious nonprofit organizations are given the same opportunity to qualify

for certain disaster assistance as their secular counterparts.

2. Extend the period of time that local government revenue loss as a result of Hurricanes Harvey, Irma, and Maria can be considered for the purpose of Community Disaster Loans.

3. Authorize the President to increase the federal cost share for certain disaster assistance from 75 to 85 percent if recipients have taken steps to make themselves more resilient against disasters.

The Environmental Protection Agency will receive \$6.2 million for the Superfund program to help repair damage sustained to remedies at Superfund sites; \$7 million for the Leaking Underground Storage Tank program to repair damage to storage tanks to prevent spills and contaminants from leaking into the environment; and \$50 million for debris removal and technical assistance to inspect and clean up hazardous waste facilities.

Department of Labor: \$100 million for disaster response economic recovery through the Dislocated Worker National Reserve.

Department of Health and Human Services:

1. \$200 million for Centers for Disease Control and Prevention;

2. \$50 million for National Institutes of Health;

3. \$650 million for Head Start; and

4. \$162 million for the Public Health and Social Services Emergency Fund, including \$60 million for Community Health Centers and \$20 million for Substance Abuse and Mental Health Administration.

Department of Education will receive \$2.7 billion for Hurricane Education Recovery, including:

1. \$2.46 billion to restart operations at elementary and secondary schools;

2. \$100 million for institutions of higher education, and students at those institutions;

3. \$25 million for education services for homeless children; and

4. \$35 million for Project SERV for education-related services to help students recover from traumatic events, including natural disasters.

Notably, this legislation forgives loans made to four Historically Black Colleges and Universities in response to Hurricane Katrina.

Also notably, the CR allocates \$14 million for the Government Accountability Office to conduct oversight and evaluate distribution and use of disaster funding across agencies to ensure responsible use of taxpayer funds.

Department of Veterans Affairs: \$4.1 million to repair damages to the Veterans Benefit Administration Office in Houston, Texas and the Puerto Rico National Cemetery.

Department of Transportation: \$30 billion to repair damaged infrastructure and help communities recover from natural disasters.

Federal Highway Administration will receive \$1.3 billion and the Federal Transit Administration will receive \$330 million, both for their Emergency Relief Programs.

Mr. Speaker, there is much more work to be done in my city of Houston, and across the areas affected by the terrible, awesome storm that will be forever known simply as Hurricane Harvey, and by Hurricanes Irma and Maria.

But the disaster relief funding package before us today represents a solid start toward completing the necessary work that must be undertaken to restore the affected communities to their previous greatness.

As I conclude, I am remembering a heroic DREAMER, Alonso Guillen, who came to the U.S. from Mexico as a child, and died in my congressional district when his boat capsized while he was rescuing survivors of the flooding caused by Hurricane Harvey in the Houston area.

There is no heart in ending DACA and leaving the fate of 800,000 young persons in limbo and constant fear of deportation from the only country they have ever known, and the only nation to which they have ever pledged allegiance.

The way to end this crisis is to bring H.R. 3440, the Dream Act of 2017, to the floor right now and vote for it so it can pass both houses of Congress with a veto-proof majority.

A Dreamer seeking to earn her college degree and aspiring to attend medical school to better herself and her new community is not a threat to the nation's security.

Law abiding but unauthorized immigrants doing honest work to support their families pose far less danger to society than human traffickers, drug smugglers, or those who have committed a serious crime.

President Obama was correct in concluding that exercising his discretion regarding the implementation of DACA enhances the safety of all members of the public, serves national security interests, and furthers the public interest in keeping families together.

According to numerous studies conducted by the Congressional Budget Office, Social Security Administration, and Council of Economic Advisors, DACA generates substantial economic benefits to our nation.

For example, expanding DACA is estimated to increase GDP by \$230 billion and create an average of 28,814 jobs per year over the next 10 years.

That is a lot of jobs.

In exercising his broad discretion in the area of removal proceedings, President Obama acted responsibly and reasonably in determining the circumstances in which it makes sense to pursue removal and when it does not.

Because of President Obama's leadership and visionary executive action, 124,000 undocumented immigrants in my home state of Texas have received deferred action.

91 percent of these immigrants are employed or in school and contribute \$6.3 billion annually to the Texas economy and \$460.3 billion to the national economy.

Instead of wasting time scapegoating DREAMERS, we should instead seize the opportunity to pass legislation that secures our borders, preserves America's character as the most open and welcoming country in the history of the world, and will yield hundreds of billions of dollars in economic growth.

THE SPEAKER pro tempore (Mr. COLLINS of Georgia). All time for debate has expired.

Pursuant to House Resolution 734, the previous question is ordered.

The question is on the motion by the gentleman from New Jersey (Mr. FRELINGHUYSEN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRELINGHUYSEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by a 5-minute vote on suspending the rules and concurring in the Senate amendment to H.R. 582, if ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 186, not voting 5, as follows:

[Roll No. 69]

AYES—240

Abraham	Gibbs	Murphy (FL)
Aderholt	Gonzalez (TX)	Nolan
Allen	Goodlatte	Nunes
Amodei	Gottheimer	O'Halleran
Arrington	Gowdy	O'Rourke
Babin	Granger	Olson
Bacon	Graves (GA)	Palazzo
Banks (IN)	Graves (MO)	Pascarell
Barletta	Green, Al	Paulsen
Barr	Green, Gene	Pittenger
Beatty	Grothman	Poe (TX)
Bera	Guthrie	Poliquin
Bergman	Hanabusa	Reichert
Bilirakis	Handel	Rice (NY)
Bishop (GA)	Harper	Roby
Bishop (MI)	Hartzler	Roe (TN)
Bishop (UT)	Heck	Rogers (AL)
Blackburn	Higgins (LA)	Rogers (KY)
Blunt Rochester	Higgins (NY)	Rooney, Francis
Bost	Hill	Rooney, Thomas J.
Brady (TX)	Himes	Rosen
Brooks (IN)	Huffman	Roskam
Buchanan	Huizenga	Ross
Bucshon	Hultgren	Royce (CA)
Burgess	Hunter	Ruiz
Bustos	Hurd	Ruppersberger
Butterfield	Issa	Russell
Byrne	Jackson Lee	Rutherford
Calvert	Jenkins (KS)	Ryan (OH)
Carbajal	Jenkins (WV)	Ryan (WI)
Carter (GA)	Johnson (OH)	Scalise
Carter (TX)	Johnson, E. B.	Schneider
Cartwright	Johnson, Sam	Scott (VA)
Castor (FL)	Joyce (OH)	Scott, Austin
Cheney	Kaptur	Scott, David
Coffman	Katko	Sessions
Cohen	Keating	Sewell (AL)
Cole	Kelly (MS)	Shea-Porter
Collins (GA)	Kelly (PA)	Shimkus
Collins (NY)	Kilmer	Shuster
Comstock	King (NY)	Simpson
Conaway	Kinzinger	Sinema
Connolly	Knight	Slaughter
Cook	Kuster (NH)	Smith (NJ)
Costa	Kustoff (TN)	Smith (TX)
Costello (PA)	LaHood	Soto
Courtney	LaMalfa	Stefanik
Cramer	Lamborn	Stewart
Crawford	Lance	Stivers
Crist	Langevin	Taylor
Cuellar	Larsen (WA)	Tenney
Culberson	Larson (CT)	Latta
Curbelo (FL)	Latta	Thompson (CA)
Davis, Rodney	Lawrence	Thompson (MS)
DeLauro	Lawson (FL)	Thompson (PA)
DeBene	LoBiondo	Thornberry
Denham	Loeb sack	Tipton
Dent	Loudermilk	Tonko
DeSantis	Love	Trott
DesJarlais	Lucas	Tsongas
Deutch	Luetkemeyer	Turner
Diaz-Balart	Lynch	Upton
Donovan	MacArthur	Valadao
Doyle, Michael F.	Marchant	Vela
Duffy	Marino	Visclosky
Dunn	Marshall	Wagner
Estes (KS)	Mast	Walberg
Esty (CT)	McCarthy	Walden
Evans	McCaul	Walorski
Farenthold	McCollum	Walters, Mimi
Faso	McHenry	Weber (TX)
Ferguson	McKinley	Welch
Fitzpatrick	McMorris	Wenstrup
Fleischmann	Rodgers	Williams
Flores	McNerney	Wilson (SC)
Fortenberry	McSally	Wittman
Frelinghuysen	Meehan	Womack
Fudge	Messer	Woodall
Gallagher	Mitchell	Yarmuth
Garamendi	Moolenaar	Young (AK)
	Mullin	Young (IA)

NOES—186

Adams	Graves (LA)	Payne
Aguilar	Griffith	Pearce
Amash	Grijalva	Pelosi
Barragán	Gutiérrez	Perlmutter
Barton	Harris	Perry
Bass	Hastings	Peters
Beyer	Hensarling	Peterson
Biggs	Herrera Beutler	Pingree
Blumenauer	Hice, Jody B.	Pocan
Bonamici	Holding	Polis
Boyle, Brendan F.	Hollingsworth	Posey
Brady (PA)	Hoyer	Price (NC)
Brat	Hudson	Quigley
Brooks (AL)	Jayapal	Raskin
Brown (MD)	Jeffries	Ratcliffe
Brownley (CA)	Johnson (GA)	Reed
Buck	Johnson (LA)	Renacci
Budd	Jordan	Rice (SC)
Capuano	Kelly (IL)	Richmond
Cárdenas	Kennedy	Rohrabacher
Carson (IN)	Khanna	Rokita
Castro (TX)	Kihuen	Ros-Lehtinen
Chabot	Kildee	Rothfus
Chu, Judy	Kind	Rouzer
Cicilline	King (IA)	Roybal-Allard
Clark (MA)	Krishnamoorthi	Rush
Clarke (NY)	Labrador	Sánchez
Clay	Lee	Sanford
Cleaver	Levin	Sarbanes
Clyburn	Lewis (GA)	Schakowsky
Comer	Lewis (MN)	Schiff
Cooper	Lieu, Ted	Schrader
Correa	Lipinski	Schweikert
Crowley	Lofgren	Sensenbrenner
Curtis	Long	Serrano
Davidson	Lowenthal	Sherman
Davis (CA)	Lowe	Sires
Davis, Danny	Lujan Grisham, M.	Smith (MO)
DeFazio	Lujan, Ben Ray	Smith (NE)
DeGette	Maloney,	Smith (WA)
Delaney	Carolyn B.	Smucker
Demings	Maloney, Sean	Speier
DeSaulnier	Massie	Suozi
Dingell	Matsui	Swalwell (CA)
Doggett	McClintock	Takano
Duncan (SC)	McEachin	Titus
Duncan (TN)	McGovern	Torres
Ellison	Meadows	Vargas
Emmer	Meeks	Veasey
Engel	Meng	Velázquez
Eshoo	Mooney (WV)	Walker
Españillat	Moore	Walz
Foster	Moulton	Wasserman
Fox	Nadler	Schultz
Frankel (FL)	Napolitano	Waters, Maxine
Gabbard	Neal	Watson Coleman
Gaetz	Newhouse	Webster (FL)
Galleo	Noem	Westerman
Garrett	Norcross	Wilson (FL)
Gianforte	Norman	Yoder
Gohmert	Pallone	Yoho
Gomez	Palmer	Zeldin
Gosar	Panetta	

NOT VOTING—5

□ 0532

Messrs. HOLLINGSWORTH and CURTIS changed their vote from “aye” to “no.”

Mr. TONKO, Ms. FUDGE, Mr. CARBAJAL, and Mrs. LAWRENCE changed their vote from “no” to “aye.” So the motion to concur was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

KARI'S LAW ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendment to the bill (H.R. 582) to amend the Communications Act of 1934 to require multiline telephone systems to have a configuration that

permits users to directly initiate a call to 9-1-1 without dialing any additional digit, code, prefix, or post-fix, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. LANCE) that the House suspend the rules and concur in the Senate amendment.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ADJOURNMENT FROM FRIDAY, FEBRUARY 9, 2018, TO TUESDAY, FEBRUARY 13, 2018

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Tuesday, February 13, 2018, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1301) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SEC. 101. *The Continuing Appropriations Act, 2018 (division D of Public Law 115-56) is further amended by inserting after section 165 the following new section:*

“SEC. 166. (a) *Employees furloughed as a result of any lapse in appropriations which begins on or about February 9, 2018, shall be compensated at their standard rate of compensation, for the period of such lapse in appropriations, as soon as practicable after such lapse in appropriations ends.*

“(b) *For purposes of this section, ‘employee’ means:*

“(1) *a Federal employee;*

“(2) *an employee of the District of Columbia Courts;*

“(3) *an employee of the Public Defender Service for the District of Columbia; or*

“(4) *a District of Columbia Government employee.*

“(c) *All obligations incurred in anticipation of the appropriations made and authority granted by this division for the purposes of maintaining the essential level of activity to protect life and property and bringing about orderly termination of Government functions, and for purposes as otherwise authorized by law, are hereby ratified*

and approved if otherwise in accord with the provisions of this division.”.

SEC. 102. For the purposes of division D of Public Law 115-56, the time covered by such division shall be considered to include the period which began on or about February 9, 2018, during which there occurred a lapse in appropriations.

This Act may be cited as the “Continuing Appropriations Amendments Act, 2018”.

Mr. FRELINGHUYSEN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New Jersey?

There was no objection.

A motion to reconsider was laid on the table.

PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF H.R. 1892

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 104) providing for a correction in the enrollment of H.R. 1892, with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike all after the resolving clause and insert the following:

That in the enrollment of the bill H.R. 1892, the Clerk of the House of Representatives shall make the following corrections:

(1) Strike the first section 1 and section 2 immediately following the enacting clause and insert the following:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the “Bipartisan Budget Act of 2018”.

“DIVISION A—HONORING HOMETOWN HEROES ACT

“SECTION 10101. SHORT TITLE.

“This division may be cited as the ‘Honoring Hometown Heroes Act’.

“SEC. 10102. PERMITTING THE FLAG TO BE FLOWN AT HALF-STAFF IN THE EVENT OF THE DEATH OF A FIRST RESPONDER SERVING IN THE LINE OF DUTY.

“(a) AMENDMENT.—The sixth sentence of section 7(m) of title 4, United States Code, is amended—

“(1) by striking ‘or’ after ‘possession of the United States’ and inserting a comma;

“(2) by inserting ‘or the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty,’ after ‘while serving on active duty.’;

“(3) by striking ‘and’ after ‘former officials of the District of Columbia’ and inserting a comma; and

“(4) by inserting before the period the following: ‘, and first responders working in the District of Columbia’.

“(b) FIRST RESPONDER DEFINED.—Such subsection is further amended—

“(1) in paragraph (2), by striking ‘, United States Code; and’ and inserting a semicolon;

“(2) in paragraph (3), by striking the period at the end and inserting ‘; and’; and

“(3) by adding at the end the following new paragraph:

“(4) the term “first responder” means a “public safety officer” as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284).”.

“(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths of first responders occurring on or after the date of the enactment of this Act.”.

(2) Strike section 1 immediately preceding division B.

(3) In section 30422(b)(4), strike subparagraphs (A) and (B) and insert the following:

“(A) GENERAL AUTHORITY.—For purposes of enabling the joint committee to exercise its powers, functions, and duties under this subtitle, and consistent with the Standing Rules of the Senate, there is authorized from the date of enactment of this Act through February 28, 2019, \$500,000 to be allocated—

“(i) in total during the period October 1, 2017 through September 30, 2018; and

“(ii) any remaining amounts shall be carried forward for the period October 1, 2018 through February 28, 2019.

“(B) EXPENSES.—Expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairs, subject to the rules and regulations of the Senate.”.

(4) In section 30422(b)(4)(1)(i), insert “, consistent with the rules and regulations of the Senate” before the period at the end.

(5) Strike section 30423 and insert the following:

“SEC. 30423. FUNDING.

“(a) SPECIAL RESERVE.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, within the funds in the account for ‘Expenses of Inquiries and Investigations’ of the Senate, not more than \$500,000 shall be allocated from the special reserve established in S. Res. 62, agreed to February 28, 2017 (115th Congress), for use by the joint committee.

“(b) EXPIRATION.—None of the funds made available by this section may be available for obligation by the joint committee after January 2, 2019.

“(c) AVAILABILITY REQUIREMENTS.—For purposes of the joint committee, section 20(b) of S. Res. 62, agreed to February 28, 2017 (115th Congress), shall not apply.”.

(6) In section 30442(b)(4), strike subparagraphs (A) and (B) and insert the following:

“(A) GENERAL AUTHORITY.—For purposes of enabling the joint committee to exercise its powers, functions, and duties under this subtitle, and consistent with the Standing Rules of the Senate, there is authorized from the date of enactment of this Act through February 28, 2019, \$500,000 to be allocated—

“(i) in total during the period October 1, 2017 through September 30, 2018; and

“(ii) any remaining amounts shall be carried forward for the period October 1, 2018 through February 28, 2019.

“(B) EXPENSES.—Expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairs, subject to the rules and regulations of the Senate.”.

(7) In section 30442(b)(4)(1)(i), insert “, consistent with the rules and regulations of the Senate” before the period at the end.

(8) Strike section 30443 and insert the following:

“SEC. 30443. FUNDING.

“(a) SPECIAL RESERVE.—To enable the joint committee to exercise its powers, functions, and duties under this subtitle, within the funds in the account for ‘Expenses of Inquiries and Investigations’ of the Senate, not more than \$500,000 shall be allocated from the special reserve established in S. Res. 62, agreed to February 28, 2017 (115th Congress), for use by the joint committee.

“(b) EXPIRATION.—None of the funds made available by this section may be available for obligation by the joint committee after January 2, 2019.

“(c) AVAILABILITY REQUIREMENTS.—For purposes of the joint committee, section 20(b) of S. Res. 62, agreed to February 28, 2017 (115th Congress), shall not apply.”.

(9) Strike lines 4–8 on page 232 of the amendment and replace with the following:

“(11) a State false claims act, including a State false claims act with qui tam provisions, or”.

(10) At the end of division G, strike the following: “.”.

“(c) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to deaths of first responders occurring on or after the date of the enactment of this Act.”.

Mr. FRELINGHUYSEN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New Jersey?

There was no objection.

A motion to reconsider was laid on the table.

ADJOURNMENT

Mr. FRELINGHUYSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes a.m.), under its previous order, the House adjourned until Tuesday, February 13, 2018, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3925. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting a letter regarding the “Pilot Program Regarding Risk-Based Contracting for Smaller Contract Actions”; to the Committee on Armed Services.

3926. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting the Department's report on TRANSCOM-DLA Roles and Responsibilities; to the Committee on Armed Services.

3927. A letter from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the Department's report “Generating Antibiotic Incentives Now”, pursuant to Public Law 112-144, Sec. 805; to the Committee on Energy and Commerce.

3928. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Calcium Carbonate; Confirmation of Effective Date [Docket No.: FDA-2016-C-2767] received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3929. A letter from the Director, Regulations Policy and Management Staff, FDA,

Department of Health and Human Services, transmitting the Department's direct final rule — Removal of Certain Time of Inspection and Duties of Inspector Regulations for Biological Products [Docket No.: FDA-2017-N-7007] (RIN: 0910-AH49) received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3930. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the annual report entitled, "PRO IP Act FY 2017", pursuant to 34 U.S.C. 30106(a); Public Law 110-403, Sec. 404(a); (122 Stat. 4274); to the Committee on the Judiciary.

3931. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the Department's annual report on the activities of the Community Relations Service for Fiscal Year 2017, pursuant to 42 U.S.C. 2000g-3; Public Law 88-352, Sec. 1004; (78 Stat. 267); to the Committee on the Judiciary.

3932. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone, Savannah River, Savannah, GA [Docket No.: USCG-2017-0973] (RIN: 1625-AA00) received February 5, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3933. A letter from the Attorney-Advisor, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Oregon Inlet, Dare County, NC [Docket No.: USCG-2017-0964] (RIN: 1625-AA00) received February 5, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3934. A letter from the Attorney-Advisor, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Spa Creek, Annapolis, MD [Docket No.: USCG-2017-0994] (RIN: 1625-AA00) received February 5, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3935. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Ashley River, Charleston, SC [Docket No.: USCG-2016-0776] (RIN: 1625-AA09) received February 5, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3936. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Drawbridge Operation Regulation; Quantuck Canal, Westhampton Beach, NY [Docket No.: USCG-2017-0311] (RIN: 1625-AA09) received February 5, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3937. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Uniform Procedures for State Highway Safety Grant Programs [Docket No.: NHTSA-2016-0057] (RIN: 2127-AL71) received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3938. A letter from the Management and Program Analyst, FAA, Department of

Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31173; Amdt. No.: 3782] received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3939. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31175; Amdt. No.: 3783] received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3940. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31176; Amdt. No.: 3784] received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3941. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31172; Amdt. No.: 3781] received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3942. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Carrabassett, ME [Docket No.: FAA-2017-0610; Airspace Docket No.: 17-ANE-3] received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3943. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Lebanon, MO [Docket No.: FAA-2017-0176; Airspace Docket No.: 17-ACE-3] received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3944. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Charles City, IA [Docket No.: FAA-2017-0949; Airspace Docket No.: 17-ACE-11] received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3945. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Kane, PA [Docket No.: FAA-2017-1060; Airspace Docket No.: 17-AEA-19] received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3946. A letter from the Management and Program Analyst, FAA, Department of

Transportation, transmitting the Department's final rule — Amendment of Class D Airspace and Revocation of Class E Airspace; Fort Eustis, VA [Docket No.: FAA-2017-0032; Airspace Docket No.: 17-AEA-1] received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3947. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. [Docket No.: FAA-2018-0015; Product Identifier 2017-CE-045-AD; Amendment 39-19158; AD 2018-02-05] (RIN: 2120-AA64) received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3948. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Helicopters [Docket No.: FAA-2017-1201; Product Identifier 2017-SW-068-AD; Amendment 39-19155; AD 2018-02-02] (RIN: 2120-AA64) received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3949. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2017-0716; Product Identifier 2016-NM-165-AD; Amendment 39-19165; AD 2018-02-12] (RIN: 2120-AA64) received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3950. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters [Docket No.: FAA-2017-0896; Product Identifier 2017-SW-034-AD; Amendment 39-19166; AD 2018-02-13] (RIN: 2120-AA64) received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3951. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Airplanes [Docket No.: FAA-2017-0993; Product Identifier 2017-CE-026-AD; Amendment 39-19168; AD 2018-02-15] (RIN: 2120-AA64) received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3952. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Augusta S.p.A. Helicopters [Docket No.: FAA-2017-0939; Product Identifier 2017-SW-057-AD; Amendment 39-19174; AD 2018-03-01] (RIN: 2120-AA64) received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

3953. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Inc., Airplanes [Docket No.: FAA-2017-0621; Product Identifier 2017-NM-049-AD; Amendment 39-19169; AD 2018-02-16] (RIN: 2120-AA64) received February 6, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the

Committee on Transportation and Infrastructure.

3954. A letter from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting a report entitled "Finalizing Medicare Rules under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 for Calendar Year (CY) 2017", pursuant to 42 U.S.C. 1395hh(a)(3)(D); Public Law 108-173, Sec. 902(a)(1); (117 Stat. 2375); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BISHOP of Utah: Committee on Natural Resources. H.R. 1417. A bill to amend the National Law Enforcement Museum Act to allow the Museum to acquire, receive, possess, collect, ship, transport, import, and display firearms, and for other purposes (Rept. 115-548). Referred to the Committee of the Whole House on the state of the Union.

Mr. HENSARLING: Committee on Financial Services. H.R. 3948. A bill to prohibit the Securities and Exchange Commission from compelling a person to produce or furnish algorithmic trading source code or similar intellectual property to the Commission unless the Commission first issues a subpoena, and for other purposes; with amendments (Rept. 115-549). Referred to the Committee of the Whole House on the state of the Union.

Ms. FOX: Committee on Education and the Workforce. H.R. 4508. A bill to support students in completing an affordable post-secondary education that will prepare them to enter the workforce with the skills they need for lifelong success; with an amendment (Rept. 115-550). Referred to the Committee of the Whole House on the state of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 734. Resolution providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 1892) to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty (Rept. 115-551). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

[Omitted from the Record of February 7, 2018]

By Mrs. DINGELL:

H.R. 4964. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that children's cosmetics containing talc include an appropriate warning unless the cosmetics are demonstrated to be asbestos-free, and for other purposes; to the Committee on Energy and Commerce.

[Filed on February 8, 2018]

By Mr. BARLETTA:

H.R. 4977. A bill to amend the Internal Revenue Code of 1986 to allow a credit for certain facilities that remediate and reclaim coal refuse sites in the United States by producing electricity from coal refuse; to the Committee on Ways and Means.

By Mrs. BLACK (for herself and Mr. BLUMENAUER):

H.R. 4978. A bill to amend the Internal Revenue Code of 1986 to permit high deductible

health plans to provide chronic disease prevention services to plan enrollees prior to satisfying their plan deductible; to the Committee on Ways and Means.

By Mr. REICHERT (for himself, Mr. PASCRELL, Mr. BRADY of Texas, Mr. NEAL, Mrs. WALORSKI, Mr. CURBELO of Florida, Mr. SMITH of Nebraska, Mr. KELLY of Pennsylvania, and Mr. MEEHAN):

H.R. 4979. A bill to extend the Generalized System of Preferences and to make technical changes to the competitive need limitations provision of the program; to the Committee on Ways and Means.

By Mr. VEASEY (for himself, Mr. BLUMENAUER, Ms. PLASKETT, Ms. LEE, Ms. JACKSON LEE, Mrs. WATSON COLEMAN, Ms. NORTON, Mr. JOHNSON of Georgia, Mr. GARAMENDI, Mr. POLIS, Mr. BROWN of Maryland, Mr. MCGOVERN, Mr. SIRES, Mr. COHEN, Mr. HUFFMAN, Mr. GRIJALVA, Mr. PALONE, Mr. RASKIN, and Mr. GENE GREEN of Texas):

H.R. 4980. A bill to prohibit the use of funds for certain parades; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORMAN (for himself and Mr. KHANNA):

H.R. 4981. A bill to terminate certain lifetime benefits provided to former Members of Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHNEIDER:

H.R. 4982. A bill to limit the authority of the President to carry out large-scale military parades; to the Committee on Armed Services.

By Mr. MEADOWS:

H.R. 4983. A bill to amend part E of title IV of the Social Security Act to require States to provide for the placement of a foster child in a cottage home, and to make a child so placed eligible for foster care maintenance payments; to the Committee on Ways and Means.

By Ms. ADAMS (for herself, Mr. DAVID SCOTT of Georgia, Mr. KELLY of Mississippi, and Mr. LUTKEMEYER):

H.R. 4984. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to allow for 1890 institutions to carry over an increased percentage of extension funding received during the previous fiscal year; to the Committee on Agriculture.

By Mr. BABIN (for himself, Mr. YOUNG of Alaska, Mr. GOSAR, and Mr. LAMALFA):

H.R. 4985. A bill to restore an opportunity for tribal economic development on terms that are equal and fair, and for other purposes; to the Committee on Natural Resources.

By Mrs. BLACKBURN:

H.R. 4986. A bill to amend the Communications Act of 1934 to reauthorize appropriations for the Federal Communications Commission, to provide for certain procedural changes to the rules of the Commission to maximize opportunities for public participation and efficient decisionmaking, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Oversight and Government Reform,

for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS (for himself, Mr. GENE GREEN of Texas, Mr. ROSKAM, and Mr. LEVIN):

H.R. 4987. A bill to amend title XVIII of the Social Security Act to provide for technical amendments to the Merit-based Incentive Payment System under Medicare; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BUSTOS (for herself and Mr. BOST):

H.R. 4988. A bill to establish nonrecourse conservation assistance loans for loan commodities produced on certain farms, and for other purposes; to the Committee on Agriculture.

By Mr. CASTRO of Texas (for himself and Mr. MCCAUL):

H.R. 4989. A bill to require the Department of State to establish a policy regarding the use of location-tracking consumer devices by employees at diplomatic and consular facilities, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. DINGELL:

H.R. 4990. A bill to amend part E of title IV of the Social Security Act to require States to follow certain procedures in placing a child who has been removed from the custody of his or her parents; to the Committee on Ways and Means.

By Mr. DONOVAN (for himself, Miss RICE of New York, and Mr. KING of New York):

H.R. 4991. A bill to amend the Homeland Security Act of 2002 to establish the National Urban Security Technology Laboratory, and for other purposes; to the Committee on Homeland Security.

By Ms. ESTY of Connecticut (for herself and Mr. LANCE):

H.R. 4992. A bill to amend the Clean Air Act to direct permitting authorities to notify municipalities within 30 miles of a source of certain permit applications and proposed permits, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KELLY of Pennsylvania (for himself and Mr. HIGGINS of New York):

H.R. 4993. A bill to amend the Internal Revenue Code of 1986 to authorize the designation of additional taxable vaccines; to the Committee on Ways and Means.

By Mr. PERRY:

H.R. 4994. A bill to repeal section 115 of the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi (for himself, Mr. PAYNE, Mrs. WATSON COLEMAN, Ms. JACKSON LEE, Miss RICE of New York, Mrs. DEMINGS, Mr. KEATING, Mr. LANGEVIN, Mr. CORREA, Ms. BARRAGÁN, Mr. RICHMOND, and Mr. VELA):

H.R. 4995. A bill to direct the Administrator of the Federal Emergency Management Agency to establish a contractor review process with respect to certain contracts, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ZELDIN:

H.R. 4996. A bill to amend the Immigration and Nationality Act to provide that individuals who naturalized under title III of that Act, who are affiliated with a criminal gang, are subject to revocation of citizenship, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania (for himself, Mr. EVANS, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. MEEHAN, Mr. FITZPATRICK, Ms. BLUNT ROCH-ESTER, Mr. NORCROSS, Mr. CART- WRIGHT, Mr. DENT, Mr. SMUCKER, Mrs. WATSON COLEMAN, Mr. MACARTHUR, Mr. LoBIONDO, and Mr. COSTELLO of Pennsylvania):

H. Res. 735. A resolution congratulating the Philadelphia Eagles on their victory in Super Bowl LII; to the Committee on Over- sight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are sub- mitted regarding the specific powers granted to Congress in the Constitu- tion to enact the accompanying bill or joint resolution.

Mrs. DINGELL:

H.R. 4964.

Congress has the power to enact this legis- lation pursuant to the following:

Article I Section VIII

By Mr. BARLETTA:

H.R. 4977.

Congress has the power to enact this legis- lation pursuant to the following:

Article I, Section 8, Clause 1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

By Mrs. BLACK:

H.R. 4978.

Congress has the power to enact this legis- lation pursuant to the following:

Section 8 of Article I: The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States; Amendment XVI: The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

Mr. REICHERT:

H.R. 4979.

Congress has the power to enact this legis- lation pursuant to the following:

U.S. CONST. art. I, §8, cl. 1 and 3

“The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises,, to pay the Debts and provide for the common Defence and general Welfare of the United States . . .” and

“To regulate commerce with foreign na- tions, and among the several states, and with the Indian tribes . . .”

Mr. VEASEY:

H.R. 4980.

Congress has the power to enact this legis- lation pursuant to the following:

Article 1, Section 8 of the Constitution.

By Mr. NORMAN:

H.R. 4981.

Congress has the power to enact this legis- lation pursuant to the following:

Article I, Section 8

By Mr. SCHNEIDER:

H.R. 4982.

Congress has the power to enact this legis- lation pursuant to the following:

Article I, Section 8.

By Mr. MEADOWS:

H.R. 4983.

Congress has the power to enact this legis- lation pursuant to the following:

Article 1, Section 8, Clause I states “The Congress shall have Power To . . . provide for . . . the general Welfare of the United States . . .”

Mr. ADAMS:

H.R. 4984.

Congress has the power to enact this legis- lation pursuant to the following:

Article I, Section 8 of the U.S. Constitu- tion

Mr. BABIN:

H.R. 4985.

Congress has the power to enact this legis- lation pursuant to the following:

Article 1, Section 8

By Mrs. BLACKBURN:

H.R. 4986.

Congress has the power to enact this legis- lation pursuant to the following:

Article I, Section 8 “necessary and proper” clause.

Mr. BURGESS:

H.R. 4987.

Congress has the power to enact this legis- lation pursuant to the following:

Article 1, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uni- form throughout the United States.

By Mrs. BUSTOS:

H.R. 4988.

Congress has the power to enact this legis- lation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitu- tion.

By Mr. CASTRO of Texas:

H.R. 4989.

Congress has the power to enact this legis- lation pursuant to the following:

Constitutional Authority—Necessary and Proper Clause (Art. I, Sec. 8, Clause 18)

THE U.S. CONSTITUTION

ARTICLE I, SECTION 8: POWERS OF CONGRESS

CLAUSE 18

The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into execution the fore- going powers, and all other powers vested by this Constitution in the government of the United States, or in any department or offi- cer thereof.

By Mrs. DINGELL:

H.R. 4990.

Congress has the power to enact this legis- lation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Arti- cle I, section 8 of the United States Constitu- tion.

Mr. DONOVAN:

H.R. 4991.

Congress has the power to enact this legis- lation pursuant to the following:

Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Pow- ers, and all other Powers vested by this Con- stitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. ESTY of Connecticut:

H.R. 4992.

Congress has the power to enact this legis- lation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution

Mr. KELLY of Pennsylvania:

H.R. 4993.

Congress has the power to enact this legis- lation pursuant to the following:

The Congress enacts this bill pursuant to Article I Section 8 of the United States Con- stitution.

By Mr. PERRY:

H.R. 4994.

Congress has the power to enact this legis- lation pursuant to the following:

Article I, Section 8 of the Constitution of the United States

Mr. THOMPSON of Mississippi:

H.R. 4995.

Congress has the power to enact this legis- lation pursuant to the following:

The United States Constitution Article 1, Section 8, Clause 18, that Congress shall have the power to make all laws which shall be necessary and proper.

By Mr. ZELDIN:

H.R. 4996.

Congress has the power to enact this legis- lation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolu- tions, as follows:

H.R. 35: Mrs. HARTZLER.

H.R. 66: Mr. MACARTHUR.

H.R. 83: Mr. HUNTER.

H.R. 93: Mr. LAWSON of Florida.

H.R. 173: Mr. SUOZZI.

H.R. 174: Mr. ROKITA.

H.R. 253: Mr. CICILLINE.

H.R. 328: Mr. CONNOLLY.

H.R. 392: Mr. MOOLENAAR and Mr. RUSH.

H.R. 400: Mr. HUNTER.

H.R. 788: Mr. ROKITA.

H.R. 790: Mr. LAWSON of Florida.

H.R. 820: Mr. CARTER of Texas.

H.R. 878: Mr. LUTKEMEYER.

H.R. 1002: Mr. RASKIN.

H.R. 1150: Mr. BARLETTA.

H.R. 1160: Ms. NORTON.

H.R. 1290: Mr. CONNOLLY.

H.R. 1536: Mr. O'ROURKE.

H.R. 1614: Ms. MENG and Mr. O'ROURKE.

H.R. 1626: Mr. RATCLIFFE.

H.R. 1676: Mr. PAYNE.

H.R. 1683: Mr. COFFMAN, Mr. GRAVES of Missouri, and Mr. BEYER.

H.R. 1772: Mr. LUTKEMEYER, Mr. LIPINSKI, Ms. MATSUI, Mr. JOHNSON of Ohio, and Mr. KHANNA.

H.R. 1928: Mr. CURBELO of Florida, Mr. POLIQUIN, Mr. COSTELLO of Pennsylvania, Mr. YODER, Mr. DESJARLAIS, Mr. COOPER, and Mr. FARENTHOLD.

H.R. 2069: Mrs. DINGELL and Mr. CALVERT.

H.R. 2077: Mr. COURTNEY.

H.R. 2149: Mr. PALMER.

H.R. 2184: Mr. TIPTON.

H.R. 2212: Mr. ROKITA and Mr. COHEN.

H.R. 2215: Mr. SCHIFF and Ms. ESHOO.

H.R. 2242: Mr. POCAN.

H.R. 2315: Mr. BARR.

H.R. 2401: Mr. SUOZZI.

H.R. 2472: Ms. JAYAPAL.

H.R. 2475: Mr. LANGEVIN, Mrs. BUSTOS, Mr. KENNEDY, and Mr. MOULTON.

H.R. 2514: Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. ROSEN, Mr. SOTO, and Mr. LAWSON of Florida.

H.R. 2552: Mr. FITZPATRICK.

H.R. 2777: Mr. CONNOLLY.

H.R. 2852: Mr. O'HALLERAN.

H.R. 2902: Mr. CLAY, Ms. MAXINE WATERS of California, Mr. CONNOLLY, and Mr. SUOZZI.

H.R. 2938: Mr. BLUMENAUER.

H.R. 2974: Mr. KHANNA and Mr. PAYNE.

H.R. 2987: Mr. PEARCE.

H.R. 3174: Mr. BEN RAY LUJÁN of New Mex- ico.

H.R. 3301: Mr. SWALWELL of California, Mr. MEEKS, Mrs. ROBY, and Mr. RICHMOND.

- H.R. 3347: Mr. BLUMENAUER.
H.R. 3600: Mr. ROKITA.
H.R. 3624: Ms. LOFGREN.
H.R. 3642: Ms. CLARKE of New York.
H.R. 3684: Mr. NADLER, Mr. NORCROSS, Mr. PETERS, and Ms. LOFGREN.
H.R. 3761: Mr. YARMUTH.
H.R. 3773: Ms. MAXINE WATERS of California and Mr. SUOZZI.
H.R. 3849: Mr. WENSTRUP.
H.R. 3956: Mr. GUTHRIE.
H.R. 4131: Mr. WENSTRUP.
H.R. 4202: Ms. BLUNT ROCHESTER.
H.R. 4222: Ms. MCCOLLUM.
H.R. 4253: Mr. GONZALEZ of Texas.
H.R. 4311: Mr. CONAWAY and Mr. WENSTRUP.
H.R. 4316: Mr. NOLAN.
H.R. 4328: Mr. GONZALEZ of Texas.
H.R. 4334: Mr. COFFMAN and Mr. KRISHNAMOORTHY.
H.R. 4392: Mr. NORCROSS.
H.R. 4403: Mr. VALADAO and Mrs. BROOKS of Indiana.
H.R. 4413: Mr. WENSTRUP.
H.R. 4476: Mrs. BROOKS of Indiana.
H.R. 4501: Ms. SEWELL of Alabama.
H.R. 4518: Ms. MATSUI.
H.R. 4527: Mr. HASTINGS.
H.R. 4548: Ms. MAXINE WATERS of California, Mr. SMITH of Washington, Mr. COURTNEY, Mr. CARSON of Indiana, Mr. SOTO, and Mr. BISHOP of Georgia.
H.R. 4549: Mrs. TORRES, and Ms. ROS-LEHTINEN.
H.R. 4582: Mr. ROTHFUS.
H.R. 4584: Mr. YOHO.
H.R. 4659: Mr. SESSIONS and Mr. HULTGREN.
H.R. 4660: Mr. JENKINS of West Virginia, Mr. LOUDERMILK, Mr. HARRIS, and Mr. OLSON.
H.R. 4682: Mr. LONG.
H.R. 4690: Miss GONZÁLEZ-COLÓN of Puerto Rico.
H.R. 4691: Mr. MACARTHUR.
H.R. 4693: Mr. MACARTHUR.
H.R. 4706: Mr. DESJARLAIS, Mr. ROKITA, and Mr. SWALWELL of California.
H.R. 4732: Mr. KING of Iowa, Mr. LUETKEMEYER, Mr. LYNCH, Mr. LARSON of Connecticut, and Mr. SEAN PATRICK MALONEY of New York.
H.R. 4744: Mr. ESPAILLAT and Mr. WENSTRUP.
H.R. 4747: Mr. WENSTRUP.
H.R. 4783: Mr. BISHOP of Michigan.
H.R. 4811: Ms. SCHAKOWSKY.
H.R. 4844: Mr. HUIZENGA.
H.R. 4886: Mr. NORMAN.
H.R. 4906: Mr. PASCRELL.
H.R. 4916: Mr. GROTHMAN, Mr. LAMALFA, Mr. BANKS of Indiana, Mr. MOONEY of West Virginia, and Mr. YODER.
H.R. 4918: Mr. BISHOP of Georgia.
H.R. 4932: Ms. CLARKE of New York, Mrs. LAWRENCE, and Mr. CAPUANO.
H.R. 4940: Mr. HIGGINS of New York.
H.R. 4945: Mr. O'HALLERAN.
H.R. 4949: Mr. GAETZ.
H.R. 4961: Mr. O'ROURKE.
H. Con. Res. 99: Ms. KAPTUR.
H. Res. 15: Mr. JONES and Ms. JACKSON LEE.
H. Res. 134: Mr. PAYNE.
H. Res. 161: Ms. NORTON.
H. Res. 403: Mrs. DINGELL.
H. Res. 466: Mr. DIAZ-BALART and Mr. TAKANO.
H. Res. 621: Ms. MOORE and Mr. LEWIS of Georgia.
H. Res. 683: Mr. YARMUTH.
H. Res. 697: Mr. COFFMAN.
H. Res. 699: Mr. SERRANO and Ms. DELAURO.
H. Res. 707: Ms. HANABUSA.
H. Res. 712: Mr. ROE of Tennessee.
H. Res. 720: Mr. MEEKS and Mr. AL GREEN of Texas.
H. Res. 730: Mr. PETERSON, Mr. COFFMAN, and Mr. CRAWFORD.
H. Res. 731: Mr. ESPAILLAT.



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No. 25

Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable PATRICK J. TOOMEY, a Senator from the Commonwealth of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, our lamp and light, we praise Your Holy Name.

Lord, You are our strength and shield, enabling us to be sure-footed even when standing on mountain heights. Stay with our lawmakers. Support them with Your mighty hand and keep their feet from slipping. Enable our Senators to one day stand before Your presence with great joy. Show them Your greatness until the things of Earth grow strangely dim in the light of Your glory and grace.

We pray in Your majestic Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 8, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. TOOMEY, a Senator from the Commonwealth of Pennsylvania, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. TOOMEY thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

BUDGET AGREEMENT

Mr. MCCONNELL. Mr. President, this Congress and this President have delivered a historic series of achievements for the American people. We took an ax to the redtape holding back our economy. We used the Congressional Review Act a record 15 times to pave the way for job creation. After years of broken promises to our veterans, we delivered VA reform legislation to begin giving our heroes the more accessible care, greater choice, and workforce training they deserve. We confirmed outstanding judges to the Federal bench. We advanced efforts to address the opioid crisis. And, of course, we passed the most significant tax overhaul in a generation.

Already, tax reform is increasing take-home pay for American workers. Already, businesses are investing more, expanding more, and creating more good-paying jobs right here at home. Over the past year, we have built a record of successes for middle-class families and a stronger, safer country.

But among all the work that still remains, one critical piece of unfinished business is now really close to the finish line. If we act now, we can start rebuilding our military and provide our troops the training and equipment they need to defend the homeland and protect the American people.

The crisis in our military is acute. Just this week, headlines revealed that two-thirds of the Navy's F/A-18 aircraft are not prepared to fly. The fleet, which must secure sea lines of communication across the globe and patrol

the Persian Gulf and the South China Sea, has shrunk to the smallest ship count in nearly three decades.

We have become too reliant on Special Operations forces and have radically drawn down our conventional force structure.

This has not been lost on China or Russia. They are improving their conventional forces and intimidating their neighbors. Our force faces a complex collection of threats and challenges from Iran, China, Russia, and North Korea to ISIL, al-Qaida, and their affiliates.

The need for our forward presence has not diminished in the Persian Gulf or in the South China Sea and the wider Pacific, neither has our responsibility to our NATO allies in Europe or to the Republic of Korea. No, we have not asked our all-volunteer military to do any less for our country. They have just been forced to make do with less.

And all of these short-term funding bills have handicapped our military leaders' ability to make long-term plans and investments. In December, the Navy Secretary said the inefficiencies from continuing resolutions have cost his Department enough money to pay for an entire squadron of fighter planes or two destroyers.

Let me say that again. The Secretary of the Navy said that the inefficiencies from continuing resolutions have cost his Department enough money to pay for an entire squadron of fighter planes or two destroyers.

Here is how General Dunford, Chairman of the Joint Chiefs of Staff, put it. He said: "The U.S. military's competitive advantage against potential adversaries is eroding."

Yesterday, I announced a bipartisan budget agreement that will finally bring this to a close. The agreement will allow for the funding levels recommended by the NDAA conference report—authorization levels secured by the stalwart leadership of Chairman JOHN MCCAIN and our colleagues on the Armed Services Committee.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S793

So what does this mean for our men and women in uniform? It means putting a stop to the decline in combat readiness. It means knowing that our weapons systems will be delivered, maintained, and kept on the cutting edge.

Take it from Secretary Mattis. Yesterday, he explained just what this agreement will do. Here is how he put it: It will “ensure our military can defend our way of life, preserve the promise of prosperity, and pass on the freedoms you and I enjoy to the next generation.”

Our volunteer servicemembers aren't the only Americans this agreement will help. It also builds on the progress we have made for veterans and military families by providing for better care and helping to cut the VA's maintenance backlog.

It offers reinforcements to families on the front lines of our Nation's struggle with opioid addiction and substance abuse. According to the CDC, opioid overdose deaths increased fivefold just between 1999 and 2016. On average, this epidemic takes more than 100 American lives every single day. This agreement provides for new grants, prevention programs, and law enforcement initiatives to bolster existing national and State efforts.

The legislation secures relief for families who are still struggling to rebuild in the wake of last year's spate of natural disasters. This provision was only made possible by tireless work from several of my colleagues. Thanks to the leadership of Senator CORNYN, to Senator CRUZ's advocacy for Texas, and to Senator RUBIO, who led on behalf of Florida and spoke up forcefully for the people of Puerto Rico, help will soon be on the way.

The agreement also provides for new investment in our Nation's infrastructure, a shared bipartisan priority.

Now, I am confident that no Senator on either side of the aisle believes this is a perfect bill, but I am also confident that this is our best chance to begin rebuilding our military and to make progress on issues directly affecting the American people.

This is a bill for brave Americans serving our country, including the many servicemembers based in my home State of Kentucky. They deserve the pay raise we promised them and the confidence that when they leave our shores, they are combat-ready.

This is a bill for our distinguished military commanders, who have sounded the alarm on sequestration more times than any of us can count.

This is a bill for our heroes who have come home. They should be greeted by a better funded, streamlined Veterans' Administration that is equipped to meet their needs.

This is a bill for American families who have been victimized by brutal storms or the scourge of drug addiction. They deserve the assistance this agreement secures.

I hope each Senator will carefully review this bipartisan bill and support it.

We need to build on our historic year, seize the opportunity, and keep moving forward.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CHILD PROTECTION IMPROVEMENTS ACT OF 2017

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 695, which the clerk will report.

The senior assistant legislative clerk read as follows:

House message to accompany H.R. 695, a bill to amend the National Child Protection Act of 1993 to establish a national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes.

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill.

McConnell motion to refer the message of the House on the bill to the Committee on Appropriations, with instructions, McConnell amendment No. 1922, to change the enactment date.

McConnell amendment No. 1923 (to (the instructions) amendment No. 1922), of a perfecting nature.

McConnell amendment No. 1924 (to amendment No. 1923), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. will be equally divided between the two leaders or their designees.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

BUDGET AGREEMENT

Mr. SCHUMER. Mr. President, yesterday, after months of painstaking negotiations, the Republican leader and I reached a 2-year budget deal. Not only will it end the series of fiscal crises that have gridlocked this body, it will also deliver large investments in our military and robust funding of middle-class programs. It will also give a sig-

nificant boost to our Nation's healthcare and provide long-overdue relief to disaster-stricken parts of our country.

As I said yesterday, it doesn't include everything that Democrats want nor everything that Republicans want, but it is a good deal for the American people, and it is a strong signal that we can break the gridlock that has overwhelmed this body and work together for the good of the country.

Let me run through a few of the benefits this agreement will provide.

Our military has suffered from the uncertainty of endless short-term spending bills. This budget deal puts that to an end. It gives the military a significant boost in support and allows the Pentagon to make long-term decisions about its budget. It is the right thing to do.

I want to credit two people—first, my dear friend Senator MCCAIN. He talked to me repeatedly, even when he was ill, about the need for funding defense. He also talked about the need for doing immigration and tried to make them go hand in hand. Senator MCCAIN has been our leader in this Chamber on both sides of the aisle in terms of making sure defense is funded, and I know that today he is proud of what we are doing for the military.

I would also like to thank Secretary Mattis. He visited me repeatedly. He is a Cabinet Secretary who seems to be doing his job, rather than focusing on an ideological path that divides people. He worked hard for this and deserves a great deal of credit.

We Democrats have always argued that we want to fund our military and our middle-class programs. We need good help on both. A mother whose child has died from opioid addiction, a veteran who is waiting in line to get help, college students with great debt on their shoulders, pensioners whose pensions might be greatly diminished need help too. To say that our military needs help to the exclusion of all of these other worthy causes is not fair to them and not good for America. I have always argued that we can do both, and this budget shows we can. We can do both—fund the military and help fund the middle class. For those naysayers who said it could not be done, it sure can with this budget. I am proud of what it does for the middle class.

For a decade—we all know this; we all talk about it—our middle class has suffered from a needless and self-imposed austerity in Congress that has limited investments in jobs and education, infrastructure, scientific research, and more. This deal puts that to an end as well. For those who say we cannot do both, we can. I am proud of this budget, because it does. Let me go into a few specifics.

There are billions of dollars of support for childcare, for helping middle-class families shoulder the very heavy burden of childcare. They need to take care of their kids in a way that they can have confidence when both parents

work, and so often that happens. In single-parent families, that happens so often.

What about college affordability? The debt burden on the shoulders of those who have just gotten out of college and graduate school is huge. We are focusing on providing help here.

In this budget, we focus on police officers, teachers, and firefighters.

What about infrastructure? Our infrastructure is crumbling throughout America. Much of it was built 50 or even 100 years ago—roads and bridges and water and wastewater. We need to help those, and then we need new infrastructure.

How about broadband to rural areas and inner cities that are not getting it? Broadband is a necessity today. Kids cannot learn. Often, you cannot hold a job unless you can get broadband at home. In large parts of America, particularly rural parts, you cannot get it. We provide help, and rural America is very happy that we are doing this.

We provide billions to rebuild and improve veterans hospitals and clinics so that when our brave soldiers come home, bearing the scars of war, their country serves them just as well as they served us.

I mentioned opioids earlier. There is \$6 billion, finally, to guard against the opioid-mental health crisis. The opioid crisis is widespread. The President has set up a whole bunch of commissions and given a whole bunch of speeches, but he hasn't funded it. We in this body have. We Democrats have led the charge. We have so many Members, like Senators SHAHEEN and MANCHIN; we have so many Senators, like Senators HEITKAMP and BALDWIN; we have so many Senators, like McCASKILL, DONNELLY, and HASSAN, who have been talking about the opioid crisis for a long time. Their hard work has now produced the dollars that will give the treatment that so many who are addicted need and the infrastructure to prevent these bad drugs, particularly fentanyl, from coming into this country.

My guest at the State of the Union was a woman named Stephanie Keegan, from Putnam County. She was the brave mother of a veteran who got hooked on opioids in the depths of PTSD. He waited 16 months for his first appointment at the VA, but he died of an overdose 2 weeks before he could get treatment. Stephanie Keegan has been fighting for this. She is a brave, strong woman who is lighting the candle. She was my guest at the State of the Union, and she is a happy woman this morning because all of her hard work after her son's passing is coming to fruition.

Of course, there is so much more in this proposal that we can all be proud of as Americans, in that we will not be neglecting people who have been neglected for so long: support for community health centers, which serve over 25 million Americans; a full decade of funding for CHIP, or the Children's

Health Insurance Program; an effort to lower prescription drug costs for millions of American seniors who are caught in the Medicare Part D doughnut hole; disaster relief and recovery funding, not just for Texas, Louisiana, and Florida—important as they may be and are—but for Puerto Rico and the U.S. Virgin Islands and the Western States; and a special select committee—we don't do this often—that will be empowered and under a deadline to deliver a legislative fix to the pension issue by the end of the year. It is this issue which has plagued so many working and middle-class Americans in many States, people who have paid into their pensions day after day, week after week, month after month, and who are now finding those pensions vanishing. We should provide relief for them just as we should provide relief for others. This commission is a strong, bright light that will focus on this issue and will create a path to a solution.

I salute so many of my colleagues who have worked so hard on so many of these pieces: Senators MURRAY, WYDEN, and TESTER, on healthcare; Senators BROWN, CASEY, STABENOW, MANCHIN, HEITKAMP, DONNELLY, KLOBUCHAR, BALDWIN, and SMITH, on the pension's piece; Senator NELSON, on the disaster package. Senator LEAHY, the ranking member of Appropriations, has done a great job on the whole thing. A lot of credit is due to each of them and to so many more of our Members because the final product is something that will benefit so many Americans over the next decade. Senator McCASKILL was also very much involved in the pension issue, as well as many others.

I hope this budget agreement will pass the Senate in large numbers on both sides of the aisle. It will be easy to say: Well, I didn't like this, and I didn't like that. Yet this is the time to come together. This is the time to stand up for our soldiers, our middle class, and those aspiring to the middle class. I hope we will get a large bipartisan vote.

To that point, I have some pointed words for some in the House's Freedom Caucus—the hard right—who are starting to squawk about this budget deal. They say it raises the deficit. They just voted and cheered a bill that would add \$1.5 trillion to the deficit in the form of tax breaks for mammoth corporations. They were willing to increase the deficit on the defense side of the budget, but all of a sudden, when it comes to our schools or our roads or our scientific research: Oh, we can't do it because of the deficit. It is blatantly hypocritical to ignore the deficit when it favors corporate America but raise the alarm when it comes to helping our veterans, our students, and those addicted to opioids. That is selective enforcement. That doesn't fly.

There is a lot of sophistry going on. Oh, when we reduce taxes, we will not have a deficit because it will keep the economy growing. Does anyone doubt

that education keeps the economy growing, that scientific research keeps the economy growing, that building infrastructure keeps the economy growing? There is a lot of hokum flying around here that only when you cut taxes for big corporations do you grow the economy.

What is good for the goose is good for the gander, and I think Americans are tired of the hypocrisy on the hard right, which treats a \$1.5 trillion hole in the deficit by cutting corporate taxes with cheers—primarily taxes on the wealthy—and then says you cannot spend money on those who need relief from the student debt loans they have or who need help for healthcare or food stamps. It is utter, sheer hypocrisy.

Let this budget go forward through both Chambers and go to the President's desk, where President Trump seems willing and ready to sign. President Trump was not involved in this process. He was not constructive when he spoke and tweeted. He asked for a shutdown. I think, in this body—and I hope my colleagues on the other side of the aisle are learning this—oftentimes, we can get a lot more done when working with one another and letting the White House just sit on the sidelines, because you do not know what its positions are. As I once said, negotiating with the President is like negotiating with Jell-O, and, oftentimes, his positions are just so far over to one side of the political spectrum—Koch brothers-type positions—that they would never pass. So this is a good motto.

IMMIGRATION

Mr. President, now I have one more word on immigration.

Based on my continued conversations with the Republican leader, once we pass this budget agreement, we are ready to proceed to a neutral bill—a shell bill—on immigration next week. The Republican leader has guaranteed an amendment process, fair on all sides, where we will alternate amendments. That means some of the people who are on the very conservative side will get amendments and some on the very liberal side will, but so will there be an opportunity for a bipartisan compromise that will focus on the Dreamers and border security that will have a real chance of getting 60 votes. We should all be working hard to get that done in this Chamber.

I would say to my friends in America who care about the Dreamers to please let their Senators know, particularly those Senators who have not committed to helping the Dreamers, how important this is.

Next week will be one of the most vital weeks when we will be able to deal with the Dreamer issue in a fair, compassionate way. It has been swept under the rug for too long, but because of the agreement the leader and I came to a few weeks ago—and he has confirmed to keep his commitment—we will be able to deal with it. The House should be able to deal with it as well.

What Leader McCONNELL and I have agreed to should be something that

Speaker RYAN agrees to. To just put President Trump's bill on the floor means no immigration bill and no help for the Dreamers. We all know that. It will lose Republican votes as well as Democratic votes. It will not pass in the House.

I say to Speaker RYAN: Allow a fair and open process to debate Dreamers on the floor of the House, just as we are allowing in the Senate.

Leader PELOSI shouldn't have to stand and speak for 8 hours—I respect her for doing it—just to secure a vote on an issue as compelling and pressing as the Dreamers. What Leader PELOSI is asking for is the same thing that we have here in the Senate—no more, no less—a vote and an open process. That is undeniably fair. I hope Speaker RYAN will relent and promise a vote. There is an appetite on both sides and in both Chambers to get this done—both to help the Dreamers and do border security.

In the Senate, I know that everyone on the Democratic side and many on the Republican side are working hard to find a bill that can protect Dreamers and provide border security that can pass next week. We know this is a difficult task, and we know immigration is one of the more volatile issues in America, but we have to do it for the good of this country. The budget was a difficult process, but we came to an agreement. Let's do the same on immigration with a bipartisan agreement, where each side gives some, and we can all be proud that we got it done. The same effort and spirit that forged the budget deal should carry forward to the issue of the Dreamers. Let's get it done next week.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Indiana.

Mr. YOUNG. Mr. President, I ask unanimous consent to be recognized for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. YOUNG. Mr. President, I would like to take a moment to speak in support of two pieces of legislation I introduced that are included in the continuing resolution we will vote on today: the Social Impact Partnerships to Pay for Results Act and the Modernizing the Interstate Placement of Children in Foster Care Act. Both of these bills are very important to Hoosiers, and I am glad we will finally see them become law after 6 years of working in a bipartisan way to get them across the finish line.

Let me tell you why these two measures are so important to Hoosiers and really to all Americans. The Social Impact Partnerships to Pay for Results Act empowers our public and private sectors to implement evidence-based social and public health interventions to address some of our Nation's most pressing social challenges.

America has a celebrated and vibrant civil society. We have a history of not

turning first to government to solve some of our thorniest social and public health challenges but instead turning to our neighbors, turning to our local communities, perhaps our local not-for-profit groups or our community heroes, and we discover that oftentimes they are better situated to address these thorny challenges than are government programs. That is not to suggest in the slightest that government doesn't have a very important role in addressing these broad social challenges. Government can indeed make a difference but so can these other organizations.

We have a growing evidence base without any partisan tinge to it. It is broadly agreed that we have a growing evidence base of those things that are working to address challenges such as homelessness, asthma in low-income communities, and getting the long-term unemployed back into the workforce. Name the social ill, and there is likely a not-for-profit group or even a for-profit group in each of our individual States which is making a meaningful difference on this front.

The challenge is, how do we scale up these evidence-based interventions in an era of scarce resources? Well, because social impact partnerships are focused on achieving results, taxpayer money is only paid out when desired outcomes are met. Government payments are made possible because when we really help somebody, when we really are able to help them achieve their goals and turn around their lives, that frees up government money. So we use those avoided costs and future government savings to pay back those who invest in scaling up things that really work to improve lives.

Let me give an example of what has also been called pay for success. There is a service in Indianapolis that connects registered nurses with low-income pregnant women. The Nurse-Family Partnership helps ensure both mom and baby are healthy throughout the pregnancy and through the infant's life. They hit specific metrics that save the Federal Government money. Under this legislation, a philanthropic organization like Indiana's Lilly Endowment could invest in the Nurse-Family Partnership to scale up their work. As long as the metrics continue to be met, as long as success is achieved, the investor is paid a return out of those future government savings.

It makes a whole lot of sense, which is why it passed unanimously out of the House of Representatives previously and why I believe it will be passed into law after passing this Chamber and be signed into law by the President in the coming days.

Social impact partnerships address our moral responsibilities to ensure that social programs actually improve recipients' lives and do so in a fiscally prudent manner. They also respond to the imperative of improving our economic health by harnessing the capabilities of every able-bodied citizen.

We ought to be treating every American like they are an asset to be realized, not a liability to be written off, not a consumer of programs but somebody with real potential. We want every American to achieve their full human potential.

To recap, who is going to benefit? Well, the recipients of these services, through the public-private partnership, will benefit—the least among us—taxpayers will benefit, and every American will benefit as our communities become strengthened, as more enter the workforce, as public health is improved, and so forth.

The next bipartisan measure, which I expect to get across the finish line today, is the Modernizing the Interstate Placement of Children in Foster Care Act. This bill expedites the time it takes to place children into loving homes, and we will see why it is so important and so timely that we pass this legislation today as well.

Thousands of children in my State of Indiana have lost loving parents to opioid addiction. I have seen it up close and personal. I used to represent Scott County, IN. This was ground zero in our State for the opioid epidemic. It made national news, not in a good way. So many good people have been adversely impacted in this community, and I know there are communities like this across the country that are being impacted to varying degrees by the opioid crisis. I fear that if we do nothing, we will lose thousands in the next generation as well.

Modernizing the outdated interstate child placement process is one of a number of proposals that are urgently needed. This legislation will incentivize States to connect to an electronic interstate case-processing system that has already achieved substantial reductions in the time it takes to place these children into homes.

Frankly, before I dove into this, I just assumed that our foster care system was digitized; that it had found its way into the 21st century; that we weren't using paper files that were being mailed back and forth several times to process adoptions, especially under these very trying circumstances, but that is not the case. We need to make sure a child will spend less time being shuffled from foster home to foster home, and this legislation will achieve that.

We need to make sure a situation where children are taken in and out of school without a set routine is put to an end. For children caught up in a system struggling to meet community needs, we should do everything possible to get them immediately placed in a setting that is best for them, regardless of State boundary lines.

In summary, these bipartisan, bicameral bills were developed over 6 years, beginning during my time in the House of Representatives. I consulted with key stakeholders to make sure there would be broad support, and

there is. I have had countless discussions with Hoosiers and other experts about how to tackle these challenges.

The continuing resolution we will vote on today isn't perfect. I remain concerned about our spending levels, and I maintain that we need to take long-term action for the fiscal health of our country. However, with our commitment to our military and the inclusion of these two important pieces of legislation, I will be voting for the CR for the good of all Hoosier children, families, and communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I ask unanimous consent that I be recognized to speak for up to 10 minutes followed by Senator CARDIN for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

DACA

Mr. MARKEY. Mr. President, I rise to speak about the need to protect our Dreamers from deportation. When we talk about Dreamers, we are talking about immigrants who came to this country as children. We are talking about immigrants whose parents brought them here when they were young to give them a better chance than they had in their own countries. We are talking about young immigrants who, when they were children, had no choice in the decision to come to the United States.

These Dreamers know no other home than these United States. Many of them have spent their lives in limbo, identifying as Americans but lacking legal status and under the constant threat of being sent back to countries that are completely foreign to them.

In 2012, President Obama took steps to protect some of these Dreamers from deportation. Through an Executive order, he established the program known as DACA or the Deferred Action for Childhood Arrivals Program. DACA created security and opportunity for hundreds of thousands of young Dreamers, allowing them to live and work in our great Nation without the threat of deportation. So what DACA really stands for is "Deserving a Chance in America," DACA, and a protection for these innocent young people who deserve a shot at the American dream.

I would like to take a moment to speak about one of these Massachusetts Dreamers who benefited from DACA. Her name is Estefany. She came to the United States at 9 years of age to escape violence in El Salvador. She was brought here by her grandmother, along with her two sisters and a baby cousin. The journey took 22 days. It was arduous. Estefany was so scared at one point she asked to be left behind. When she finally got to the United States, she found it difficult to adjust to this whole new world, but Estefany was overjoyed to be reunited with her mother, who had come to the United

States a few years before the rest of the family was able to come.

Estefany was grateful for the opportunity she was given and did not want to squander it. She wanted to succeed in school and live up to her mother's sacrifice. Estefany, who only spoke Spanish when she arrived, struggled with elementary school and tried to do her homework every night. Working as hard as she could, in 2 years she was moved on from her English as a Second Language class. Her hard work paid off in even greater dividends when she was accepted into the prestigious Boston Latin Academy for high school.

Her work ethic and desire to deserve her family's sacrifices were what motivated Estefany and got her through the many hardships that come with being undocumented—fear, uncertainty, anxiety. When Estefany began her college application process, she fully understood, for the first time, what it meant to be undocumented.

Although she wanted to go to college and have a career, she was afraid to tell her guidance counselor and her teachers of her fears about her legal status. Once Estefany opened up to them, she confronted applying and attending college the same way she had always faced up to the other struggles in her life—with strength, courage, and perseverance. She fought the battle that many aspiring college students wage—figuring out how to pay for it. It wasn't easy. As she researched and applied for scholarships, she found out that most were for citizens only. Because of scholarships provided by immigrant support organizations like the wonderful Massachusetts Immigrant and Refugee Advocacy Coalition, MIRA, Estefany is now attending the University of Massachusetts in Boston, where she is pursuing a degree in international relations and a minor in public policy.

So it sounds like a happy ending, but, sadly, it is not. On Estefany's first day as a freshman at UMass Boston, President Trump repealed DACA. He callously terminated the program, with no guidance on what should be done next for these young Dreamers. That heartless action by the President left Estefany unable to focus on school. She no longer had any certainty about her future here in the United States and at UMass Boston. As Estefany put it, "After so many tears and sleepless nights, it felt like all my hard work was being thrown away."

Estefany is a fighter, and she is not giving up on her college education or career. I know she will succeed if she is just given the chance because she, like so many other Dreamers, deserves that chance.

Over the 5 years that DACA was in effect, the program protected some 800,000 Dreamers, nearly 8,000 in Massachusetts. These are young people like Estefany who study, who serve, who work, and who live next door to us every single day. They are our friends, our neighbors, and our loved ones.

They are not "too lazy." They are not "bad hombres." They are some of the best and brightest in our country.

Now, because of President Trump's unconscionable decision to end DACA, Estefany and so many young people like her are living in darkness again. It is heartbreaking to watch this administration strip protections away from people who are Americans in every way that should matter. Leaving them to live under a threat of deportation is unconscionable.

We should not abandon these young people whom we urged to come out of the shadows. We should not abandon the larger community of Dreamers who have no other home than the United States. The American people understand this. In January, a poll found that 87 percent of Americans favor allowing immigrants who were brought to the United States illegally as children to stay here—87 percent; nearly all Americans are with our Dreamers.

You would think that extending these protections would be a no-brainer for the Republicans. Right here, right now, we could pass a bill to protect these young immigrants, but, instead, the Republicans have decided to use the Dreamers as a bargaining chip in budget negotiations. They hope that by leveraging the lives and futures of Dreamers, they will get their laundry list of hard-liner immigration demands.

I am so glad that Senator MCCONNELL has agreed with Senator SCHUMER that we are going to open up a debate here on the floor of the U.S. Senate. We are going to try to find a way to resolve this issue, although there is no guarantee that President Trump will, in fact, agree with any resolution here. There is no guarantee that the tea party Freedom Caucus Republicans in the House of Representatives will agree with any understanding that is reached here on a bipartisan basis, if we can reach one on the floor of the U.S. Senate.

I just think, for better or worse, the Dreamers should know that we are going to continue to fight for them and that we are going to continue to work toward creating a pathway for them to be able to live in our country without fear. I think that is going to be the signature moment we can create for our country this year. Yes, we have a budget agreement, but we have so much more work to do to help these young people who will be great Americans once we create a path to citizenship for them.

At this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first, I want to thank Senator MARKEY and concur in his comments in regard to the Dreamers. Yes, we are pleased that we have a bipartisan agreement today. I am still in the process of reading all the details before making a final judgment, but it is certainly good news that the Democrats and Republicans—

the leadership—have come together in an agreement.

I join Senator MARKEY and am pleased that the majority leader is going to bring before the floor of the Senate in a fair manner next week the immigration issue to protect Dreamers. I would also add that those in temporary protective status, TPS, should also be considered.

We have a process, and I hope that the spirit that we have seen on the budget agreement will continue next week as the Senate works, as it should, in a bipartisan manner to protect the Dreamers and do what is right. I also want to acknowledge that there is no such commitment from the Republican leadership in the House. I join with Leader PELOSI in urging Speaker RYAN to set up a similar process in the House so that we can get a bill to the President and signed into law to protect the Dreamers. The President created this problem by putting a date on their backs, and it is our responsibility to respond in a timely way. I am glad to see that the Senate is prepared to take action.

PRUDENT LAYPERSON STANDARD

Mr. President, I took this time because I want to talk about one specific provision in healthcare that was passed by Congress in the nineties, but let me just preface that by saying that in this budget agreement, I am pleased to see there are bipartisan agreements on advancing healthcare in America. A bill that I have worked on since we imposed the therapy caps way back in the nineties, which made no sense at all, will finally correct that mistake permanently and allow those who are in need of the most severe therapy services—those who are stroke victims or in similar situations—to be able to get that care without a cap as to the amount of services they need.

I am also pleased to see that we are going to be dealing with telemedicine—an issue I have worked on and many Members have worked on—improving dialysis treatment. Some of the issues we have all worked on include community health centers, the 10-year extension of the Children's Health Insurance Program, and rural healthcare. There are a lot of good things in this bipartisan agreement to advance healthcare, and I am pleased about them.

I just want to remind my colleagues that if we are successful in getting that enacted into law, we still have to make sure it is implemented in the manner in which we intended. I give as an example the prudent layperson standard on emergency medical treatment. I was involved in that process in the 1990s. The reason this came to our attention is that insurance practices in the 1990s were such that it was not unusual for an insurance company to deny payment for emergency services. An individual would have the classic symptoms, for example, of a heart attack—the pain, the sweating—and then did what a prudent layperson would do, which is go to the nearest emergency

room to get treatment. Well, after the examination was complete, if they found out the person did not have a heart attack, the person would be discharged from the hospital and go home. A few days later they would get the bill for that visit and then almost have a heart attack when the insurance company would not pay the bill. We recognized that as not being right, so we took action to change that.

In response to these dangerous and unfair requirements, Maryland enacted the prudent layperson standard in 1992. If it was prudent to go to the emergency room for care, the insurance company had to reimburse it. Later, in 1997, I led the national effort to extend the prudent layperson standard to all Medicare plans and Medicaid managed care plans as part of the Balanced Budget Act of 1997. I worked with President Clinton, who eventually signed an Executive order in 1998 to have the standard apply to all government insurance programs.

Then I fought to have my patient's bill of rights amendment, which included the prudent layperson standard, enacted as part of the Patient Protection and Affordable Care Act for individual and group health plans. So now it is effective for all plans in this country. There is a definition of what an emergency medical condition is and when it is prudent to do that. It is spelled out in the statute dealing with the seriousness of the symptoms, as it could deal with bodily harm, et cetera.

Despite the Federal law, private insurers are, once again, using tactics to prevent people from seeking care in an emergency room. Several newspapers, from the Los Angeles Times to the Columbus Dispatch, have reported that Anthem—one of the Nation's largest insurers—has implemented an avoidable emergency room program to reduce what it deems as unnecessary ER visits and address rising healthcare costs. This program has been rolled out in several States, including Kentucky, Missouri, Ohio, Indiana, Georgia, and New Hampshire.

According to these news reports, patients who believe they have emergency symptoms go to the ER for emergency medical care. After several tests, the physicians and nurses determine there is no emergency medical condition. The patient returns home, relieved to be OK. A few weeks later, they receive a letter from the insurance company refusing to cover the care received in the hospital. This is wrong. We said it was wrong in the 1990s, and we took steps to change that. We now have laws that make it very clear.

The Anthem avoidable ER policy forces people who are in some sort of acute distress to determine, before they even leave their homes, if their symptoms are really serious enough to go to an emergency room. What we had back in the 1990s was preauthorization for emergency care. Can you imagine trying to make a phone call before you

go to an emergency room to talk to somebody as to whether you should go there or not, wasting valuable time, or being told to go to a hospital different from the closest hospital, again, causing really serious jeopardy? That is what we had. People should not be forced to act as their own doctor and second-guess themselves when they truly believe they are having a medical emergency.

A wrong decision based upon economic considerations—the ability to pay the bill—could be deadly. We should not discourage people from seeking necessary medical treatment, and we should not allow insurance companies to return to the time when they could callously refuse to cover emergency care provided to individuals who genuinely and reasonably believe they need it.

As we will be considering shortly additional improvements in our healthcare system to eliminate the cap that we have on therapy caps, to make it clear that we want to make telemedicine more available, to help dialysis patients, to deal with our children in the Children's Health Insurance Program, to deal with rural healthcare, let us also make sure that we set up the ability to make sure that our policies, in fact, are carried out. We should not allow an insurance company such as Anthem to act as if what Congress did does not exist. I think that is our responsibility.

I look forward to working with our colleagues in a bipartisan way to improve healthcare and access for all Americans.

With that, I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 695, a bill to amend the National Child Protection Act of 1993 to establish a national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes.

Mitch McConnell, John Cornyn, Mike Crapo, Jerry Moran, Richard Burr, David Perdue, Tom Cotton, Shelley Moore Capito, Deb Fischer, James M. Inhofe, Pat Roberts, Roger F. Wicker, John Hoeven, John Barrasso, John Boozman, Steve Daines, Mike Rounds.

Mr. GARDNER. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

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

By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to

concur in the House amendment to the Senate amendment to H.R. 695 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. PERDUE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—55

Alexander	Fischer	Murkowski
Barrasso	Flake	Nelson
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Cassidy	Heitkamp	Rounds
Cochran	Heller	Rubio
Collins	Hoeven	Sasse
Corker	Inhofe	Scott
Cornyn	Isakson	Shelby
Cortez Masto	Johnson	Sullivan
Cotton	Kennedy	Thune
Crapo	Lankford	Tillis
Cruz	Lee	Toomey
Daines	Manchin	Wicker
Donnelly	McCaskill	Young
Enzi	McConnell	
Ernst	Moran	

NAYS—44

Baldwin	Hassan	Reed
Bennet	Heinrich	Sanders
Blumenthal	Hirono	Schatz
Booker	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Smith
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Markey	Udall
Coons	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Paul	Wyden
Harris	Peters	

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

HONORING HOMETOWN HEROES ACT

Mr. MCCONNELL. Mr. President, I move that the Chair lay before the Senate the message to accompany H.R. 1892.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

House message to accompany H.R. 1892, a bill to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty.

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the

Senate to the bill, with amendment No. 1930, in the nature of a substitute.

McConnell amendment No. 1931 (to amendment No. 1930), to change the enactment date.

McConnell motion to refer the message of the House on the bill to the Committee on Appropriations, with instructions, McConnell amendment No. 1932, to change the enactment date.

McConnell amendment No. 1933 (to (the instructions) amendment No. 1932), of a perfecting nature.

McConnell amendment No. 1934 (to amendment No. 1933), of a perfecting nature.

The PRESIDING OFFICER. The President pro tempore.

Mr. HATCH. Mr. President, is it proper to speak as in morning business?

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

Mr. HATCH. Mr. President, I rise today to speak in strong support of the bipartisan Budget Act which will hopefully pass later today.

This bill, as the name implies, is the result of rigorous, bipartisan, and bicameral negotiations. I am pleased to have played a part in this endeavor, and I am gratified to note that in addition to keeping the government open and providing much needed resources for our troops, the bill before us addresses a number of longstanding priorities of the Senate Finance Committee, including many that I have personally been working toward for years now. Indeed, this legislation, once passed and signed into law, will be the combination of years of work put in by members of the Finance Committee on both sides of the aisle.

I want to take some time to say a few words about some of the bipartisan victories that will be achieved through this legislation. I should warn my colleagues that this will take a few minutes because there are quite a few provisions to discuss.

For starters, let's talk about healthcare. Among the more prominent victories in this bill is an extension of the Children's Health Insurance Program for an additional 4 years. As we all know, last month Congress passed a historic 6-year CHIP extension, which was eventually signed into law. The bill before us would add another 4 years on top of that 6-year provision, providing a total extension of 10 years—10 years. That is remarkable. I have a long history with the CHIP program. I was the original author of the program, and I have always been an outspoken champion of it.

We have had some back-and-forth here in the Senate about CHIP in recent months, and some of it has gotten pretty fierce. However, today the Senate will pass legislation—bipartisan legislation—to provide unprecedented security and certainty for the families who depend on CHIP and the State governments that need more predictability to map out their own expenditures.

I am sure my friend, former Senator Kennedy, is up there watching. I am very happy he came on this bill in the early stages and helped to put it through.

In addition to the CHIP extension, the budget bill includes a bipartisan Finance Committee bill entitled the "Creating High-Quality Results and Outcomes Necessary to Improve Chronic Care Act of 2017"—a fairly long title. Senator WYDEN, the Finance Committee's ranking member, and I have been working for years on this legislation, which, once enacted, will improve health outcomes for Medicare beneficiaries living with chronic conditions. It will also help bring down Medicare costs and streamline care coordination services.

We have been working with our colleagues, stakeholders, and advocates for quite some time. We moved the bill through the committee last year, and the Senate actually passed it once already without a single vote in opposition. This legislation will finally get the CHRONIC Care Act to the President's desk.

I thank Senator WYDEN for the time and effort he has put into this action. I also thank our other colleagues on the Finance Committee, particularly Senators ISAKSON and WARNER, who joined us on a working group to develop this important legislation and move it forward. This bill, as promised, will relieve a great deal of suffering for Medicare beneficiaries and will do so in a fiscally responsible manner.

The budget bill also contains a package of bipartisan provisions that have come to be known as Medicare and health extenders. These provisions are high priorities for a number of our Members throughout the Senate, and I am very pleased we were able to include them in the final package of the spending bill.

While these are all important, I would like to highlight that there are a few provisions we were able to permanently resolve and not just extend. One such provision will repeal a flawed limit on the amount Medicare would pay for outpatient physical and other therapy that threatened access for some of the most vulnerable patients. I worked with other Members in both Chambers to find a lasting solution to this decades-old problem, again demonstrating that Congress can tackle hard problems and not just kick the can down the road.

In addition to the Medicare extenders, the bipartisan funding bill also includes some key reforms to the underlying Medicare Programs. These include expanding access to in-home treatments for patients with Medicare Part B and improved means-testing for the premiums paid by high-income earners under Medicare Parts B and D, all of which will help improve the overall fiscal outlook for Medicare.

Furthermore, the bill repeals the Independent Payment Advisory Board that was created under the so-called Affordable Care Act. This, too, is a step that has garnered bipartisan support, as it should, showing that many Democrats have joined Republicans in recognizing just how ill-advised the creation of this panel really was.

The bill addresses a number of other healthcare priorities as well, including continued funding for various public health programs, some delays for burdensome Medicaid reductions that have been on the horizon, and it provides relief to Puerto Rico's healthcare challenges faced after the hurricane devastation by increasing Medicaid funding.

I would also like to say, in any big package, there are a lot of policies in here that give me concern. Some of the offsets, particularly related to Medicare Part D that my Democratic colleagues insisted be in this package, are very troubling to me, and I look forward to working with my colleagues to address this moving forward.

In addition to these healthcare priorities, the funding bill extends a number of important tax provisions in order to help families, individuals, and small businesses throughout the country. We made progress on producing and passing tax extenders legislation with the passage of the PATH Act in 2015. Still, many more important items remain to be handled, and we have worked to address Member priorities to extend certain provisions. The provisions included in the spending bill all expire at the end of 2016. This legislation will extend them through this year.

Finally, the bill takes some major steps forward in the area of human services, which is also under the jurisdiction of the Finance Committee.

In addition to continuing funding for important child and family services programs, the bill includes the Family First Prevention Services Act, another bill originally introduced by Senator WYDEN and myself to strengthen families and reduce inappropriate foster care placements. This legislation will help keep more children safely with their families instead of placing them in foster care. Under this bill, States will be able to fund effective services that have been shown to prevent children from entering foster care. It will also encourage States to place children with foster families instead of in group homes, and it will reduce the bureaucracy faced by relatives who seek to take in children rather than have them end up in foster care.

Also included in the spending bill is the Social Impact Partnership Act, a bill I introduced along with Senator BENNET, which will support innovative public-private partnerships to address critical social and public health challenges. As a result of this bill, States will identify key social challenges they want to address, state the results they hope to achieve, and the Federal Government will pay for a rigorous, independent evaluation to verify that they achieved the outcome.

As you can see, we have been very busy in the Finance Committee for the past few years. Obviously, we have seen success in some of the more high-profile items, like tax reform late last year, as well as long-term highway funding and renewing trade promotion authority in 2015, but our work has

gone far beyond these efforts. Thankfully, with passage of this spending bill, many more of the committee's efforts—virtually all of them bipartisan—will come to fruition.

I thank the Senate leaders from both parties who have worked with us to include all of these important provisions. I thank my colleagues on the Finance Committee—both Republicans and Democrats—who have put in so much time over the years on all of these efforts and congratulate them all for the success we look forward to seeing this week.

Of course, we do still have to pass the bill. Therefore, I urge all of my colleagues, on both sides of the aisle, to vote in favor of this bipartisan legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, before I make my remarks, let me just say that in what we might call the current unpleasantness in Washington, what a pleasant thing it is to be here on the Senate floor and hear the respected chairman of the Senate Finance Committee say the positive words he has said, describe his success at expanding CHIP and call to our memory the name of Senator Kennedy—who was his friend and ally in creating that program upon which so many children across America depend. So I thank him for a lovely moment in an otherwise somewhat, shall we say, challenging Washington environment.

Mr. President, in the spirit of back-and-forth—which is often the spirit of the Senate—I am following Senator HATCH, but I see Senator WICKER also on the floor. If time is pressing on him, I would be willing to consider yielding for a few moments. I don't know how much time he intends to consume.

Mr. WICKER. Mr. President, the Senator is very kind, and time is not that pressing. I am actually expecting two or three colleagues, and perhaps we will engage in a colloquy after that. I do appreciate my friend's courtesy.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, in that event, let me commence my 196th "Time to Wake Up" climate speech.

The last year has been a lousy one for environmental policy in the United States. While the rest of the world began implementing the Paris Agreement to reduce the carbon emissions that are changing our climate and our oceans, this proud body, the U.S. Senate, sat on its hands.

When President Trump handed the keys to his administration over to what I call the three stooges of the fossil fuel industry—Pruitt, Perry, and Zinke—the Senate sat on its hands. The recent interview with British journalist Piers Morgan shows Trump willing to make a scientific fool of himself on the question of climate change to please the general managers pulling the strings of his administration, the Koch brothers.

This record puts them all way out of line—way out of line—with most Americans. Overwhelming numbers of younger Americans demand climate action and plan to hold politicians who stand in its way accountable. Faith groups, universities, State and local governments, and businesses have stepped up their climate leadership. Businesses hear from their customers and know the American people want action, but if corporate America is serious about climate action in Washington, corporate America needs to explain why the Big Business lobby groups in this town—the U.S. Chamber of Commerce, the American Petroleum Institute, and the National Association of Manufacturers—stand so resolutely in the way of climate action. These three industry groups have been instrumental in blocking climate action, using lobbying, dark money election spending, and threats of dark money election spending.

Today, I want to take a look at the biggest and swampiest of the three, the so-called U.S. Chamber of Commerce. First, let's clear up some common misperceptions about the chamber. It is not a government agency, and it bears almost no relation to your hometown chamber of commerce.

Instead of representing the interests of small businesses, the chamber represents the interests of giant corporations, international corporations, and the ultrarich. The chamber president, Tom Donohue, admitted as much in a letter to the tobacco company Philip Morris. He wrote that small businesses "provide the foot soldiers, and often the political cover, for issues big companies want pursued."

Why this service to giant corporations and the ultrarich? Easy answer: They pay the bills. The vast majority of the chamber's \$275-million-per-year budget comes from just a handful of donors. For instance, in 2014, just 119 donations accounted for over \$160 million of the chamber's fundraising haul. Who are these donors? Well, the chamber doesn't want you to know. It does all it can to resist transparency, but thanks to voluntary disclosures by some corporations and the tax filings of some nonprofit groups, we know that its donors include many of America's biggest corporations as well as political front groups run by the billionaire Koch brothers and Karl Rove.

The chamber took in at least \$5.5 million from Koch-backed groups between 2012 and 2014, and a Karl Rove-affiliated group gave the chamber \$5.25 million in 2014 alone. It would be interesting to know how much of the Karl Rove money is actually Koch money laundered through the Karl Rove front group.

What does the chamber do with all of this money? It lobbies, it litigates, and it runs political attack ads on television, radio, and the internet.

Let's start with the lobbying.

The chamber spends far more than anyone else in lobbying the Federal

Government. It spent more than \$80 million last year alone—far more than any individual company. Over the last 20 years, the chamber has spent more than \$1.4 billion—that is billion with a “b” and the nine zeros after it—in lobbying the Federal Government. That is three times more than the next largest lobbying spender—a swamp monster, indeed.

Much of this lobbying is against environmental policies, with the chamber’s lobbying Congress, the White House, the EPA, the Department of Energy, and the Department of the Interior on behalf of—yes, you guessed it—the fossil fuel companies. The chamber champions the fossil fuel agenda. It opposes limits on carbon emissions and supports drilling and mining on public lands and in offshore waters.

The chamber champions only the fossil fuel energy agenda and attacks renewable energy despite that industry’s being responsible for more jobs than the fossil fuel industry. In 2016, for instance, the chamber lobbied the Federal Government on at least 14 separate issues in favor of the oil and gas industry and on at least 7 issues in favor of the coal industry. On renewable energy, there were zero—not one.

It was the chamber that paid for the debunked study that claimed the Paris Agreement would kill jobs and weaken economic growth, which Trump cited as justification for withdrawing from that agreement.

The chamber also spends a lot of effort in importuning the courts. In a recent 3-year period, the chamber was involved in roughly 500 cases as either a plaintiff or an amicus curiae—an interested party deemed a “friend of the court.”

Once again, the chamber fronted for the fossil fuel industry. In just 3 years, it sued the EPA 15 times and filed amicus briefs against the EPA in another 11 cases, making the EPA the chamber’s most frequent target in court. The chamber sued against the Clean Power Plan and has consistently opposed the EPA’s authority to regulate carbon emissions under the Clean Air Act.

The chamber also wrote an amicus brief that urged the Supreme Court to strike down limits on election spending. It got its wish in the Citizens United decision. Citizens United allowed dark money groups—outside groups—to spend unlimited sums in corrupting our elections. The chamber and the fossil fuel industry have been the biggest beneficiaries—the biggest users—of this horrible decision.

Over the last 10 years, the chamber has spent more than \$150 million in dark money on Federal elections, and we don’t know how much it has spent on State elections other than we know it has contributed millions to other outside spending groups that are active at the State level.

In 2016, the chamber was the largest dark money spender in congressional races. It often ran vicious attack ads in

races across the country. Many of these ads supported the fossil fuel agenda. Here is one from the 2016 Senate race in Pennsylvania. The chamber was again the largest dark money spender on this race in its having spent over \$6 million. It ran a series of attack ads against Katie McGinty and slammed her for supporting legislation to reduce carbon emissions.

Here is the ad:

A couple of moms are watching their kids, and the kids are playing on the playground. One is complaining that McGinty supports taxing energy from fossil fuels, and the other mom remarks as to how much energy their kids have, to which the first replies: Oh, if McGinty finds out about that, she will tax the kids. Right on cue, an actor who is supposed to represent McGinty, the candidate, arrives—of course in a chauffeured black sedan—ready to tax the energetic kids. The ad ends with one mother screaming at her son, Jimmy, to run away.

So that is what we get—the chamber as the enforcer for the fossil fuel industry. Dare to support climate action or oppose fossil fuel interests, and the chamber will go after you with everything it has.

It is actually worse than that because there is one thing more insidious than spending millions of dollars on attack ads, and that is the threat of spending millions of dollars on attack ads. You see, once Citizens United allowed the chamber and other outside election spending groups to spend unlimited funds, the corollary was that it could threaten to spend those unlimited funds. All the chamber and other outside election spending groups now have to do is threaten to fund a challenger in order to bring many candidates and elected officials to heel. This Citizens United-sanctioned intimidation explains why we cannot make good climate policy in Washington, and the chamber is its leading proponent.

Several big American companies have stopped funding the chamber over its anti-climate agenda. Apple, PG&E, Costco, Hewlett-Packard, Starbucks, Mars, and others have all left. Yet plenty of other corporate climate champions still fund the chamber. It is unbelievable but true.

Here is an ad that was run last spring by several big companies that urged Trump to stay in the Paris Agreement. These companies—Facebook, Gap Inc., Google, Intel Corporation, Microsoft, Morgan Stanley, and Salesforce—signed this full-page ad that supported the Paris Agreement. At the same time, they were donors to the chamber, which was out attacking the Paris Agreement. How do you publicly support the Paris Agreement while funding the swamp monster that attacks the Paris Agreement?

The Trump administration is also seeking to cut funding for renewable energy research by 72 percent. America’s business leaders should want to

maintain U.S. technological leadership and create millions of high-paying, clean energy jobs in the future, but the chamber’s so-called Global Energy Institute’s website is promoting Keystone XL, the Dakota Access Pipeline, and offshore drilling. I kid you not—offshore drilling. Facebook, Gap Inc., Google, Intel, Microsoft, Morgan Stanley, and Salesforce—offshore drilling? What do you bet those companies won’t take out full-page ads to support offshore drilling? They do come to Washington to lobby, but when Facebook, Google, Intel, Microsoft, and Salesforce came to lobby Congress through their trade association TechNet, they didn’t even mention climate change. They didn’t even make clean energy a priority. Instead, they fund the biggest, baddest opponent of climate action and clean energy.

Why do companies that are so committed to increasing their own use of renewable energy not lobby Congress in favor of renewable energy? It is a battle here, folks. Where is the corporate cavalry?

As long as pro-climate companies do nothing in Congress and allow fossil fuel front groups like the chamber to be their voices here in Washington, how do they expect to make progress? The Chamber of Commerce they fund throws around hundreds of millions of dollars on lobbying and elections to ensure that Congress will not take the climate action they seek. What are Facebook, Gap, Google, Intel, Microsoft, Morgan Stanley, and Salesforce waiting for? Do they expect some kind of immaculate political conception of a climate bill—climate action that suddenly floats magically down from the clouds? It is not like they don’t lobby themselves. For Pete’s sake, they know how the game is played. They just don’t lobby for this. They just don’t lobby for climate action.

Look, good corporate policies on climate are important. They are very important. I get that, and I appreciate that. But we know well that good corporate policies will not reach those Paris climate goals. To reach those goals, you have to pass a bill. You have to do something on climate here in Congress. When the fossil fuel industry’s blockade stopping such a bill is right here in Congress, this is a battlefield you have to show up on. It is great to take out ads—it helps—but it would really help to be present here in Congress and accounted for.

Fighting for climate action in Washington is indispensable in order to finally break the stranglehold of the chamber and its dark money allies. So please, corporate America, show up.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I ask unanimous consent to engage in a colloquy with my colleagues Senator CASEY and Senator WICKER.

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

COAST GUARD AUTHORIZATION ACT

Mr. SULLIVAN. Mr. President, I rise with my colleagues Senator WICKER from Mississippi and Senator CASEY from the Commonwealth of Pennsylvania to talk about legislation that I believe is of vital importance to every State in the country—certainly to mine, the great State of Alaska. Most importantly, it is vitally important legislation to the men and women who serve in the U.S. Coast Guard. I am going to talk about them for a minute. Yet, in addition to the legislation we are talking about here, it is also vitally important to our maritime and fishing communities.

This is very important legislation. Which legislation am I talking about? S. 1129, the Coast Guard Authorization Act of 2017. It is legislation that has broad bipartisan support, including from Chairman THUNE of South Dakota and Ranking Member NELSON of Florida of the Commerce, Science, and Transportation Committee; my colleague from Alaska, Senator LISA MURKOWSKI; and many, many others, Republicans and Democrats. The Senate Commerce, Science, and Transportation Committee, which has jurisdiction over the Coast Guard and our fishing fleets and our fisheries, marked up this important legislation back in May of 2017. Unfortunately, due to a lack of an agreement on one particular provision—although we have very strong support, even for this particular provision, of over 60 Senators—the Coast Guard bill overall remains stuck.

We always talk about the Army, Air Force, Navy, and Marines. I love them to death, but sometimes we forget about our fifth branch of service. These men and women do incredible work every single day for our country.

This bipartisan bill, the Coast Guard Authorization Act, will give the Coast Guard the resources it needs to protect our waterways and coastlines, to block illegal drug traffickers and smugglers, and to more efficiently procure future Coast Guard cutters. It will authorize the Coast Guard in terms of policies and spending through fiscal years 2018 and 2019. Most importantly, it will take care of the men and women who serve in our Coast Guard, who hail from every State in our great Nation. They do so much.

So we are going to be debating the continuing resolution that will have very significant funding for our military but also for natural disasters. Think about the natural disasters that occurred in the United States in Florida, in Texas, in Louisiana, and other places in the last several months. The Coast Guard undertook thousands of rescue operations—men and women risking their lives, literally, to save their fellow Americans. This bill focuses on them.

In constructing this legislation, we worked in a bipartisan manner for months. However, it appears that the Coast Guard authorization bill, unfortunately, remains stuck.

I serve as the chairman of the subcommittee responsible for the Coast Guard. In Alaska we know all about the men and women of the Coast Guard. I would like to say that prior to 9/11, the Coast Guard was probably the only military service among all five branches that had men and women out there risking their lives every single day for Americans. Unfortunately, since 9/11 and the big challenges we have had from a national security perspective, we have had men and women from all branches of services, every single day, risking their lives. But the Coast Guard does it at home and abroad.

What is happening with this bill? Well, this bill, which is bipartisan, not only contains critical needs and authorizations and policies for our Coast Guard and the men and women who serve, but it also contains provisions of vital importance to our maritime industry and fishing communities. Included in this legislation are important elements of another act, the Vessel Incidental Discharge Act, which we call VIDA, to address an issue that has been around for years pertaining to the incidental discharges for those in our fishing fleets and maritime fleets.

Currently, vessel owners and operators in the fishing and maritime industry are forced to comply with a patchwork of burdensome State and Federal regulations and laws for vessel ballast water and incidental discharges—the discharges of water that come off the deck of fishing vessels, for example.

Think about it. When thinking about the Constitution and the commerce clause, this is an issue where a fishing vessel moves in different waters in the United States—State waters from one State to another—or a maritime ship goes from one State to another, and it has to comply with a patchwork of different State laws and regulations as it moves through different waters controlled by different States. This creates inefficiencies, adds to business costs, and, particularly in the fishing fleet, inhibits economic prosperity for States and people in the industry, whether in Alaska or other places throughout the country.

So the VIDA provision, which we all worked on and which has very strong bipartisan support, would provide the maritime and fishing industry with a consistent, uniform regulatory structure across the country, restoring efficient and cost-effective commerce while ensuring that environmental protection remains at the highest levels for our ports, waterways, and harbors.

We have been working together for months, and I want to commend my friend from Pennsylvania, Senator CASEY, as we have tried to accommodate the concerns of many other Senators. We changed this part of the Coast Guard bill numerous times to try to address those concerns. I think we have gotten almost every Senator on board, with the exception of just a few.

Notably, one of the measures that we have strong bipartisan support for in

this bill, which would help a number of my constituents—thousands in the fishing industry—is the provision we have agreed on that provides a permanent exemption on incidental vessel discharges for all fishing vessels and small commercial vessels. Right now, believe it or not, if you have a small commercial vessel and you are gutting fish caught on the vessel and you hose down the guts of those fish back into the water, you need a permit from the EPA. Think about that. Think about a regulation that is going to hurt small businesses.

We are trying to encourage all of our colleagues to help us move forward with the Coast Guard bill. We move the National Defense Authorization Act that covers the Army, Navy, Air Force, and Marines every year, but we should be moving the Coast Guard bill every year, as well, to make sure we are taking care of the men and women in the Coast Guard and we are not forgetting the fifth branch of the military that does so much for our men and women. We also need solutions to the issue of the vessel incidental discharge challenges, and we need to get this provision of the Coast Guard bill unstuck.

I thank my colleagues again for being on the floor with me. Again, this is a bipartisan issue, and we wanted to call out the importance of this issue so that our colleagues in the Senate can say it is time to act.

It is time to move on the Coast Guard bill. It is time to include this very important VIDA provision, and I am hopeful we can do it soon.

I yield to the Senator from Pennsylvania, Mr. CASEY.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Thank you, Mr. President.

I want to start by commending the Senator from Alaska, Mr. SULLIVAN, for moving this legislation forward and for his work and the work of his staff over many, many months now.

I want to thank our staff, as well, and the staff of Senator WICKER and so many other offices that I will not have an opportunity to name. We are especially grateful for their bipartisan efforts, which every once in a while work around here. I am grateful that Senator SULLIVAN and his team have put in the amount of time that they have.

This legislation is part of broader Coast Guard legislation, the Commercial Vessel Incidental Discharge Act. The so-called C-VIDA Act is critically important to get done this year. As Senator SULLIVAN mentioned, there is bipartisan support, and we should pass it immediately.

When I introduced this legislation back in January of last year, working with Senators WICKER, SULLIVAN, and others, it was included in the larger Coast Guard Authorization Act. That was passed by the Senate Commerce, Science, and Transportation Committee in May of 2017. Since that time, we have conducted extensive negotiations with our colleagues—and that

may be an understatement—to address important environmental as well as enforcement concerns.

This legislation fulfills at least two priorities for Pennsylvania. First, it allows us to be in a position to enact strong environmental protection standards for our waterways in Pennsylvania, and second, it supports our maritime industry. Currently, vessel owners and operators are forced to comply with a patchwork of overly burdensome and confusing Federal and State regulations for vessel ballast water and incidental discharges. This act, the C-VIDA Act, would establish uniform national standards and requirements governing ballast water discharges and other discharges that occur during normal operations of vessels. C-VIDA would provide the maritime industry with a consistent, uniform regulatory structure while ensuring that there are environmental protections in place to protect our Nation's ports and waterways.

The national standard in C-VIDA ensures that vessels with the best on-board environmental equipment are calling at our ports. That is critical for Pennsylvania, which has coastal, inland, and Great Lakes vessel traffic.

There have been concerns raised about the environmental protections, as I mentioned, in the act and the lack of involvement of the EPA and States in developing and enforcing these protections. Once again, I want to commend the work of the staff. Staff from several offices have worked very hard to address these concerns and to ensure that the EPA is involved, that C-VIDA has strong environmental standards, and that we update and revisit these environmental standards as science evolves.

Both ballast water and incidental discharge rules will be developed with the Coast Guard in concurrence with the EPA and in consultation with the States. State-specific incidental discharge standards would remain in place until new Federal regulations are enforced.

The original bill eliminated State standards upon the enactment of the legislation. Additionally, States would have coenforcement of these standards with the Coast Guard. If a State believes there should be a more stringent national standard, then the State can submit a petition to the Coast Guard. If that standard is found to be technologically and economically viable, the State standards will become the new national standard. Senators in both parties have been working in good faith and, as we can see, have made substantial changes to the original legislation.

We have an opportunity to pass an important bill that vessel owners, operators, and maritime labor all agree on. The maritime industry is exactly at the point where we would want other industry sectors to be, developing good business in a clean environment. They have asked the Senate to enact a long-term regulatory framework, and we shouldn't let this opportunity slip by.

I want to yield to Senator WICKER. As I said earlier, I am grateful to have been working with Senator WICKER all these many months and our staffs, as well, and, of course, with Senator SULLIVAN and all those involved.

I yield the floor.

Mr. WICKER. I thank my friend from Pennsylvania and would observe that he has exercised excellent leadership on this issue. It is a very important issue. It is not at the top of the news media's treatment, but it is an important issue, and it is one that we are close to being able to resolve in a bipartisan way. I also want to thank my colleague from Alaska, who has been a champion for this issue.

I would make a couple of points to underscore what my friends have just said.

We are talking about ballast water in the waters of the United States. Some of it gets out; they let some ballast water in, and they have to let some out. It is incidental to operating a boat in the waters of the United States of America.

We want this water to be clean. We want it to be as environmentally pure as possible. That is what this bill attempts to do and attempts to do on a uniform basis, rather than having a patchwork of regulations from State to State and area to area. It would give us one strict national standard regarding the incidental discharge of this ballast water.

The water that gets into our lakes and rivers needs to be safe for the environment, needs to be safe for fish in our American waters, and needs to be safe for marine plant life.

What this bill would do is have the EPA involved in writing the regulations and determining what is safe for American waters. So EPA would be the scientific part, and the Coast Guard would be a part of the enforcement. EPA has readily stated that they are not able to be in the enforcement business in the waters of the United States. So they are going to help with the science, according to this new proposal, and the Coast Guard is going to help with the enforcement.

Who is for this? Well, 300 businesses, labor unions, ports, and terminal operators. They are all in it together, and they all say that this would work. This is not an example of one side getting up some numbers on a partisan basis and deciding to try to run over the others. As a matter of fact, this is such a bipartisan idea that we have over 60 Senators in favor of this proposal.

I just want to assure anyone who has doubts about this legislation that the EPA is going to sign off on these standards. They are going to sign off on standards that are safe, but we are really doing this for jobs and commerce in the United States of America. Imagine you are in the business—the barge business or the commercial maritime business anywhere in the United States—and you have to worry about compliance from State to State. And it

might be just a reporting requirement. Clearly this is a burden on people who want to do the right thing but simply would like to have one standard nationwide to comply with. That is what we are trying to do. We are close.

I would simply say to my friend from Alaska, who has done more work on this really than anybody in my memory, I would observe to the Senator that I think we are close to being able to do this on a bipartisan basis and perhaps putting this as an attachment to a must-pass piece of legislation. I think we can do it because we have demonstrated, through our friend from Pennsylvania and other Democrats and Republicans, that we have been careful to include everyone and to be bipartisan about it.

Would my friend agree that we are at a point where this really needs to be signed into law?

Mr. SULLIVAN. Absolutely. I want to thank Senator WICKER for his leadership on this issue, and I think what we are seeing here in this colloquy is the strength of the bipartisan support for this bill, not only in the Senate but throughout the country. I appreciate my colleague's words about who is supporting it. It is a very broad-based coalition—fishing vessels, passenger vessels, labor unions, the Navy League of the United States, marine terminals, port authorities.

I think both Senator WICKER and Senator CASEY made a very strong point: This is going to keep the highest standards on the environment for our waters. This isn't about cutting corners, but it is going to make these standards uniform, which is what our Nation needs.

What we also need to do is to make sure we pass the Coast Guard bill as well as this important component of it. The men and women of the Coast Guard are serving our Nation just like the other members of the military, and somehow, by delaying this bill, we are undermining their longer term interests. I think the Senate can do a much better job.

I agree with my colleague from Mississippi that we are close. There is clearly bipartisan support across the board for the VIDA Act and the Coast Guard bill, and we are hopeful that within the next few weeks or few months, we are going to get this done, and it is going to benefit literally every State in this great Nation of ours.

Mr. WICKER. Mr. President, I thank my friend from Alaska for once again segueing to the larger issue there. Vessel incidental discharge is a very important part but only a part of the Coast Guard authorization. The Senator from Alaska makes the very valid point that we really need to get to a point where we take up the Coast Guard reauthorization on a regular basis because it is a very vital part of our national security. The Coast Guard is actually one of those domestic discretionary programs that provide us

with a great deal of national security. Our Coast Guard currently operates ships in its high-endurance cutter fleet that are more than 45 years old. We need some reforms in the Coast Guard. The Senate and the House need to pay attention to the reauthorization on a very regular basis. So the larger issue is absolutely well-taken on the part of the Senator from Alaska.

I would once again say that my friend the Senator from Alaska has exercised excellent leadership. He has been relentless on the Coast Guard reauthorization and particularly the vessel incidental discharge, and he and others who have fought so hard really deserve some results because there are no substantive objections that can be raised at this point.

Mr. SULLIVAN. Mr. President, I thank my colleague from Mississippi for his strong leadership on this issue as well.

I think we are seeing here that Democrats and Republicans are pretty much all united on this issue. We are hopeful to move not only the VIDA Act but also the broader Coast Guard bill out of the Senate, get it passed, and get it to the President's desk. That is going to be good for the men and women of the Coast Guard, it is going to be good for our maritime and fishing interests, and it is going to be good for the country.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Arizona.

Mr. FLAKE. Mr. President, I rise today in opposition to the massive spending increases included in the proposed budget measure. To propose increasing Federal spending by nearly \$300 billion over the next 2 years, on top of the spending increases already established, is simply beyond comprehension. This is all with a national debt of \$20 trillion a year, and the current deficit is running \$600 billion to \$700 billion. Yet we are about to vote on a bill to abandon self-imposed limits on Federal spending. As anybody who has spent time in Washington will know, once you raise spending limits, you just don't get them back down.

I love bipartisanship, but not when it is bought and paid for with billions of taxpayer dollars. That is precisely what this measure does. If you sprinkle enough money around, you can get bipartisan support.

While I was in the House for 12 years, I kept a journal of events. In December of 2007, when we passed a massive omnibus bill, at that time, I noted in my journal:

The Democrats singled out the funding for the Iraq war, which required a separate vote. The tally board on the House chamber wall explaining the vote said the following: "Agreeing to House amendment to Senate amendment to House amendment."

I said at that time:

That clears it up. But that's the point. Liberal Democrats could vote against the war funding and for more domestic funding. Conservative Republicans could do the opposite.

Enough moderates in the middle would vote for both pieces of legislation to ensure that each passed separately.

I continued:

Then we could all of us, Republicans and Democrats, go beat our collective chests and go home for Christmas. Bipartisanship at its best.

I wrote further in my journal at that time:

All these shenanigans led one Republican colleague to lean over to me on the House floor and muse: "You know, Jeff, sometimes the toughest thing about being a member of Congress is remembering everything you're supposed to be outraged about."

I agreed.

Here we are today, and it is clear what we should be outraged about—a \$300 billion spending hike, a return to trillion-dollar deficits, and an apparent end to any attempt to rein in Federal spending.

Fiscal responsibility is more than a political talking point to trot out when the other guys are in charge. The rules and principles do not change with the legislative session. It should not take hundreds of billions of dollars in government spending to prompt bipartisanship or to secure a budget agreement.

If we Republicans support precisely the kind of reckless spending that we have for so long criticized, it will mean an end of genuine fiscal conservatism in Washington, and it will establish a government without any meaningful spending restraints.

I urge my colleagues to consider their commitment to conservatism and whether their past protests over government spending were anything more than convenient political props. Let's be conservative no matter who is in charge, no matter who is in the White House or who controls each Chamber in Congress.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I come to the floor, as I have over the past few months, urging the U.S. Senate to come together in a bipartisan fashion to address important issues facing our Nation. The American people expect it. They understand how closely divided we are—49 Democrats, 51 Republicans in the Senate—and for the most controversial issues, 60 votes are required. Unless we work in a bipartisan fashion, we achieve little or nothing.

After many months of difficult negotiation, I stand here today in support of a bipartisan, 2-year budget agreement announced by Leaders MCCONNELL and SCHUMER that will finally produce results for the American people. For too long, this gridlocked Congress has lurched from one continuing resolution—that is a temporary spending bill—to another. That has prevented us from working together to craft appropriations bills that save taxpayers money and that invest in things that are important at every level for our future.

While this budget deal doesn't include everything I would like to see, it certainly includes some highlights of things that I think are critically important for the State of Illinois and our Nation.

I am particularly disappointed that it does not include a solution to the DACA—or Dreamer—crisis that was created by President Trump on September 5 when he announced that he would eliminate the program that provides protection from deportation for almost 800,000 people in the United States. That was over 5 months ago. President Trump challenged this Congress—challenged this Senate—to come up with a legislative solution. As I stand here today, we have not produced it.

I will certainly acknowledge that Senator MCCONNELL, the Republican leader, together with Senator SCHUMER, the Democratic leader, has charted a course for us next week. We are going to do something in the Senate we haven't seen in a long time. We are going to come to the floor of the Senate and act like Senators. For some of my colleagues, it will be their first-time experience of a bill on the floor, open to amendment and actual debate. Yes, it is going to happen right here. Stay tuned on C-SPAN. Next week could be historic.

It has been over a year and a half since we have had a meaningful debate on the floor, but next week we will. The topic: immigration and DACA. We know we have to. The March 5 deadline is looming, when this program will end by President Trump's prohibition of the program and, at that point, 1,000 young people each day, on average, will lose their protection from deportation and their legal right to work in America. They will walk off the job because we failed to act, unless we get it together.

I am sorry this bill that includes so many good things doesn't include that solution, but we are poised to do it anyway, and I look forward to that debate next week. I hope this agreement will provide a spirit of bipartisanship that will be felt next week when we come together and discuss the fates of hundreds of thousands of Dreamers across the United States.

Let me tell my colleagues what this budget agreement does, which I think is well worth our bipartisan support. It includes a huge investment for America's military. We will prepare our men and women in uniform to be not only ready for battle but to continue to be the strongest and the best military in the world. That is something we have seen go by the boards and, frankly, be ignored in the past, but now we are going to focus on it.

I have the greatest confidence in General Mattis, in terms of his commitment to our military, both in his personal life and in his new role as Secretary of Defense. I believe he will direct the spending appropriately so we can prepare our men and women for

battle and prepare our Nation to defend itself under any threat and, if necessary, use our force for good around the world.

We also make a dramatic investment in nondefense spending. In the past 8 or 10 years, we have seen a dramatic downturn in nondefense spending in our budget. Many people have said nobody will notice. Well, America noticed as we cut back our investment in education, in healthcare, and in so many fundamentals.

There is one particular area I want to highlight. When I had to make a decision as to whether to run for another term in the Senate, I sat down and made a very short list of things I wanted to accomplish or work on if I were given another 6-year term. At the top of that list, of course, were Dreamers, but second was medical research. I came back here and sat down with my colleagues, including two Republicans, Senator ALEXANDER and Senator BLUNT, and my wonderful friend and colleague in leadership, Senator PATTY MURRAY. I said: We need to do something.

Dr. Collins at the National Institutes of Health had told me the problem with medical research is, if it is not certain that next year you will receive a grant to continue your medical research, you get discouraged, and then you start looking for another job. We can't let that happen. We can't lose the best and brightest who are searching for cures to diseases which haunt and plague many families across America.

Dr. Collins suggested 5 percent real growth in the budget of the National Institutes of Health. I salute especially my colleagues, Senator BLUNT, a Republican, and Senator MURRAY, a Democrat. They really made good on that promise. We worked together, and they delivered. This will be the third straight year we have had a more than 5-percent increase in medical research. If there is ever an issue that is bipartisan, it should be this one.

The good news is, this budget agreement will go beyond 5 percent. We are talking in the area of 7 or 8 percent real increases in spending for medical research.

Dr. Collins told me years ago, when he talked about this goal that if we could provide this kind of reliable increase in medical research, dramatic breakthroughs would occur. We are starting to see them. Some of the cancer therapies that are curing cancers today were unthinkable just a few years ago, and there is more to follow.

Think about all of the news reports now about flu and what it is doing to children, some of whom tragically have lost their lives, many of whom stayed home from school, and others around our Nation and the world plagued by influenza each year. At this moment, NIH is working on a universal flu vaccine. If it is discovered, it will be a lifesaver. It will change the basic life pattern that many of us have faced our entire lives. It can happen. I am old

enough to remember when Dr. Jonas Salk came up with the polio vaccine, and that was a breakthrough many of us never imagined. It can happen. This budget will help it happen, and that is why I am so happy to see it in this bill.

I also want to say they have done a great job in providing resources to fight the opioid crisis, the worst addiction epidemic in the history of our Nation.

Funding our community health centers is a critical part of public health and of making certain that basic primary care is available to every American; healthcare for our children through the CHIP program and improving our veterans health facilities. We will be investing, for the first time in years, billions of dollars in new veterans healthcare facilities, some of it long overdue.

Also, we are going to help fix our Nation's aged and broken infrastructure.

This bill provides resources and funding for Florida, Texas, California, the U.S. Virgin Islands, and Puerto Rico. There are many people from Puerto Rico who live in the city of Chicago. Some of them are extremely close friends. I am happy to report that this bill makes the investment we need to make to get that island back on its feet: \$2 billion to put into electrical infrastructure, in and of itself, can bring Puerto Rico back and restore electrical service to the families who have been waiting months for what each of us takes for granted each and every day. This disaster relief will make a difference in their lives.

How did we achieve this amazing outcome where Democrats and Republicans would come to the floor and praise it? Well, we sat down and made a compromise. We gave on both sides, and we realized it was time to roll up our sleeves, stop squabbling, stop fighting for headlines, stop putting out press releases, and get down to work.

I hope next week that spirit continues when we enter the debate on immigration and DACA. It is my sincere hope that we will have a bipartisan breakthrough on immigration next week—not just for the Dreamers and their families but for the good and the future of America.

I yield the floor.

THE PRESIDING OFFICER. The Senator from South Dakota.

MR. ROUNDS. Mr. President, I come to the floor to offer my support for the Bipartisan Budget Act, which we expect to vote on later today.

This bipartisan agreement includes a number of priorities that will benefit Americans, including \$20 billion in new investment and infrastructure over the next 2 years, \$6 billion to combat the opioid epidemic, disaster relief assistance for those impacted by recent hurricanes, funding for community health centers, a permanent repeal of ObamaCare's Independent Payment Advisory Board, or IPAB, and the creation of two select committees to address pension reform and Congress's broken budget process.

Most important is that this bipartisan agreement removes the arbitrary spending caps that have hampered our Armed Forces. For the first time in years, we prioritize our national security by adequately funding the military. Of all the positive aspects of this agreement that will benefit the people of my home State of South Dakota and American families across the country, the addition of \$165 billion in defense funding over the next 2 years is crucial.

As a member of the Senate Armed Services Committee, I have been deeply concerned about the underfunding of our military. If we are going to adequately recover readiness levels that were lost over the last 8 years, as well as modernize our Armed Forces in this increasingly dangerous and complex world, adequately funding our troops is vital. This is the reason I support the Bipartisan Budget Act.

I had previously expressed my strong displeasure for short-term funding measures or CRs, but this agreement makes significant progress toward rebuilding our military, and, finally, after years of underfunding, provides the Department of Defense with a much needed spending boost. This will provide the resources to adequately train and rebuild the Armed Forces at a time of increasing global threats, but don't just take my word for it. Let me quote Defense Secretary James Mattis, who testified before the House Armed Services Committee earlier this week. He said:

Let me be clear: As hard as the last 16 years of war have been on our military, no enemy in the field has done as much to harm the readiness of the United States than the combined impact of the Budget Control Act's defense spending caps, worsened by operating for 10 of the last 11 years under continuing resolutions of varied and unpredictable duration.

Secretary Mattis went on to tell the committee that:

The consequences of not providing a budget are clear . . . should we stumble into a year-long continuing resolution, your military will not be able to provide pay for our troops by the end of the fiscal year; will not recruit the 15,000 Army soldiers and 4,000 Air Force airmen required to fill critical manning shortfalls; we will not maintain our ships at sea with the proper balance between operations and time in port for maintenance; we will ground aircraft due to a lack of maintenance and spare parts; we will deplete the ammunition, training and manpower required to deter war; and delay contracts for vital acquisition programs necessary to modernize the force.

Sadly, we are hearing in the Senate Armed Services Committee many of the Secretary's predictions are already proving true.

Earlier this week, I spoke on this floor about this very issue and described various readiness issues that our Armed Forces are currently facing. Some examples I shared include the F/A-18 fleet taking twice as many man-hours to maintain, with less than 50 percent of the fleet available. Those are the primary aircraft you will see flying off of our carriers in harm's way today.

The maintenance backlog of our submarines. Because of the backlog, 15 nuclear attack submarines have been docked for a total of 177 months or nearly 15 years. That doesn't mean they are being repaired, it means they are sitting at dock because they are not even licensed to dive anymore. What a waste of taxpayer money.

The tragic human cost found in the lack of readiness—as F/A-18 Hornet training programs have had dozens of mishaps over the past several years, some leading to loss of life. We believe some, if not all, of these mishaps could have been avoided with the additional training and maintenance that would have been forthcoming with appropriate funding.

The American people expect us to adequately fund the defense of America next year and every year to come. Providing for the defense of our Nation is the No. 1 responsibility of the Federal Government and of this Congress. Nothing else matters if we cannot protect ourselves from our enemies.

I am pleased this agreement finally recognizes the need to eliminate arbitrary budget caps that have put our national security in jeopardy.

The Bipartisan Budget Act is truly bipartisan. There are parts in this that I most certainly very strongly agree with, and there are some areas I would have done differently, but this is a bipartisan agreement and must meet the standards of both Republicans and Democrats. While I would have preferred to see an increase in defense funding without having to pair it with other spending increases, because we need a bipartisan majority of 60 Senators to agree to this proposal, we reluctantly accept the increased spending on nondefense discretionary programs in order to achieve the very necessary and critical increases in our Defense appropriations.

Perhaps one of the more important aspects of this agreement is that, for the first time since the Budget Control Act of 2011, we are able to overcome the demands of our colleagues on the other side of the aisle to match defense spending and nondefense spending on a dollar-for-dollar basis.

Under this agreement, defense spending will receive a larger increase than discretionary funding—\$165 billion for defense over the next 2 years, as compared to \$131 for nondefense discretionary spending over the next 2 years. I would have preferred not to raise discretionary spending to this level, but not achieving a path forward without the higher defense limits was simply not an option.

We must still be diligent in addressing our Nation's debt crisis, and we have already begun to take the steps to do so. Just a couple of months ago, we passed historic tax reform that is already helping to unleash the full potential of our economy, thereby bringing in much needed additional revenues. We have also been working with President Trump and the administration to

reduce burdensome regulations and streamline Federal programs so we can save taxpayer money by making the government more efficient. These are positive things that will help to control our debt.

However, the most important thing we must do to rein in spending is to control the skyrocketing costs of mandatory payment programs: Medicaid, Medicare, and Social Security. In fact, prior to our tax relief plan, we were warned that without taking action to properly manage these programs, by the year 2026, when our country turns 250 years old, spending on Medicare, Medicaid, and Social Security, and servicing the national debt would take up 99 percent of all the Federal revenues generated.

Today, mandatory payments already account for nearly three quarters of our total Federal spending. This is because Medicare, Medicaid, and Social Security have never been properly managed, and Congress does not exercise appropriate oversight.

These programs run on autopilot. Given that they are our largest Federal expenditures every year, it is vital for Congress to take an active role in managing these necessary—I will say that again: necessary—mandatory programs in order to get our fiscal house in order. This does not necessarily mean making cuts. It simply means giving Congress the authority to periodically and consistently review them to make them as efficient as possible and to make certain they are available for individuals who need them, both now and in the future.

I am pleased that this agreement creates a joint select committee to address ways to fix our broken budget process, which is desperately needed.

At the end of the day, no amount of cuts to defense and other programs will have a meaningful effect on debt reduction without also controlling the cost of these necessary mandatory-payment programs.

I will wrap up by thanking my colleagues on both sides of the aisle who support this agreement, for recognizing our country's need to adequately fund our troops who sacrifice everything to protect our freedoms. Without a strong military that can deter and defend against aggression, nothing else really matters.

Maintaining the best, strongest military force in the world is vital to keeping Americans safe. By increasing funding now, our troops will be better equipped to do exactly that. We cannot risk a perceived weakness in our force by our enemies, who may wish to draw us into a major conflict. A major conflict or war is not only significantly more costly in terms of dollars, but it has more serious cost in the loss of human life. No one wants to see that, especially if we can avoid it now.

This agreement adequately funds our troops. I intend to vote for it, and I encourage my colleagues to do so as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will be brief and speak briefly in my capacity as vice chairman of the Senate Appropriations Committee. There are things here that could be exciting to talk about, and some things are kind of dry, but when we talk about the budget, the consequences affect every single one of us, in every single State, and for multiple generations.

The consequences of the Budget Control Act sequestration cuts since 2011 have been devastating and are going to last for generations. Its impact on military readiness led Defense Secretary Mattis to say that no enemy on the field has done more harm to our military than what we have done to ourselves through sequestration. By not investing in our domestic priorities, we allowed our infrastructure to crumble, care to our veterans to be delayed, and investments in education to fall behind.

The bipartisan budget deal announced yesterday by Senator McConnell and Senator Schumer is the first step toward providing much-needed relief from sequestration and stability in the appropriations process.

I have followed very carefully what they have been doing. My staff, especially on the Appropriations Committee, has been very much involved. Defense caps have been increased by \$80 billion in fiscal year 2018 and \$85 billion in fiscal year 2019. Nondefense caps are increased by \$63 billion above the caps in fiscal year 2018 and \$68 billion above the caps in fiscal year 2019. Those are the numbers. Let's look at a couple of things these numbers mean.

This additional funding will allow us to increase support our troops, improve care for our veterans, repair our crumbling infrastructure, take care of our seniors, and invest in our economy in real ways.

This bipartisan deal we have worked out—and I stress that it is bipartisan—advances our priorities by guaranteeing that we can make real investments in addressing the opioid crisis. We can all give speeches about the opioid crisis, but speeches don't solve the problem. Actually putting money in there to fund the necessary resources does.

It lets us fund medical research. Keep in mind that we can't turn medical research on and off. We can't say: Oh, you are making great steps in cancer research, but I will stop it for a few years, and then we will come back with money. You have to continue it.

It is also going to improve college affordability. Everywhere I go in Vermont, I hear people say: I haven't been able to buy a house because I have had to borrow so much money for college.

I am particularly pleased that the bill includes an important provision I worked on with my colleague and the chairman, Senator COCHRAN, which is going to improve assistance to our Nation's dairy and cotton farmers. In

Vermont and across the country, it is going to mean immediate relief for struggling dairy farmers who can't wait for the next farm bill for assistance. We will work on these problems in the next farm bill, but in the meantime, until that farm bill comes, we need some immediate assistance.

This deal finally fulfills our promise to communities recovering from recent natural disasters—from wildfires out West, to the shores of Puerto Rico and the U.S. Virgin Islands, Texas, and Florida—by providing \$89 billion to help them rebuild. States in the West, Puerto Rico, Virgin Islands, Texas, and Florida are all part of the United States. Just as Vermont sought help when we were hit just a few years ago by a natural disaster and others came to our aid, people I talked with in Vermont say: Of course, we help others in our country.

The agreement also provides continued funding for several healthcare programs that Congress has allowed to expire. We include long overdue funding for community health centers, which have been struggling because of the uncertainty of continued funding for months. Now they will have some certainty.

The bipartisan agreement funds the Special Diabetes Program to make advancements in Type I diabetes. It ensures ambulances can continue to serve rural areas and closes the Medicare Part D coverage gap by 2019. It continues the maternal health home visiting program and permanently repeals the Medicare Therapy Cap, allowing Medicare beneficiaries the certainty of therapy services after an accident or a stroke without an arbitrary cap on coverage. And the bill extends funding for the Children's Health Insurance Program for an additional 4 years, ensuring children and their families can benefit from the program for the next 10 years.

I am pleased that this deal finally extends tax provisions, many of which lapsed in 2016, that will benefit individuals and small businesses. Inexplicably, the \$1.5 trillion Republican tax bill left these important credits orphaned when they passed their corporate tax bill. With this deal, we finally restore them.

Now, not everything I wanted was included in this deal. I see my friend from Texas, a member of the leadership. Not everything he wanted is in here. That is why we have a compromise. Nobody gets everything they want, but we are a lot better off than we were.

I worry about the fact that it does not provide protection for our Nation's Dreamers. These are law-abiding strivers who call America home and seek nothing more than to contribute to our society. They are individuals like Dr. Juan Conde of Vermont, who came to the United States as a child and is studying to treat cancer patients at the Larner College of Medicine at the University of Vermont. Do we tell him to leave, a man who might be part of those who find a cure for cancer?

I recently wrote a letter to the editor of a newspaper in Vermont. They had talked about the stone carvers in Vermont, and I had talked about one stone carver in my letter. My maternal grandfather emigrated from Italy to Vermont. He was a master stone carver from the Friuli region, near the Aviano Air Base in northern Italy, and he talked about the business he started. My mother was then born in South Ryegate, VT. My great-grandparents came to central Vermont from Ireland, on my paternal grandparents' side. My grandfather, after whom I am named, Patrick Leahy, was also a stone carver. I never knew him because, like so many, he died of silicosis of the lungs when my father was a young teenager, but I am proud to be named after him. My wife Marcelle's parents emigrated from Canada. She was born in Vermont and became a medical surgical nurse.

Now, everybody in these families added to and improved our State of Vermont. We must realize that immigrants bring diversity, strength, and skills to our country and make us greater. So when we talk about the Dreamers, we shouldn't forsake their cause. Their cause is our cause. Their dreams are part of the American dreams of my grandparents and my parents-in-law. Those dreams are a part of our American dreams. So we have to continue to work to get legislation passed to protect them.

Leader MCCONNELL has given his word that he will allow votes on legislation the hundreds of thousands of Dreamers. I can assure you that the American people expect him to keep his word.

I am also disappointed the agreement does not include the CREATES Act, a bipartisan solution to lowering the cost of prescription drugs by prohibiting the anticompetitive behavior that keeps generic drugs from entering the market. We can all agree that high drug prices are a problem, as President Trump noted in his State of the Union Address, and the CREATES Act offers a commonsense, bipartisan way forward. I hope the Senate passes this important legislation soon.

As I said, the agreement does not contain everything I would like. Very little I have seen in legislation does contain everything I want. But, on balance, it is a good bill for the American people. It allows us to complete the 2018 appropriations process. Through what we call regular order, we can have a real debate on the fiscal year 2019 bills. We will start working on those next week.

So I thank Senator MCCONNELL, and I thank Senator SCHUMER for their hard work in coming to this agreement. I work almost daily with both of them. I know how hard it was. Compromise is not always easy. Often, it is not popular. Well, nobody came here thinking everything was going to be easy, and, if they do, they don't belong in the Senate. You should be here to be a legislator.

I encourage all Senators: Help us pass this bipartisan deal. Allow the Senate Appropriations Committee to resume its work, and we will next week. I hope the House will do the same before tonight's midnight deadline.

I will continue, as I have, working with my friend Chairman COCHRAN in the coming weeks, as I will with all Republicans and all Democrats on the Senate Appropriations Committee. This agreement will finally let us do the job we are supposed to.

Mr. President, I see the Senator from Texas. I yield to him.

The PRESIDING OFFICER (Mr. PERDUE). The majority whip.

Mr. CORNYN. Mr. President, I want to express my gratitude to my friend from Vermont for his service on the Appropriations Committee and working with us specifically on this particular legislation as it relates to the disaster relief aspect of it.

Obviously, my State was devastated by Hurricane Harvey, but I must tell my friend, I have new empathy and understanding for how bound we are together as to what happens in one part of the country should be of concern to those of us in other parts of the country because eventually, sooner or later, disasters are going to visit all of us.

It is good news that the majority leader was able to announce yesterday that we reached a compromise on government funding through not just the end of this fiscal year but next year as well. This agreement ensures that our Armed Forces will finally have the resources they need.

My colleague and fellow Texan MAC THORBERRY, the chairman of the House Armed Services Committee, along with the senior Senator from Arizona, Mr. MCCAIN, said it best. They said:

This budget agreement is indispensable for our national security. Without it, our military would not be able to defend our Nation.

Hard stop. Let me repeat that.

This budget agreement is indispensable for our national security. Without it, our military would not be able to defend our Nation.

I think, of all the demands made on the taxpayer dollars that are sent to Washington, DC—and many of them have a lot of merit, some more than others—but I have to say, if you were going to ask me to prioritize how do we appropriate money here in Washington, DC, national security would be job No. 1.

In addition, the funding bill will provide support for our veterans, those who have worn the uniform but have now left the military service, as well as their families, and it will clear the way for new investment in our Nation's infrastructure.

I am grateful to the majority leader for his hard work during this series of long and delicate negotiations. We all know it could not have been easy. Even more than that, I am glad, as I indicated at the outset, that the funding package finally sends disaster relief to

Texas—disaster relief that had been long promised but had been delayed time and time again.

Today, the Senate will be considering supplemental appropriations for disaster aid that affects the victims of Hurricane Maria, Hurricane Harvey, as well as the wildfires and mudslides out West. Last August, Hurricane Harvey made its landfall near Houston, along the gulf coast. When that storm hit, communities like Port Arthur, Beaumont, Rockport, and Victoria were crippled, not to mention Houston, where most of the major media covered, one of the largest cities in the United States.

The National Hurricane Center's official report released last month confirmed what those who lived through the storm already guessed: It was the most significant rainfall event in the United States. During a period of about 5 days, the skies opened up and dropped 50 inches of rain—50 inches of rain. The report called Harvey “unprecedented” and “truly overwhelming.”

As someone who witnessed the devastation firsthand, I can say, with certainty, that those are not exaggerations. It was an event that happens perhaps once every 1,000 years. At least 88 people lost their lives. Many more crashed their vehicles, were electrocuted, were unable to receive medical services, and could not attend school or missed work. They spent last fall tearing the sheetrock out of their homes or their businesses.

Since the time of the storm, Congress has appropriated roughly \$35 billion in Federal aid through two separate emergency bills. Working closely with the majority leader, my Texas colleagues and I were able to increase the first disaster relief bill last fall by adding money for community development block grants. This ensured a larger downpayment for Texas to rebuild and repair.

Thank goodness we were able to get that money then—because of the delays we have seen up until today in additional disaster relief for Hurricane Harvey. Once that money was appropriated, we worked with Dr. Carson, the Secretary of Housing and Urban Development, to accelerate the allocation of these funds, which he graciously did. Congress followed up by passing a tax relief bill for individuals and small businesses that sustained financial hardships as a result of the hurricane.

Finally, we worked with the U.S. Army Corps of Engineers to identify and prioritize key projects for coastal protection to mitigate the impact of future storms. This is not the last hurricane that will hit the coast of Texas or Florida. We need to prepare for the future as well.

In spite of that work, tremendous challenges remain. That is why we kept fighting month after month, and today marks the culmination of our efforts. The supplemental appropriations bill we will consider today includes \$89

billion in disaster relief—\$8 billion more than the House passed last December. It ensures that Texas will have increased access to the pool of community development block grant dollars, and it provides funding and flexibility to ensure that the Army Corps of Engineers are able to carry out necessary projects in the State.

It includes funding to help Texas address lingering transportation issues resulting from Hurricane Harvey and allows us to move forward on flood mitigation projects like the Sabine Pass to Galveston Bay.

Finally, it includes a provision—this is important to the agriculture community in my State—to make cotton an eligible commodity under the farm bill safety net. That is really good news for the folks in West Texas, the largest cotton-growing area in the largest cotton-growing State in the Nation, and they have been waiting a long time. Some of them lost bales of cotton or even entire gins because of all the water they sustained as a result of the storms.

I applaud the Texas congressional delegation for taking the first step and passing a disaster supplemental appropriation last year, and I appreciate Governor Abbott and the Senate Appropriations Committee, including Senator LEAHY, for working with us to strengthen the bill in the Senate over the last month or so. Helping Texans recover and rebuild has been my top priority. I am now urging my colleagues, on both sides of the aisle in both Houses, to pass this critical relief bill as soon as possible.

I thank Chairman COCHRAN, the chairman of the Senate Appropriations Committee, for his leadership steering the Appropriations Committee, which has its work cut out for it and has certainly done yeoman's work to date.

I thank the junior Senator from Florida and my other colleagues—particularly Senator CRUZ, my colleague in the Senate—who have fought with us side by side for relief from the numerous disasters that have affected Florida, Texas, the Virgin Islands, Puerto Rico, and of course the wildfires and mudslides out West.

REMEMBERING LIEUTENANT GENERAL DANIEL JAMES III

Mr. President, on a separate and unrelated note, I wish to recognize the passing of retired Lt. Gen. Daniel James III. He served as the first African-American Adjutant General for my home State, as well as the first African-American Director of the Air National Guard. He was the son of Daniel “Chappie” James, Jr., a fighter pilot who was the first African-American Air Force general to pin on four stars.

A highly decorated command pilot, with approximately 4,000 flying hours, many of those in combat, General James completed two Active-Duty tours in Southeast Asia. He was also inducted into the Texas Military Forces Hall of Honor. Since his burial is taking place today in Arlington Na-

tional Cemetery, I wish to let all those in attendance know I am thinking of them. I know Lieutenant General James was a mentor to my friend General Nichols, the current Adjutant General, but he was a role model for us all.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PETERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

COUNTERING AMERICA'S ADVERSARIES THROUGH SANCTIONS ACT

Mr. PETERS. Mr. President, last year, Congress passed the Countering America's Adversaries Through Sanctions Act, which imposed tough new sanctions on Russia, Iran, and North Korea.

There was broad bipartisan agreement on the need to put these enhanced sanctions into place. The legislation passed in the Senate by a vote of 98 to 2 and in the House by a vote of 419 to 3. In combining both Chambers, the vote was 517 to 5 in favor of enacting these sanctions. The legislation passed with a veto-proof, broad, bipartisan majority. It can be very difficult to get 500 Members of Congress to agree on anything, but imposing sanctions on Vladimir Putin's cronies and those who do business with him should be a no-brainer.

Just last week, we learned that the Trump administration had chosen not to enact these sanctions. Yet, on the same day that the Trump administration argued the sanctions were not necessary, President Trump's own CIA Director said that Russia will continue to attack our democracy. He said: “This threat is not going to go away. The Russians have been at this a long time, and I fully expect they'll continue to be at it.”

In January 2017, the CIA assessed: “Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. Presidential election.”

In January of 2018, the CIA Director confirmed he believes that Russia will continue to assault the 2018 elections.

Yesterday, Secretary of State Rex Tillerson said that Russia is already trying to impact the 2018 U.S. election and that it will be difficult for the United States to preempt it.

It is clear that we have not done enough to deter Russia from interfering in our democracy, but the Trump administration is choosing not to put in place sanctions on Putin's cronies whom over 99 percent of the Members of Congress supported.

I am a member of the Armed Services Committee. Earlier this week, we received a briefing from Secretary of Defense Mattis on the recently completed national defense strategy. That strategy identifies that Russia is seeking to

discredit and subvert democratic processes all across the world and to shatter the NATO Alliance. Russia is expanding and modernizing its nuclear arsenal and has a permanent seat on the U.N. Security Council that provides it veto power in a critical international organization.

In quoting directly from the national defense strategy, Russia is attempting to “change European and Middle East security and economic structures to its favor.” What does it mean, and I quote again, to attempt to “change . . . security . . . structures to its favor”?

One example is Russia’s continued support of the Assad regime in Syria, which continues to use chemical weapons against its own people. Russia uses its role on the Security Council to prevent the international community from holding Assad responsible for these obvious crimes against humanity.

At the same time that President Trump’s Ambassador to the U.N., Nikki Haley, has called Assad’s use of chemical weapons against the Syrian people a tragedy and has called on Russia to allow the Security Council to adopt a resolution that condemns the use of chlorine gas to suffocate children, President Trump is refusing to enact sanctions to punish Russia.

Russia presents real challenges to the security and prosperity of the United States. The purpose of economic sanctions is to impose a cost on Putin and demonstrate that the United States will punish those who threaten this country. That is why over 500 Members of Congress came together to enact new sanctions.

If the United States cannot take meaningful action by enacting sanctions that have been passed on a bipartisan basis, how can we expect to take on the more vexing challenges? This one should be easy.

What kind of signal does it send to Vladimir Putin when the administration puts the Kremlin and Russian plutocrats ahead of the U.S. Capitol, duly elected Members of the U.S. Congress, and the American people?

I urge President Trump to take action on behalf of the American people and follow through on the will of Congress by enacting these sanctions, which are already law. The administration should use the power provided by Congress to punish Vladimir Putin, his inner circle, and those who do business with them to enrich the Putin regime.

I thank the Presiding Officer.

I yield the floor.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTE TO KIRK ALKIRE

Mr. SULLIVAN. Mr. President, as many of my colleagues know, I have

been coming to the floor every week to do what I consider the favorite part of my duties serving here in the Senate, and that is to talk about someone special in my great State. We call that person our Alaskan of the Week.

I have been told by some of my colleagues that they look forward to this, and I know the pages do, learning a little bit about Alaska. I do this because I certainly want my constituents to know about so many people in their State—what they are doing, how they are impacting not only their community or State but sometimes even the whole country.

Much of what the country knows about Alaska is what they have seen on TV—beautiful glaciers, giant salmon, skiing, hiking, kayaking, boating. We want everyone to come visit Alaska. It will be the trip of a lifetime, guaranteed.

The real beauty of my State rests in the people who call it home. It is a State of rugged, generous, patriotic people devoted to service to their country, their State, and their communities. In many ways, this is what this “Alaskan of the Week” honor is all about.

When we talk about service to our country, Alaska boasts thousands and thousands of Active Duty members of the military, reservists—thousands of reservists—and tens of thousands of veterans, in fact, more veterans per capita than any other State in the country. So many of the veterans in my State have not just served their country but have devoted their time and energy in ways that so many veterans do, helping and caring for other veterans and their families.

Many in the military know it is not easy to serve, but what is often forgotten is that service and the sacrifice of service, particularly military service, often hits the families the hardest. When that service results in the loss of life, the ultimate sacrifice, it is devastating for the families, friends, and loved ones all across communities, all across Alaska, and all across the country. When one of our own loses their life in the fight for freedom, we all grieve. We all grieve.

Today I want to introduce a very special Alaskan, Kirk Alkire, who has devoted countless hours to make sure that those we have lost in battle will never be forgotten and that the families of those who have paid the ultimate sacrifice receive a fitting tribute to their sacrifice.

Kirk believes that such a fitting tribute lies in a peak in one of Alaska’s vast, beautiful, almost endless mountain ranges that we have in my great State. This is a peak that actually exists in the Chugach range between Eagle River and Palmer, AK, overlooking the Knik River.

Kirk has been on a quest to name this peak the “Gold Star Peak.” It is actually a mountain that is unnamed right now next to another mountain that is named. That mountain is called

Mount POW/MIA, but he wants to name this other mountain for the Gold Star families who have lost loved ones who were killed in action defending America. Kirk is passionate about this peak, just as he was passionate about the men and women he served with during his 23 years in the Army on Active Duty.

Let me tell you a little bit about Kirk. He was born and raised in San Jose, CA. He enlisted in the Army right out of high school in 1986. He married his high school sweetheart, Angie, and they had a son, Matthew.

During his time on Active Duty in the Army, like so many soldiers, particularly over the last couple decades, he had various assignments in both airborne and light infantry units spread across the United States—really with deployments all over the world—and eventually he was stationed in Alaska. His final assignment was as a first sergeant with the Alaska-based 4th Infantry Brigade Combat Team of the 25th Infantry Division, a unit that we in Alaska lovingly know as simply the 425. It is a unit that we all care about—the only airborne brigade combat team in the entire Asia Pacific, mountain-trained and arctic-tough.

I had the opportunity to visit a couple thousand of those troops from the 425 who are actually serving their country in Afghanistan. These are the best of the best, and they are always forward-deployed.

Kirk and the 425 deployed to Iraq for 15 months during the 2006 to 2007 surge. Kirk’s brigade, during that tough, tough fighting in Iraq during that time, during the surge—one brigade combat team lost 53 paratroopers over that 15 months. Fifty-three American soldiers were killed in action from one brigade, and that doesn’t even touch the numbers that were wounded in action, which were many, many more. That is a devastating number.

Kirk now lives in Eagle River, AK. It is a beautiful community in the mountains overlooking Eagle River near Anchorage. Since his return, he has climbed Mount POW/MIA a few times every year to tend to the flag that exists on that peak, again out of patriotism. It was during one of those hikes that he noticed the beautiful unnamed peak right next to Mount POW/MIA, and then he knew what he needed to do.

Mr. President, it is not easy to name a peak, and in Alaska, we have so many mountains that there are dozens and dozens of mountains that are still not named. It is not easy to name the peak of a mountain. So what did he do? Well, first, he secured support from members of the Eklutna Tribe, whose region in Alaska the mountain occupies, so it was a very respectful action toward our very important Native community in Alaska. He then took letters of support and a petition with over 1,500 signatures from all 50 States, 4 countries, and 1 U.S. territory, to the Alaska Historical Commission. I was

one of the signors of that petition. He presented all of this to the National Geological Survey, which is part of the Department of the Interior, all to get this peak, this mountain, named for the Gold Star families, the Gold Star Peak. So he worked this hard. He worked this very hard.

Today, I have the honor of announcing on the Senate floor that just this morning, the U.S. Board of Geographic Names, which is part of the Department of the Interior, which votes to name mountains, unanimously voted and approved naming that mountain in the Chugach Mountain range "Gold Star Peak." That is great news. That is hard work.

I am honored to have Kirk sitting up in the Gallery today after his hard work where he was working at the Department of the Interior this morning.

I first met Kirk at a Veterans Day parade in Anchorage, where he told me about his quest to get the mountain peak named. That is where I signed the petition. And then I asked him—I said: Kirk, you served your country. Why are you so motivated and focused and determined to do this?

Do you know what he did, Mr. President? He pulled out 53 dog tags that he had in his pocket with the names of every soldier of the 425 who was lost in Iraq in 2006 to 2007 when he was the first sergeant for that brigade. I held them in my hand. It was powerful and moving, and in some ways it was so horrible to look at because these are the lives and names of the best and brightest we have in America. That is why he did it, and that is why he was motivated.

Because of Kirk and the announcement today, families—whether they are from Alaska or anywhere in America who come visit, families who have lost loved ones who made the ultimate sacrifice serving their Nation will now be able to look up at Gold Star Peak as they drive up the busy Glenn Highway in Alaska, and they will see that 4,000-foot peak soaring into the sky. All of America will know that their loved ones are not forgotten and that the service and sacrifice of the Gold Star families whom we honor are appreciated and honored by a grateful nation.

So thank you, Kirk, for all the work you have put into this. Congratulations on the vote today. I can't wait to get home and see Gold Star Peak, officially named, and maybe, just maybe, get out there and summit it with you someday.

Thank you for being our Alaskan of the Week.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DAINES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASIDY). Without objection, it is so ordered.

Mr. DAINES. Mr. President, Washington, DC, has an addiction problem. Washington, DC, is addicted to spending. Washington, DC, is addicted to debt.

This budget deal takes a giant step backward. Instead of shrinking government, it grows government by 13 percent. In fact, it is the largest spending increase since 2009, the first year President Obama was in office.

I spent 28 years in the private sector before I came to Capitol Hill. I was expected to produce a balanced budget. In fact, better than that, I was expected to produce a budget that actually took in a little bit more than was spent. That is called a profit. This budget deal is blowing our budget. It takes discretionary spending up \$300 billion and only offsets it by one-third.

By looking at numbers, it is pretty clear that Washington, DC, doesn't have a revenue problem if we look at revenue as a percentage of GDP, but if we look at spending as a percentage of GDP, we start to see the real problem. DC doesn't have a revenue problem. DC doesn't need to ask for more money from the American people. Washington, DC, has a spending problem. Controlling government spending is a big challenge, but it is one we have to rise to meet. We must rise to the occasion, not retreat to trillion-dollar deficits.

Funding our national defense is a fundamental requirement laid out in the Constitution. The men and women of our military, including our veterans—absolutely crucial. Funding for our community health centers, something I have been fighting hard for—important for our States. In fact, earlier today I supported a reasonable proposal to address both of these concerns without going rogue on spending.

The question is, At what point is Congress going to look in the mirror and see that the real long-term certainty, the long-term sustainability of these programs we all support, is directly tied to fiscal responsibility?

Even the former Chair of the Joint Chiefs of Staff, ADM Mike Mullen, once said, "The most significant threat to our national security is our debt." We have now crossed the \$20 trillion debt threshold, and this bill simply accelerates that.

I left the private sector to run for Congress and came to the Senate to fight for more jobs and less government. I will tell you, I think if you look in the dictionary for the term "more government," you would find this bill. This bill defines "more government."

Washington's broken budget process results in bad budget deals like this one, and we are continuing the cycle of irresponsible budgets which creates more irresponsible budgets. It is an addiction to spending. It is an addiction to debt, but it doesn't have to be that way. Many of our States have figured that out. Many of our States aren't running deficits and large debts.

The first bill I introduced when I arrived in Congress was the Balanced

Budget Accountability Act. It is not complicated. It simply says, if Congress can't pass a balanced budget, then we shouldn't get paid. That is the way it works in the real world. It ought to work the same way here.

When Montanans look at their own budget, whether in their families or in their small businesses, they have to make choices. When they take out a loan, they are expected to pay it back. They can't just borrow money from China like we do, kick the can down the road, and expect that someday there will not be a day of reckoning.

Raising the debt ceiling, growing spending, and spending away our children's and grandchildren's future is irresponsible. We talk about mortgaging our children's future. We have done that. With this bill, we had to take out another credit card for our kids. This is not some glowing bipartisan moment. It is a classic example of disastrous policy—policymaking that is justified under the well-meaning pursuit of compromise. Make no mistake, this compromise is deeply irresponsible and one the Senate should reject. I am ready to work with anyone here to make the tough decisions necessary to get our budget and our fiscal house in order.

Now, think about this past year. We were able to cut through redtape, reducing the Federal Registry by over 30 percent. We were able to put qualified judges on the benches of our Nation's courts—the most circuit judges in the first year of a Presidency dating back to 1891. We were able to pass a once-in-a-generation tax cut package for the American people. If we can do all that, I think we can balance our budget here as well and put forward responsible fiscal leadership and management here in Washington, DC.

Let's roll up our sleeves, and let's get to work. That is what we were elected to do. Until then, I will continue to stand and continue to fight against this addiction to spending and debt of Washington, DC.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

TAX REFORM

Mr. PORTMAN. Mr. President, I come before you today to talk about the historic tax reform legislation that was passed in the U.S. Congress and signed into law by the President at the end of the year and talk about what we learned since then, even in the last week.

We created this legislation with two goals in mind. One was to provide middle-class tax relief to families. The other was to provide our businesses and our workers with a more competitive tax code. This is something that became very clear to all of us as we looked at it, that unfortunately we were asking our workers here in America to compete with one arm tied behind their backs because of our Tax Code. It has been a couple of months now since this legislation became law, and both of those two goals we set out

are being achieved. It is already happening.

In January, the Internal Revenue Service updated its tables for withholding. In other words, they went to employers and said: Because of the tax cuts, you should withhold less money in every paycheck.

That is happening. The Treasury Department tells us that 90 percent of American workers are having their withholding changed in a way that is positive for them, meaning that Uncle Sam is taking less out of their paychecks. People are already starting to see that. Tomorrow is Friday—another payday—and you are probably going to see that on your paycheck tomorrow or a week from tomorrow, if you haven't already seen it. That means that people are actually getting relief directly for themselves and their families. This is more take-home pay for folks and enables people to have a better family budget.

With higher healthcare costs and other costs for years and years and no salary increase, having a little more in the family budget is really important to folks, and it is making a difference. In Ohio, for a family of four at the median-income level, which is about \$70,000 a year, this means about a \$2,000-a-year savings. That is significant for people. I have talked to a lot of constituents who were beginning to see this, and they are realizing they have a little more money for retirement, maybe for healthcare, maybe to help their kids or their grandkids. That is good.

There is something else that is in the bill that hasn't gotten much attention; that is, the fact that there were 3 million Americans who were paying taxes previously, who had income tax liability, who do not now. Why? Because when you lower the tax rate, some of these people, who are typically the working poor—in other words, they are working, but they are not making much in income—now have the ability to get out from under taxes altogether. This also encourages more people to not be dependent on a government program but to go to work, if there is this lower tax rate at the lower end of the economic scale. So that is good too. That is in this tax legislation.

More than 3 million people do not have tax liability anymore. Part of it is because of the lower rates we talked about. Again, the proof is in the paycheck on that one. Part of it is because in this legislation, we double the standard deduction and also double the child credit and make it more refundable than it already is. That is happening, and it is working. That goal has already been achieved—not by this Congress but by the people we represent, the American people and families across this great country. We are happy to see that.

The second part of this is that a more competitive business code is benefiting workers very directly. This is something we are hearing about just about

every day. Over 300 businesses have made announcements saying: You know what, we are going to give people a bonus because of the tax reform legislation. We are going to give our employees a little higher starting wage. We are going to put more in the 401(k)s or more in the defined benefit pension plan. Maybe we are going to give a little more to charity, or maybe we are going to invest more in equipment and tools so that people can be more productive, because productivity, as we know, is key to getting wages up and improving the economy. We are hearing this across the board all over the country.

I have seen this in Ohio. I have been to companies in my hometown of Cincinnati, in Columbus, OH, in Dayton, OH, and in Cleveland just in the last month. I have gone and visited with these companies while they have been making announcements and have talked to the employees in a townhall meeting setting, where they have had the opportunity to have a back-and-forth as to what this tax reform measure means to them. Yes, it means direct tax cuts for them, as it does for about 90 percent of American workers. On top of that, it means that because these businesses now have the ability to be more competitive, it makes them more competitive, and they are already getting some of the benefits from that.

Last week, I joined President Trump in Cincinnati at one of these companies. It is called the Sheffer Corporation. This is a small manufacturing business that has decided to make new investments in its plant and equipment. That is going to help make it more competitive and make its workers more productive. It competes globally. It is an incredible company. It makes pneumatic and hydraulic cylinders. It makes them this big, and it makes huge ones. It competes all around the world, and it is doing a great job. Frankly, this tax reform bill really helped them.

On top of that investment it is making, it is also making a direct investment in its employees. Every employee—all of the 126 people who work there—received a \$1,000 bonus check after the tax legislation was signed into law. So it is helping them.

The company's president is a guy named Jeff Norris. Just before the visit we had earlier this week, he said that for some people in Washington, that is crumbs, referring to how some people have called getting this tax relief crumbs. He said: "But for the Sheffer people, we consider that fine dining." Another way to put it is, this makes a difference for people in their lives and for their families.

This was all made possible by lowering the tax rate. Of the developed countries around the world, of the countries that are industrialized, we had the highest statutory tax rate of all of the countries. So our 35 percent rate was higher than in places in Europe, Asia, Latin America, and so on.

We were getting higher than our competitors—Canada, Mexico, and so on—and that is one reason people were choosing to shift overseas, to take, literally, the company and move it overseas. That is called an inversion.

Last year, we were told that three times as many American companies were bought by foreign companies as the other way around. Think about that. Three times as many American companies were bought by foreign companies, which was largely driven by this Tax Code.

We have also heard from Ernst & Young, which is a big accounting firm. It did an analysis, and it said that 4,700 American companies have become foreign companies over the past 10 years or so because of the Tax Code. If we had had the kind of Tax Code that we just put in place with this legislation that was passed here, those companies would still be American companies. Those are 4,700 companies. Those are a lot of people, and that is a lot of investment.

We studied this in the Permanent Subcommittee on Investigations—a bipartisan investigation—and looked at what happens when these companies go overseas. It is probably no surprise to you that they take their jobs and investments with them. So when a company pulls up stakes here and goes overseas, it is not just about moving one's corporate headquarters; we found it is also about having less employment here directly but also indirectly because companies that supply them—contractors—have less employment, and they are also making their investments increasingly overseas.

As we studied this, we also found that companies were actually taking the money they had made overseas and were keeping it all overseas rather than bringing it back here and repatriating it, even though they were U.S. companies. This is something we studied as part of a bipartisan Finance Committee working group I cochaired with Senator CHUCK SCHUMER. We found that unless you lowered this rate and went to a more competitive international system, you were not going to get that money back.

Part of what this will do is what we talked about in terms of improving the lives of workers here in America, but part of what it will also do is repatriate. It will bring back some of that money that has been stuck overseas, the so-called lockout effect. How much is that? Economists think it is somewhere around \$3 trillion; some say more.

You might have seen recently that Apple announced that it was bringing hundreds of billions back here, repatriating that money back here. They are also going to pay I think about \$38 billion in taxes to the U.S. Treasury, but that is worth it to them to bring back that money. We want them to bring that money here. Why? We don't want it invested overseas in a research and development facility there or in a

factory there; we want it invested here, right? That is what this tax reform does.

That is why, as exciting as it is for these workers and for these companies to make these decisions, and their helping people right now is very important, I think of the bigger investments we are going to hear of down the line. The next time a big American company that has a global business asks, "Where am I going to put my factory? Where am I going to do my research and development?" it is going to say, "We are going to do it here in America." That is what is very exciting to me.

Let's get back to having wages that are going up consistently rather than the relatively flat wages we have seen really over the past couple of decades, and let's see a renewal of hope and opportunity here. I think this is exciting, and I think we will see more of it.

Just in the past week, by the way, we have seen seven more major companies announce higher compensation for their employees: CVS in the last week, Tyson in the last week, Chipotle, Best Buy, Charter Communications, Lowe's, FedEx. This is just in the last week. In total, these companies have 1.3 million employees who are now going to benefit on top of all of the other 300 announcements we talked about earlier. They are going to benefit from increased investments that these businesses will be able to make because of this new tax reform. This is good news, and it is good news for the people I represent.

In Ohio, some of our larger employers have already made their announcements. Fifth Third Bank, headquartered in Cincinnati, employs 8,800 Ohioans and announced it will raise its base wage for entry-level people and give \$1,000 bonuses to all of its 13,500 employees.

Nationwide Insurance, headquartered in Columbus, employs 15,000 Ohioans. It is going to increase 401(k) matches, so the match that it gives to people's 401(k) contributions is going to increase. That is great for one's retirement savings. It is going to do that for 33,000 employees around the country. It is also going to give \$1,000 bonuses to 29,000 of its employees.

JPMorgan is probably the third biggest employer in Ohio now of all the private sector employers. It employs about 21,000 Ohioans, mainly in the Columbus area. Some of you know that because it is a huge presence in Polaris North Columbus. It has announced it is going to add 4,000 new jobs. Its base wage is going to be raised for 22,000 employees. It is going to increase its charitable donations and its small business lending. It says it is all because of this tax reform legislation. That is good news.

Our biggest employer in Ohio is Walmart. It may be in your State too. There are 50,000 Ohioans who work for Walmart. It has announced it is going to raise its base wage for all hourly employees, distribute \$1,000 bonuses,

expand maternity and parental leave opportunities, and increase funds for employee adoption expenses. It is our largest employer.

Other Ohio employers that have announced something include Fiat Chrysler and the Jeep plant, up in Toledo, which we are so proud of, and Home Depot. We talked earlier about Lowe's and AT&T. They have all announced increased investments in their operations and their workers as a result of the tax reform.

I am excited about this. It is actually working in a way that many of us had hoped it would and said it would. Really, there have been more announcements even than I think the most optimistic tax reform advocates expected. I think we are going to see a lot more over time because ultimately this is about making the United States a better place to do business.

By the way, some of these companies are not American companies; they are foreign companies that choose to invest in America. Foreign direct investment is something we encourage because that brings more jobs here to this country. So if a company like Honda, which is a big auto employer in Ohio, chooses to invest more in Ohio rather than in Japan or China or Germany or elsewhere because of this tax reform legislation, that is also important. We are going to see more and more of that happening, in my view, because they are looking at the lower rates, and they are looking at the ability to expense what they have purchased more quickly in terms of plants and equipment. This immediate expensing is very important in this legislation for companies like that and manufacturers. So this is not just about American companies staying here rather than going overseas; it is also about foreign companies that are choosing to come here and to hire American workers, which is also good for us.

I am hoping that a combination of this tax reform and what is being done on the regulatory front to make regulations better—particularly for smaller businesses that were feeling a lot of that burden—and American hard work and ingenuity, as well as rewarding that ingenuity better, is going to help America compete in this global marketplace in ways we haven't done for many years.

The historic tax reform is basically putting America back in a position in which people are now going to look to us again and say: America is the kind of model that I want to follow.

The American free enterprise system and the system where, if you work hard and play by the rules, you can get ahead, where you can achieve your dream in life, was something some people were beginning to question. Now I think this helps to polish our image, which has become somewhat tarnished as wages had been flat and we were kind of stuck in low economic growth—1½ to 2 percent growth. Now I think we

have the opportunity to break out more and to be that beacon of hope and opportunity for the rest of the world and, most importantly, to give people the opportunity to achieve their American dreams, whatever they are.

Mr. President, I want to talk about another topic, and this is not a happy topic. It is also in the news these days, as are the growing economy and the increased jobs and the benefits of the tax reform. But this is news that you will also see on the front pages and on the nightly news of your local TV stations. It is unfortunate news, and that is the fact that we still have this growing epidemic of drug use in this country that is connected to opioids. This is something that has grown over time and kind of started with prescription drug use, which grew pretty dramatically back in the 2000s. Then it became heroin. Probably 3 or 4 years ago, one began to see people shift from heroin to other forms of opioids that are called synthetic opioids, such as fentanyl or carfentanil.

Unfortunately, this issue has gripped our country. In my State in particular—and Ohio is one of the States that have been hardest hit—we have more people addicted, we have more people who are overdosing from these drugs, and we have more people who are dying because of the overdoses than ever before. Last year, in 2017, we had more overdose deaths than we had in 2016.

I think we have good ideas to begin to turn the tide. This Congress has started to work on that, and I applaud Congress for that. We are beginning to see some of those programs work, but we have a long way to go.

One reason that I think the legislation we are going to vote on later today is so important is that it provides more funding to be able to deal with the opioid crisis. We need it. I wish we didn't. We need it. We need it for better prevention and education to keep people from getting into the funnel of addiction in the first place. We also need it for treatment, and we need it for longer term recovery, which is sometimes quite expensive, but it requires us to look at this issue in different ways.

Historically, short-term treatment programs have not been very successful. A lot of people go through these treatment programs and come out the other end. They might be clean for a while, but typically there are a lot of people who go back to their addictions. The recidivism rate is very high.

What we want is for people to go through treatment and get clean at the other end and be able to get back on their feet and restore their ties to their families, their work, and their communities. This longer term recovery, in my view, after studying this issue for many years, is a very important part of that. It is providing, yes, the medically assisted drug treatment that is sometimes needed for one to be able to get through the addiction, and to get into

a good treatment program often is assisted through medically assisted treatment. Yet what is more important to me as I look at this and talk to a lot of people—I have talked to probably 1,000 addicts and recovering addicts just in the last couple of years in Ohio—is to surround these people with the right kind of counseling and the right kind of support, including peer support—others who have been through addiction and recovery and have gotten on their feet, those who are recovering addicts. There is a cost to that.

Some would ask: Well, is this really the Federal Government's role? I would say yes. It is a national epidemic, and it needs to be approached at every level—the national level, the State level, and the local level. Ultimately, it is not going to be solved here in Washington; it is going to be solved in our communities.

I will tell you that the degree of damage that this is causing to our communities, our families, our budgets locally, and our criminal justice system requires us to take a more aggressive role at the national level. Take best practices from around the States and local communities and spread those nationally as an example. Provide seed money, combined with local money, so they can actually get treatment programs up and going in areas where people cannot get treatment. Even though they are ready to deal with their addictions, they don't have beds and don't have places to go.

The Federal Government also plays a role already. With Medicaid reimbursement, for instance, if you have a treatment center and if you are providing MAT, or medically assisted treatment, and you have more than 16 beds, you cannot get Medicaid reimbursement. That doesn't make any sense. We have some very good treatment centers in Ohio that have 16 beds, but they could have twice that many or even three times that many and provide more help. Yet, because of the way the Federal Government chooses to reimburse, that is not practical. So there are issues with which the government has to be involved.

In my home State of Ohio, overdose deaths are the No. 1 cause of death in my State. Nationally, among those who are under 50, it is the No. 1 cause of death. In Ohio, we had more deaths from overdoses from synthetic opioids—the new drugs like fentanyl and carfentanil—than we did anything else. About 58 percent of our deaths were from the synthetic opioids. So it is changing from prescription drugs to heroin and now to these synthetic drugs.

We have a real crisis on our hands. It is the No. 1 cause of crime in my community and throughout my State. It probably is in yours too. If you think maybe you are not affected by it because you don't have a family member or friend or coworker who was affected, then you don't see it clearly. I would suggest we are all affected because we

are all paying for it in additional healthcare costs, additional costs for prosecutions and incarcerations, additional costs in crime in our communities, in families being torn apart, and more kids in foster care under State supervision, in some way, because we have record numbers now in my home State because of their parents being addicted. This is a huge issue, and I think it is one we need to focus on at every level, including at the national level.

With regard to fentanyl, just a very little bit, a few flakes of it, can kill you. It is incredibly powerful. It is considered to be 50 times more powerful than heroin. It is cheap, it is easily accessible, and it can be spread to other drugs, which is increasingly happening. We are told by law enforcement that it is being used now with cocaine and even, in some cases, marijuana. Certainly it is packaged into pills to make it look like a prescription drug when it is really fentanyl-laced. This stuff can be just deadly.

This week I had some people come into my office talking about it, and I asked them whether they thought we were turning the tide, and their answer was no because of the fentanyl, this new drug that is inexpensive, this synthetic that is coming into our country, believe it or not, primarily from overseas through the U.S. mail system.

Just last week, in Logan County, OH, a 12-year-old girl brought a plastic bag containing fentanyl to her middle school. Thankfully, a teacher found the bag and called the police to safely remove the drug. Think about that. In that middle school, this drug could have killed numerous kids. While police are looking into how this possibly could have ended up in the hands of a 12-year-old, how fentanyl ends up in the United States is no mystery. We now know the answer to that. We have done studies on it.

We spent a yearlong investigation looking into this issue, and what we found out was pretty shocking, which is fentanyl, which is this growing drug killing more people in Ohio than any other drug now, doesn't come in the way you might think, maybe overland. It typically comes through the U.S. mail system. Primarily, it comes from China.

Does it come from other countries? Yes. Sometimes it is shipped from China to another country and then to the United States. Some other countries may now be making it but law enforcement tells me it is primarily through the mail system and primarily from China.

Now, you might ask, why is it coming through the mail system, and why are we letting that happen? Well, it is happening because if you try to send it through one of the private carriers like DHL or FedEx or UPS, you have to provide a lot of information on the package. You probably know this if you are shipping stuff. You have to provide what is in it, where it is from, and

where it is going. You have to provide that in advance, and it is provided electronically in advance to law enforcement. In Ohio, the DHS and UPS can go to the facilities and target a package and say: Uh-huh. This is from a certain region. This has a certain suspicious address where it is going, maybe it is an abandoned warehouse and post office box where they know there have been drugs shipped before, maybe the contents don't add up and they can target that package and get that package offline and destroy it. By the way, when they do that, trust me, they are wearing gloves and masks in special rooms now where they can try to avoid being damaged by this drug because they are incredibly dangerous; whereas, in the U.S. mail system, there is not a requirement.

Now they are starting to require it more, and this year, thanks to the work of some of us who have been pushing this for a couple of years now, they are doing a better job than last year, but this last year only 38 percent of packages had electronic advanced data on it—only 38 percent—whereas, with these other carriers, it is 100 percent. Of that 38 percent, sadly, 20 percent of the time, when law enforcement said: OK, we hear this information about this package, we want to pull it off, 20 percent of the time the post office couldn't produce the package so it went to the post office box or abandoned warehouse. A package this big can have hundreds of thousands of people affected. Just think about it, just a few grams of this can kill you. So the post office needs to provide that same sort of data.

We also found, in our 1-year study of this, the data the post office did provide, origin often was indecipherable by security people because it wasn't information that was helpful, maybe a lot of numbers or characters that did not let people know what was in it, where it was going, where it was from.

It is good we are beginning to make progress on this, but I think we should have a requirement in law that says the post office has to do what these other private carriers do, which is require people who want to ship something into our communities to have this information so our law enforcement has a chance to find these packages and to stop this poison from coming into our neighborhoods.

Is this the only solution? No. The Comprehensive Addiction and Recovery Act that I coauthored that passed this place over a year ago now is beginning to work on prevention, treatment, and recovery. We talked about that earlier.

We need to do more to help our first responders, to give them the Narcan they need to reverse the effects of these overdoses and to save lives. We need to get people into these programs rather than the revolving door of people being addicted, having an overdose, being saved, and then having an overdose again. That is all critical. In fact,

that is the most important part, but let's at least—at least—stop some of this poison that is coming in through our own U.S. Government Postal Service. By the way, postal employees totally agree. They don't want to be a conduit for this stuff. They certainly don't want to be exposed to it.

There are some horrible stories of people who were exposed because with these international packages coming in, sometimes there is some leakage.

One story that is probably one that would get the attention of every law enforcement official in America is, there is a guy in Ohio, a law enforcement officer. He pulled over two individuals. He went up to the car. He pulled them over for a traffic violation, but he noticed they spread some white powder around the car to try to hide it. Wisely, he realized this might be something dangerous. He put on his mask and gloves and found it was fentanyl.

He arrested these two individuals. They got booked. He went down to the police station. This officer was a big guy, by the way—6 feet 2 inches, over 200 pounds, in good shape. He looked down on his shirt when he was in the police station talking to his fellow officers, and he saw some flecks on his shirt of something. So he reached over and brushed it off with his hands like that. It was fentanyl.

Immediately he overdosed. He became unconscious, lying on the floor. Three times Narcan was administered to try to save his life. They had to rush him to the emergency room ultimately to save his life. As his police chief said: If we hadn't been right there, this police officer would not be with us today. Think if he had gone home and hugged his kids.

This stuff is dangerous. It is dangerous for our postal employees, it is dangerous for our Customs and Border Protection people who bravely are out there every day trying to stop this stuff. It is dangerous to the postal inspectors and dangerous for the Drug Enforcement Agency individuals. We need to give them every tool we can to let them know where the suspect packages are so they can stop this stuff. At a minimum, what will happen is there will be less supply, and there will be higher prices on the street. That is not a bad thing because the cost of this drug is one reason it has become so popular and so deadly.

Our legislation is called the STOP Act. It simply says: Let's do what we should have done many years ago and require this information. After 9/11, this Congress got together and said: We are worried about stuff being shipped into this country, and so we are going to require private carriers to provide this. In 2002, there was legislation passed. That was 15 years ago, almost 16 years ago now. That legislation said at the time: You have to do this if you are the FedExes or UPSes of the world, but for the post office, we recommend you do it. We want you to do a study on it.

The thought was, in Congress, that they would need some time but that they would be able to do it as well—again, it has been almost 16 years. Now we have this immediate problem, which is, in my view, a crisis, and it is a public health problem. It falls on us as the Federal Government to deal with it—this Congress to deal with it.

I know there are those in the Postal Service who are concerned about whether they can require other countries to provide this data. Do you know what? We provide it for all our packages going to them. Again, most countries in the world are now being asked to do it. The rest of the countries ought to be asked. Certainly, China ought to be required to do it for all their packages. They now say about half of the packages from China have some sort of information. It needs to be better information. We also need China to do more.

After our report came out last week, Chinese Government officials responded and said they were concerned. They wanted to do more to cooperate with the United States. That was good. I am glad to hear that, but, frankly, we have been hearing that for a while.

I was in China last year on a congressional delegation. I raised this information with Premier Li, the No. 2 ranking official in the government there. Again, we heard the right things. We want to help to be able to stop this at the source. We need more help.

We believe there are thousands of chemists or chemical companies in China that are producing this poison. Again, I am not suggesting it is exclusively China, but we are told by law enforcement it is still primarily from China. Let's shut them down.

They have made illegal some of the precursors, some of the drugs that go into making this fentanyl. Let's make sure that is being enforced. Let's make it an illegal activity to ship it. Let's do the prosecutions that are necessary and arrest people.

There were two individuals who were indicted here in the United States who were Chinese nationals. My understanding is, they have yet to be prosecuted, and they have been indicted for shipping poisons into our communities and killing our people.

Yes, there is a lot that has to be done here. We need to be sure we are doing a better job on prevention and education to keep people from falling into the addiction in the first place. We need to do much better on treatment and recovery. We talked about that earlier. At a minimum, let's protect this country. So I encourage my colleagues, if you haven't already cosponsored the STOP Act—Senator AMY KLOBUCHAR and I introduced this legislation together last year. We want your help. We would love to have your cosponsorship. We have about 30 cosponsors now. It is bipartisan. We need to get 100 cosponsors. Everybody in this Chamber should be for this. We

should be able to at least tell our own U.S. post office: Help law enforcement to stop this poison. That is part of the answer here, along with so many other things we need to do to keep the fentanyl off the streets, to keep the overdoses and the death toll from rising.

Again, I thank my colleagues for including in the legislation we are going to vote on later today additional funding over the next 2 years. I will say, with regard to that funding, which is significant—it is an unprecedented amount—we have increased the funding over this fiscal year from last fiscal year by \$1.4 billion. That is through the so-called CURES Act and CARA legislation. Now we have additional funding, \$3 billion this year and \$3 billion next year. I do think there is a good framework for spending this money and that would be the programs in the CARA legislation, the Comprehensive Addiction and Recovery Act. There are about a dozen different programs, including recovery programs, including helping pregnant women who are addicted to help them avoid having their addiction passed along to their kids. This is a big issue in our States right now. All of our neonatal units back home in our hospitals are dealing with this.

There is legislation to help our first responders with training and with Narcan, certainly to help them deal with this fentanyl danger they face, the risk they face every day.

We have the programs in place. There is not adequate funding in some of these programs to respond to the many requests coming in. So this is one place for us to provide some help.

The CURES legislation goes directly to the States. That legislation was passed as part of an appropriations process to help the States be able to identify where they had the highest priority. Some of that, frankly, is in training individuals who can be counselors.

We talked about the importance of not just providing medicine to help people get over their addiction but to also surround them with the kind of treatment they need, the kind of support they need. In other States, it was a matter of building those treatment facilities. One million dollars of this, or so, was used in Columbus, OH, for an innovative program, where there is now a new emergency room that is dedicated to people who overdose, which is better for the individual who overdoses and better for the taxpayer, rather than taking them to an emergency room that has the capability to handle gunshot wounds and trauma and so on. This is dedicated just to overdoses. Most significantly, in this same facility where the overdoses go, you have a 50-bed treatment center. So often what we find is that people are treated for the overdose, maybe in a detox unit, but then there is no treatment center. There is no treatment bed available, so that person goes back to

the community, back to the old neighborhood.

During that waiting period, even though they are ready for treatment as they come out of the overdose—because often they have kind of seen their life flash before their eyes—there is not the availability and, sure enough, that person gets back into the use of the drug—heroin, fentanyl, prescription drugs—and ends up overdosing again, sometimes again and again and again. You hear this from your first responders.

Go to your firehouse, and you will hear in every firehouse in America, I will guarantee you, about this issue. I will guarantee that in most firehouses—certainly all of them that I have been to in Ohio, and I have been to many—it is the No. 1 thing people are doing. In other words, there are more calls for overdoses than there are calls for fires. There are more calls for overdoses than there are calls for heart attacks.

This is an issue that, again, affects every one of us whether we feel it directly or not. So this is an opportunity for us to get these people into the emergency room setting to save their lives, using this miracle drug, Narcan, using the best help of our incredible medical professionals, who are doing an awesome job on the frontlines, but then to get them right into treatment, to say: By the way, here is an opportunity; come right now. We think that is going to close that gap and help to avoid this issue of people not getting the help you want them to get. Probably 8 out of 10 people in Ohio are not getting the treatment they should be getting.

So I am encouraging my colleagues to vote for the legislation this afternoon or this evening, whenever we vote on it, in part, because it does have that legislation in it regarding opioids. It does have this new funding—an unprecedented level of funding.

It is going to be left to the Appropriations Committees here to deal with how it is spent. Again, I know they have a lot of great ideas, including legislation that we have already passed called the CARA Act, the Comprehensive Addiction and Recovery Act. We spent 3 years putting together that legislation. We had five conferences here in Washington. We got best practices from around the country. This is all about sending funds out to programs that have been studied and that do have good results. It is not just a matter of throwing money after this problem. We have to be sure that it is done effectively and that, again, it leverages more money at the local level.

The million dollars I talked about that went into this treatment center in Columbus, OH—that was matched by county money, it was matched by State money, it was matched by private-sector money and individuals who were giving funds to this because they realized what a problem it is. That is how we should work together. Ultimately, this is not going to be solved

here in Washington, DC. It is going to be solved in our communities. It is going to be solved in our families. It is going to be solved in our hearts. This is an issue that ultimately is going to require all of us getting engaged on.

Mr. President, I thank the Presiding Officer for the time today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

GERBER SPOKESBABY OF 2018

Mr. LEE. Mr. President, there is good news, there is great news, and then there is the story of Lucas Warren of Dalton, GA. I don't personally know Lucas. In fact, he is only 18 months old. So he, of course, has the good sense not to engage with or get to know politicians, especially in Washington. But like so many millions of Americans who have not met Lucas, I will never forget him.

Yesterday, the Gerber baby food company selected little Lucas as its "Gerber Spokesbaby" for the year 2018. Lucas' winning photograph, sent in by his parents Jason and Cortney, was selected from more than 140,000 entries. Even at a glance, it is not at all hard to see why.

This picture deserves much more than just a mere glance. I don't just mean because of the bow tie. You see, Lucas Warren was born with Down syndrome, which is to say that Jason and Cortney Warren are among those Americans blessed to know, to love, and to be loved by someone with Down syndrome. According to the Global Down Syndrome Foundation, only 38 percent of Americans are so lucky.

Those of us who are so lucky know the warmth and the tender cheer of individuals with Down syndrome—the warmth and tender cheer they carry with them everywhere they go. With little more than a smile, like Lucas' in this picture, they make gentle the life of the world. All of us are born with that mission, but we don't always fulfill it. Children like Lucas and parents like the Warrens don't just carry their share of that burden. They carry some of ours too. We owe them more than we can possibly know.

"I am a child of God," begins a children's song of my faith.

And He has sent me here,
Has given me an earthly home
With parents kind and dear.
I am a child of God,
And so my needs are great.

Those lyrics take on a particularly special poignancy when you know families with special needs children, for children with special needs not only deserve special love; they give it. They give it unceasingly and unreservedly, just like the God who first knitted them together in their mother's wombs.

We should all commend the Gerber baby food company for its choice of its new spokesbaby and especially thank the Warrens for the gift of little Lucas.

In Washington, we are often reminded of the old maxim that there are no solutions in this life, only tradeoffs. Sometimes, it is tempting to believe that this is true, but this photograph proves otherwise. In this fallen world of ours, that smile—that little boy—is pure good, a blessing to us all.

Yesterday, after the announcement, Lucas' mom Cortney said:

He may have Down syndrome, but he's always Lucas first. . . . we're hoping when he grows up and looks back on this, he'll be proud of himself and not ashamed of his disability.

So should we all hope for Lucas and for the rest of the world too.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CASSIDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CAPITO). Without objection, it is so ordered.

Mr. CASSIDY. Madam President, I wish to speak about some issues relating to the spending bill and things that happened in Louisiana.

Louisiana had two catastrophic floods in 2016 that affected not just our State but also Texas and Mississippi, with over 100,000 disaster victims who became eligible for SBA—Small Business Administration—disaster assistance loans.

Here is one picture. Oh my gosh. Here is the window. The water is as high inside the patio area as outside, and the woman has a face of despair.

Here is another picture, which shows a family being evacuated in a boat. Obviously, it is a neighborhood with stop signs and nice trees and streetlights, and they are being evacuated. We can imagine what their family home looked like.

Fifty-six of Louisiana's sixty-four parishes had Federal disaster declarations. The August storm alone caused an estimated \$10 billion in damage to private property, which, apart from hurricanes, made it the most expensive U.S. disaster in the last 100 years.

The most devastating thing was how little time people had to react. The storm was missing key cyclone characteristics, so the National Hurricane Center had no expectation of how devastating the storm would be, and the first parishes hit by the flooding had no time to evacuate or prepare.

Many families who were impacted by the great floods of 2016 in Louisiana lived outside what are called special flood hazard zones and were not required to and did not carry flood insurance. Indeed, about 80 percent of flooded homes did not have flood insurance.

Last year, I worked with the Louisiana delegation to obtain about \$2 billion in community development block grants to help cover portions of those uninsured losses for Louisiana families and small businesses. We also got about \$500 million in disaster tax relief to help with the uncompensated disaster losses. But with CDBG—community development block grant—funding, which is distributed through the Restore Louisiana Homeowner Assistance Program, it is arcane—there is something which is an arcane and arbitrary rule called duplication of benefits. The duplication of benefits rule states that if an individual is eligible for and received a loan from the Small Business Administration, that individual is ineligible for a grant from the Restore Louisiana Homeowner Assistance Program. The rule makes no sense. An individual who did the right thing and drew upon all available resources to rebuild their home and begin to put their life back together is denied relief.

Language that fixed this issue was included in the disaster supplemental passed by the House last year. The Senate was prepared to consider this in December, but the legislation was delayed—frankly, held hostage—by the minority party using it to gain leverage to get more government spending as part of the budget negotiations we are now in.

Now that this disaster supplemental has been rolled into the budget negotiations, we saw that the provision to fix the duplication of benefits issue was added, but it only covered Texas, Florida, and Puerto Rico. So I worked with my fellow Louisiana Senator, Mr. KENNEDY, and members of the Appropriations Committee to make sure Louisiana is treated the same as Texas and other States. Now this provision applies to individuals who were eligible to receive an SBA loan but did not take out a loan. What does this mean?

According to the SBA, 100,000 homeowners were eligible to apply for an SBA loan from the March and August 2016 floods; 38,000 applications were received, and 18,000 were approved.

As I am told, if you are eligible but don't take out the loan, you don't qualify for the Restore Louisiana grant. Again, I am told that if you are eligible but did not take the loan from the SBA, then you are not eligible then to receive the Restore Louisiana grant because of the duplication of benefits rule. There are roughly 82,000 homeowners who could potentially be eligible to receive relief from repealing or altering this duplication of benefits rule.

Now, there is some confusion in my State. I want to be clear. This does apply to the \$2 billion CDBG grants the Louisiana delegation secured to help families recover from the 2016 floods in Louisiana.

Senator KENNEDY and I also helped secure additional Army Corps resources to fully fund the Comite River

Diversion, a diversion that takes floodwaters from the Comite River into the Mississippi and would have helped prevent many homes from being flooded—probably the homes these folks are being evacuated from—in the great flood of 2016.

We also secured \$12 billion in mitigation grants specifically for Louisiana and about five other States, which is much more targeted for disaster States than the House bill. Again, the Senate bill is the same number of dollars but for fewer States, therefore, more targeted than in the House bill.

So the disaster relief portion of this legislation has taken some steps in the right direction. However, we still need additional clarification around duplication of benefits issues and legacy FEMA appeals matters.

I thank my Senate colleague from Louisiana for his work on this and hope to receive further commitments from the Appropriations Committee to continue to work on these important disaster recovery issues.

I yield the floor.

Mr. COCHRAN. Madam President, I urge the Senate to approve the Further Extension of Continuing Appropriations Act, 2018.

This legislation is more than a continuing resolution to sustain government operations at current levels through March 23.

It incorporates a 2-year agreement setting defense and nondefense spending levels for fiscal years 2018 and 2019, the product of bipartisan and bicameral negotiations. This overdue agreement is necessary for Congress to meet its responsibility to provide appropriations to meet national security and other important needs around the country.

This deal gives my committee a real opportunity to complete the fiscal year 2018 appropriations process with significant funding to begin rebuilding our military and address national priorities like veterans, infrastructure, and the opioid epidemic.

This measure also provides necessary emergency funding to help victims of recent hurricanes, wildfires, and other disasters to rebuild their lives and communities.

I appreciate the many hours of negotiations that have gone into this legislation. The cotton and dairy provisions are the outcome of months of joint efforts with my friend, Vice Chairman LEAHY, to help cotton and dairy producers overcome economic hardships that threaten their livelihoods.

I hope we continue in this cooperative and bipartisan fashion as we undertake the challenging work of crafting responsible legislation to finish the 2018 appropriations cycle and begin work on next year's bills.

Mr. CASSIDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. McCONNELL. Madam President, here we are at a quarter to 6. Funding for the government expires in just a few hours. A bipartisan agreement before us funds our troops at the level requested by the Pentagon. It addresses the opioid crisis, which is extremely big in the Commonwealth of Kentucky and around the country. It funds our veterans and many other shared priorities. The Speaker of the House supports the bill. He is waiting for it to pass the Senate. The President of the United States supports the bill and is waiting to sign it into law.

I understand my friend and colleague from Kentucky does not join with the President in supporting the bill. It is his right, of course, to vote against the bill, but I would argue that it is time to vote.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Madam President, I very much appreciate my good friend, the junior Senator from Kentucky, for his fidelity to spending—something we don't agree with—and for his fidelity of trying to get his amendments on the floor and debated—something we do agree with. I recently supported that right when the FISA bill came up, which I know was very important to him.

The difficulty we have here is that the government will shut down. We still have the House that has to vote. Frankly, there are lots of amendments on my side, and it is hard to make an argument that if one person gets an amendment that everybody else will not want an amendment, and then we will be here for a very long time.

So I would plead with my colleague, given the exigencies, that maybe a budget point of order might work, which would make the same point; that is, he believes the spending is too high. Then we could move forward and get a bill done and not risk a government shutdown. We are in risky territory here as both of my friends from Kentucky know. If that would accomplish the same thing and not hold us up here, we could let the House do its will and then, maybe, get the bill to the President, because we want to move things forward.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Madam President, I propose that we give the Senator from Kentucky an opportunity to make a budget point of order, which would give him a vote on the substance of the matter he is concerned about.

Therefore, I ask unanimous consent that notwithstanding rule XXII, at 6 p.m. today, the Senate vote on the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 1892 with a

further amendment; further, that if cloture is invoked, all postcloture time be yielded back and Senator PAUL be recognized to make a budget point of order; that the majority leader or his designee be recognized to make a motion to waive; and that following the disposition of the motion to waive, the Senate vote on the motion to concur with further amendment with no other intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Madam President, reserving the right to object, I ran for office because I was very critical of President Obama's trillion-dollar deficits. Now we have Republicans, hand in hand with Democrats, who are offering us trillion-dollar deficits. I cannot, in all good honesty and all good faith, just look the other way because my party is now complicit in the deficits. But, really, who is to blame? Both parties.

We have a 700-page bill that no one has read and that was printed at midnight. No one will read this bill. Nothing will be reformed. The waste will continue, and government will keep taking your money irresponsibly and adding to the \$20 trillion debt.

There are no amendments being allowed. This is the most important debate we will have in the year over spending, and no amendments are allowed. We should have a full amendment process. We have been open for business for 10 hours today. You can do four amendments an hour. We could have done 40 amendments. So it is a canard to say that we cannot have one amendment and cannot spend 15 minutes debating whether or not it is good for the country to add \$1 trillion of debt.

Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kentucky.

Mr. PAUL. Madam President, the Senate will vote today on a bill that will add \$1.5 trillion to the debt over the next 10 years. This is a large amount of money and something that we should be very wary of. This is in addition to what we were already running a debt of, that of nearly \$1 trillion. So we are adding a couple hundred extra billion dollars a year to a budget and a country and a Congress that had already recklessly let spending get out of control.

The bill is nearly 700 pages. It was given to us at midnight last night, and I would venture to say that no one has read the bill. No one can thoroughly digest a 700-page bill overnight, and I do think that it does things that we really, really ought to talk about and how we should pay for them.

One of the things this bill does is add \$500 billion in spending over a 2-year period. This bill increases spending 21 percent. Does that sound like a large amount? Is anybody at home getting a bonus or an increase in his paycheck of 21 percent? Yet your government is

going to spend 21 percent more without really having a full debate and without having amendments.

The exchange you just watched was my asking to have a 15-minute vote. I have been asking all day for it. I have been asking all week for it. We could have, literally, had dozens of votes today, but we squabble because people don't want to be put on the spot.

The reason I am here tonight is to put people on the spot. I want people to feel uncomfortable. I want them to have to answer people at home who ask: How come you were against President Obama's deficits, and then how come you are for Republican deficits? Isn't that the very definition of intellectual dishonesty? If you were against President Obama's deficits and now you are for the Republican deficits, isn't that the very definition of hypocrisy? People need to be made aware. Your Senators need to answer the people from home, and they need to answer for this debate. We should have a full-throated debate.

My amendment says simply this: We should obey the budget caps.

What are budget caps? These are limits we placed on spending for both military and nonmilitary. We placed them in 2011, and guess what. For 1 or 2 years, the government actually shrunk, but now the government is taking off, and this new stimulus of deficit spending will be as big as President Obama's stimulus. Don't you remember when Republicans howled to high heaven that President Obama was spending us into the gutter, spending us into oblivion? Now the Republicans are doing the same thing.

So I ask the question: Whose fault is it? The Republicans'? Yes. Whose fault is it? The Democrats'? Yes. It is the fault of both parties.

You realize that this is the secret of Washington. The dirty little secret is that the Republicans are loudly clamoring for more military spending, but they cannot get it unless they give the Democrats welfare spending, so they raise all of the spending. It is a compromise in the wrong direction. We should be compromising in the direction of going toward spending only what comes in. Yet this goes on and on and on.

You will hear people say: Well, the military is hollowed out. We have not enough money for our military. Yet we have doubled the amount of money we have spent on the military since 9/11 of 2001.

Look, I have family members in the military, and I have retired members of the military in my family, and I care very deeply about our soldiers. In fact, do you know what I would do? I would bring them all home from Afghanistan. The war is won. People are talking about having a parade. Declare victory in Afghanistan; bring them home; have a parade; and give them all a raise. Yet we go on and on and on, finding new wars to fight that make no sense, where we have no idea who the good

guys are and who the bad guys are. The wars are so murky that halfway through the war we sometimes change sides or the people we support change sides.

We are at war in Afghanistan after 16 years. It costs \$50 billion a year. So they need more money for the military because we are in too many places for too long. We have no exact mission of why we are there, but it is not a militarily winnable situation in Afghanistan. There will never be a victory in Afghanistan. There may be a negotiated settlement, and they may flee when we come, but as soon as we leave, they come back. Are we to be there forever?

For the umpteenth time, Congress is going to exceed its budget caps. We had something passed back in 2010 that was called the PAYGO Act. It was supposed to say: If you are going to pay new money, you have to go find an offset somewhere else. You can only pay as you go. It was sort of like a family would think about it. If you spend some more money, you have to raise your income or you have to save some money.

Do you know how many times we have evaded the issue since 2010? Thirty-some-odd times. When I try to get them to pay attention to their own rules, three or four people will vote to pay attention to the rules.

We are in a terrible state, and \$20 trillion in debt is bigger than our entire economy.

Do you wonder why the stock market is jittery? One of the reasons is that we do not have the capacity to continue to fund the government like this. We have been funding it with phony interest rates that are concocted and given to us by the Federal Reserve, but they aren't real.

What if interest rates become real again?

Does anybody remember when interest rates were 5, 10, or 15 percent? I remember them as a teenager being 19 or 20 percent. But historically, they have often been at least 5 percent. Do you know what happens to the Government when the interest rates go to 5 and they have to borrow for Social Security and Medicare and all the other stuff we have to do? There will be a catastrophe in this country.

Already the rates are ticking up. The stock market is jittery. If you ask the question why, maybe it has something to do with the irresponsibility of Congress spending money that we don't have.

So the bill's going to exceed the budget caps by \$296 billion. That is not counting the money they don't count. So these people are really, really clever. Imagine them running their fingers together and saying: How can we hide stuff from the American people? How can we evade the spending caps so we can be even more irresponsible than we appear? So \$296 billion is the official number. That is about \$300 billion over 2 years that will be in excess of the budget caps.

But there is another \$160 billion that is stuck into something called an overseas contingency fund. The budget caps don't apply there. So we are \$300 billion for 2 years over the budget caps, and then another \$160 billion over the caps that they just don't count. They act as if it doesn't matter: We are just not going to count it.

Then we come to catastrophes. You might say to yourself: Well, I have great sympathy for the people's houses who were flooded in Texas and Florida. I do. My sister's house was flooded near Houston. So I have great compassion. But even for my family, I can't take the money from you and borrow it from the next generation and say: Here is a pot of money. Go rebuild your house.

We should do it in a responsible fashion. We have already spent \$30-someodd billion on emergency relief for the hurricanes. There is another \$90 billion.

Do you know what I have said? Instead of just plunking \$90 billion down or, actually, printing it over at the Federal Reserve or borrowing it—instead of just doing that—why don't we take the \$90 billion from somewhere in the budget that it shouldn't be?

People come to me all the time and say they want something from the Government, and I say: Well, if you want something from Government, tell me where to take it from, because I am not going to borrow any more.

Where do you get the \$90 billion from? I have some suggestions. Do you know how many votes they get? About 10 or 15 people vote with me.

Let's not send it to Pakistan this year. They burn our flag. They put Christians in jail. They put in jail Dr. Afridi, the guy who helped us to find bin Laden. We finally got bin Laden, who had been living high on the hog a mile or two from a military academy. Everybody in the Pakistani Government probably knew he was there, and he lived uninterrupted. We finally got him when Dr. Shakil Afridi gave us information.

Do you know what Pakistan did to this doctor? He is in jail.

Do you know what they did with a Christian by the name of Asia Bibi? Pakistan has her on death row. She went to the well in a small village to draw water. As she was drawing water, the women in the village began stoning her and beating her with sticks. As she lay on the ground bleeding, everybody watched and gawked. She was crying out for help, and the police finally arrived, and she thought she had been saved—only to be arrested for being a Christian.

Yet we have given \$33 billion to Pakistan over the last decade—good money after bad. Almost everybody up here loves it. They just want more of your money to go to Pakistan, Saudi Arabia, China—you name it. They will send your money anywhere, and we have a country that needs it here.

Instead of nation-building abroad, why don't we build our country here at

home? Why don't we do some nation-building here at home?

We have \$90 billion that we need for emergency relief. Even as conservative as I am, I would say that we could probably find that. We are a great, rich country. We could probably rebuild, and the government can be a part of that. But you know what; why don't we quit sending it to Pakistan? Why don't we quit sending it to countries that burn our flag and chant "Death to America"? Why don't we keep that money at home? Why don't we say to the government, writ large, that they have to spend a little bit less?

Does anybody ever have less money this year than they had last year? Has anybody had a 1-percent pay cut? You deal with it.

That is what government needs—a 1-percent pay cut. If you take a 1-percent pay cut across the board, you have more than enough money to actually pay for the disaster relief, but nobody is going to do that because they are fiscally irresponsible.

Who are they? Republicans. Who are they? Democrats. Who are they? Virtually the whole body is careless and reckless with your money.

So the money will not be offset by cuts anywhere. The money will be added to the debt, and there will be a day of reckoning.

What is the day of reckoning? The day of reckoning may well be the collapse of the stock market. The day of reckoning may be the collapse of the dollar.

When it comes I can't tell you exactly, but I can tell you that it has happened repeatedly in history when countries ruin their currency, when countries become profligate spenders, when countries begin to believe that debt does not matter.

That is what this bill is about. But here is the confusion. Some at home would say: We just want them to co-operate. If they would just hold hands and sing "Kumbaya," everything would be fine.

Guess what. That is what you have.

You saw the leadership of both sides opposing me because they are now clasped hand in hand. Everybody is getting what they want. Everybody is getting more spending. The military, the right is getting more military spending, and the left is getting more welfare spending, and you are getting stuck with the bill—not even technically you. It is the next generation that is being stuck with the bill. Your grandkids are being stuck with the bill.

But mark my words: The stock market is jittery. The bond market is jittery. There is an undercurrent of unease amidst this euphoria you have seen in the stock market. A country cannot go on forever spending money this way, and what you are seeing is recklessness trying to be passed off as bipartisanship.

So we have gotten together. They are all holding hands, and there is only one bad guy standing in the way. One guy

is going to keep us here until 3 in the morning.

You know what? I think the country is worth a debate until 3 in the morning, frankly. I think it is worth a debate on whether or not we should borrow \$1 million a minute. I have been saying that for a few years: We borrow \$1 million a minute. I think that really brings it home. When we were talking about it with my staff today, they said: You know, it is almost \$2 million a minute now—\$2 million a minute.

Can you imagine that? This is exploding. This deficit is exploding. There isn't the alarm you should see.

Guess what. Every one of these people, you will see them come home to your State. You will see them come home, and they will tell you how earnest they are and how the deficit is bad, and Big Government spending is bad and we have to reduce waste.

It is dishonest. They are not doing anything about the waste. The waste has been out there for probably a half-century or more. Nothing has been done in the last 40 years for one precise reason: There is no oversight.

Do you realize that what they are passing is all of the money glommed together in one bill? No one will read the bill. No one knows what is in it. And there is no reform in the bill. That I can say with absolute certitude. No one will read it. There is no reform, and nothing gets better. The debt will grow.

When the Democrats are in power, Republicans appear to be the conservative party, but when Republicans are in power, it seems that there is no conservative party. You see, opposition seems to bring people together, and they know what they are not for. But, then, they get in power, and they decide: Hmm, we are just going to spend that money too. We are going to send that money to our friends this time.

The hypocrisy hangs in the air and chokes anyone with a sense of decency or intellectual honesty.

The right cries out: Our military is hollowed out—even though military spending has more than doubled since 2001.

The left is no better. Democrats don't oppose the military money as long as they can get some for themselves—as long as they can get some for their pet causes. The dirty little secret is that, by and large, both parties don't care about the debt.

The spending bill is 700 pages, and there will be no amendments. The debate, although it is somewhat inside baseball, is over my having a 15-minute debate, and they say: Woe is me; if you get one, everybody will want an amendment.

That would be called debate. That would be called an open process. That would be called concern for your country—enough to take a few minutes. They are like: But it is Thursday, and we like to be on vacation on Fridays.

So they clamor, but we have been sitting around all day. It is not like we

have had 100 amendments today and we are all worn out and we can't do one more. We are going to have zero amendments—zero, goose egg, no amendments.

So it is a binary choice. They love that word. It is a binary choice; take it or leave it.

You know what. I am going to leave it. I didn't come up here for this. I didn't leave my family throughout the week and travel up here to be a part of something that is so much inertia and so much status quo that they are not leading the country. They are just following along, and it is a big ball rolling down the hill, grabbing up your dollars as the boulder rolls down the hill, and it is going to crush us. But nobody has got the guts to stand up and say no.

Over the past 40 years, only 4 times have we actually done 12 individual department-of-government appropriations bills.

Have you heard of the Appropriations Committee? This is where the spending is. You have the Department of Defense, the Department of Commerce, and the Department of Health and Human Services. We are supposed to pass each individual bill. What would happen when we pass the bills is that they would go through committee and each committee would look and see: Well, this spending seems to be working. We are getting a great result, and we want some more next year. This spending appears to have been put in a closet and lit on fire. So next year we are not giving that to the person who put the \$10 million in the closet and lit it on fire. We are not going to give them any more money.

But guess what. That doesn't happen. So people keep putting your money in the closet and lighting it on fire.

You heard about FEMA, this emergency organization. You have heard about people without food. So there were 350 million meals they needed, I believe, for Puerto Rico—350 million meals. Do you know who got the contract? A person who had no employees.

Now, raise your hand—you are not allowed to, actually; but let's say, raise your hand in a figurative way—if you think it is a good idea to give a contract for 350 million meals to someone who has no employees and who is not already in this business. They just know how to fill out the forms in the Federal Government to trick us into giving them the contract.

They were woefully short, and there are still people waiting in line for meals. It is not compassion or no compassion. It is idiocy versus more idiocy. We gave the money to someone who doesn't even do this—350 million meals.

Over the past 40 years, 4 times have we actually done the right thing—passed 12 individual appropriations bills, bundled them together, had a budget, and done the right thing. There is no guarantee that everybody will be wise in their spending, but it has to be better. It can't be worse.

What do we do instead? It is called a continuing resolution. We glom all the

bills together in one bill, like we have done tonight—Republicans and Democrats clasp hands—and nobody is going to look at it. Nobody is going to reform the spending. As a consequence, wasteful spending is riddled throughout your government. Only four times in 40 years have we done the appropriations process the way we are supposed to.

Recently, they did a Pentagon study—the beginning of an audit—and they audited part of the Pentagon. This partial audit showed that \$800 million was misplaced or lost—just \$800 million. I don't think they actually put it in the closet and burned it, but they can't find it.

A while back they looked at some of the military expenditures, and they had \$29 billion worth of stuff they couldn't find. Overall, the audit found that over \$100 billion in waste was found at the Pentagon—\$100 billion. Well, their budget is like \$700 billion. So we are talking about a significant portion, over a 10-percent problem with figuring out our waste. It doesn't get any better because we don't vote on all these things individually, and we don't parse out the difference.

I will give you another example. In the Department of Defense—last year we found this out—spent \$45 million on a natural gas station in Afghanistan—\$45 million. It was projected to cost \$500,000—86-some-odd cost overruns to \$45 million.

So you are scratching your head and saying: Natural gas station, what is that? We don't have one in my town.

We don't have any in my town, either. They didn't have any in Afghanistan, but do you know what? They decided they needed to reduce the carbon footprint of Afghanistan. They would reduce the carbon footprint of Afghanistan. I thought the military's job was to kill the enemy. So is the military's job now to reduce their carbon footprint?

So they bought a \$45 million gas station that served up natural gas, and guess what they discovered. They kept waiting. There was a guy sitting next to the pump. He was sitting on a stool, and he was waiting for customers. No one ever came.

Someone said: Oh, my goodness, they don't have any cars that run on natural gas.

That would probably be the same if you came to my town in Kentucky. Almost no one has a natural gas car in America. They live in a primitive state in Afghanistan, and you are expecting them to have natural gas cars?

So they said: Well, gosh, we already built this \$45 million gas station, maybe we should buy them some cars. So they bought them some cars with your money. They paid for the gas station with your money, and now they bought them some cars with your money, but then the people still wouldn't come in because they said: We don't have any money.

They said: OK. Well, we got the gas station, and we have gotten you cars.

You need a credit card, so we gave them credit cards. So they have a U.S. credit card that you pay for, to take their natural gas car that you paid for, to go to a natural gas station because we are reducing the carbon footprint in Afghanistan. When did that become the job of the military? Why does that go on year after year after year, the waste?

(Mr. KENNEDY assumed the Chair.)

For 17 years, we have been trying to get the Pentagon to be audited. Do you know what their response has been? We are too big to be audited. How is that for your government? Your government is telling you they are too big to be audited and that scrutiny is just not your business.

Is it any wonder, really, that our debt is a \$20 trillion debt? Fifty years ago, William Proxmire was a Senator. He was a Democratic Senator—a conservative Democrat, in some ways. He began handing out something called the Golden Fleece Award, and we will talk about a few of them.

This is 50 years ago. The reason I want to point this out is, as you look at this and listen, you will find that some of the stuff we are doing today is just as bad as 50 years ago. Some of it is the same agencies. So you scratch your head and you ask: Fifty years? We have been through a couple of generations of politicians, and they are still not learning anything from finding this waste? Some of it is the budget process—the process that we pass these enormous bills that no one reads, that no one scrutinizes, and that do not reform the spending.

William Proxmire used to do his Golden Fleece Award, and I remember this as a kid in the early seventies. Here are a couple of things he pointed out, and this is sort of some of his best.

The National Science Foundation spent \$84,000 trying to find out why people fall in love. Now, there is something that sounds like a really worthwhile science project with a real specific answer. I think the conclusion was, they are not exactly sure.

The National Science Foundation, which you will see is a recurring theme in bad and wasteful spending, also spent about \$500,000 to try to determine why rats, monkeys, and humans bite and why they clench their jaws. Well, now, you could say that is really important. Maybe we will discover something from that or you could say, when we are running a deficit, and we are borrowing the money, maybe some of these things, it may not be the most worthwhile to borrow the money for them.

This is a good one. This is from the early seventies. The Federal Aviation Administration spent \$57,000 studying the body measurements of what they called in those days airline stewardesses. These were trainees, and it was for the purpose of purchasing their safety equipment. Someone got \$50,000 to measure the body measurements of airline stewardesses.

The Administrator of the Federal Energy Administration—this is still from William Proxmire 50 years ago—spent millions of dollars to find out if drunk fish are more aggressive than sober fish. I am not going to tell you the answer. I am going to let you ponder that one. Do you think drunk fish are more aggressive than sober fish?

This is your government, this is your money, and this is the debt you are handing down to your kids and grandkids—and this was 50 years ago. So now we will get into some of the things we have been doing more recently.

We do a waste report where we point out some of these things, and every week we have a new one. I will say, if you want to look at our waste report, we have that, I believe, on our Facebook and on our website.

This is one of my favorites. Do you remember when Neil Armstrong landed on the Moon? He said: “[O]ne small step for man, one giant leap for mankind.” Some people think he said: “One small step for a man, one giant leap. . . .” So there has been some very heated discussion over whether he said “one step for man” or “one step for a man”—the preposition “a.” Did he or did he not use the preposition “a”?

So your government, in their infinite wisdom, took \$700,000, which, by the way, was supposed to go to autism research, and they decided to study Neil Armstrong’s statement. So somebody at some university decided to play the tape over and over to see what he said, and \$700,000 later, they couldn’t decide. You know, inquiring minds want to know, but we still don’t know. Did he say “a man” or did he say “man”?

This is the same kind of stuff you were seeing with William Proxmire 50 years ago, but this is last year. I think it is the same group—the National Science Foundation. I think I am probably going to get some hate mail from them.

This is \$850,000, and we call this one the Game of Waste. You think, when we are spending money in Afghanistan, well, surely it is to kill the enemy. Sometimes it is building bridges, and sometimes it is building roads—stuff we don’t do in our country anymore. This one was \$850,000 for the development of a televised cricket league. Since self-esteem is important, we want the Afghans to feel good about themselves, and we want them to be able to watch the national sport on TV. So we spent \$850,000 to get it televised, but the only thing we didn’t reckon is, it was kind of like the natural gas car—they didn’t have TVs. I don’t know if we are in the process now of buying them TVs, but we did spend \$850,000 of your money to get a televised cricket league for those people in Afghanistan.

This is a good one. Everybody likes to take a selfie, right? If you don’t do them, your kids will do them, your grandkids will do them. This was a study of \$500,000 to see if taking selfies

makes you happy. Whether you are smiling or you are frowning and you look at yourself in the picture, does it make you happy? Now, inquiring minds want to know. If you want to study that, good for you. Go get somebody to voluntarily give you some money to study that. All right? I really would like to watch you going around the neighborhood knocking on doors asking for money to study whether selfies make you happy.

This stuff has been going on for 40 years. Why don’t we root this out and stop it? Well, one, they will come to you all high and mighty, and they will say: But, sir, it is science, and you are just a layperson and don’t understand how important selfies could be, and you aren’t qualified to talk about selfies because you don’t know about happiness. We have experts in happiness that can tell that we could make the world happy again. We could all be happy if we had more selfies. So it goes on. They give us this scientific mumbo jumbo that somehow we are not smart enough to have common sense enough to know what we should be spending money on, but this goes on decade after decade.

School lunch program. You might say: Well, we need to help those who can’t buy a school lunch, so we have a school lunch program, except for what we discovered was \$158 million of Federal money was given to the Los Angeles School District, and it turns out they were buying things other than lunches because nobody was watching them. Nobody was auditing the program. Nobody was doing the individual appropriations bills. They were passing—clasp hands together—continuing resolutions, where nobody looks at it: 700 pages and nobody reads it. When nobody reads it, they buy sprinklers and buy things for themselves like new televisions for the faculty to watch. It is \$158 million that was not spent on school lunches but was wasted and spent on other items.

Everybody has heard about climate change. There are some undertones and overtones of politics in climate change. In case you haven’t heard of climate change, the people who want you to hear about climate change want to spend some of your money to make sure you are listening to them about climate change, so they spent \$450,000 on a video game. This is also the National Science Foundation. So a whole new generation will be able to play this video game on climate change, complete with great graphics. We have this game that your kids can play on climate change. It is just one thing after another.

All right. You may have been on this one if you are in Washington. This one we call a Streetcar Named Waste. There is a streetcar over here a few blocks on H Street, and they spent \$1.6 million on it. I think they had already spent more on it before that, but they spent an additional—it goes a mile. It goes from nowhere to nowhere. You get

on, and there is nobody on it, and it just cost a fortune. You could walk from one end to the other in about the same time it takes you to go on the subway or on this tramway.

You have to ask yourself, when you see this government spending, would you give money to this? I ask this question often when I am home. I ask people: If you had \$100 you were going to give because you wanted to help people, would you give it to the Salvation Army or the Federal Government that spends \$1.6 million on a streetcar that goes from nowhere to nowhere and no one rides?

So I talked about whether we should be spending the money somewhere else or here. This is \$250,000 that was spent on bringing 24 kids from Pakistan to Space Camp and to Dollywood. You can say: Well, that is good relations. Now we are going to have good relations with Pakistan. They are no longer going to kill Christians and put them in jail or burn our flag—maybe. I am not against interaction. In fact, if this were some kind of privately funded group that wanted to have some money to have interaction between us and Pakistan, I would probably be all for it. First, the pricetag is a little scary to me—\$250,000 for 24 kids. I represent a lot of people in Kentucky who don’t have the money to drive down to Huntsville and go to Space Camp with their kids, so really should we not sort of readjust our priorities and start thinking, do we need to take care of ours at home here before we start shipping our money overseas or do we really need to think about can we afford to just keep borrowing money for projects like this?

This is the Department of Defense, and this I think we referred to earlier. This was \$29 million worth of heavy equipment that they lost—can’t find it in Afghanistan. It is even worse than that. See, they lost that, but we also made the decision, as we were downgrading the war in Afghanistan after the last surge we did in Afghanistan, that we didn’t want the other side to have our stuff so we blew up a lot of our own stuff. We blew up billions of dollars’ worth of humvees, tanks, you name it. When they were looking and counting it up, they found \$29 million worth that they couldn’t find. If you really think about it, and you are thinking, how could we have more money for both our national defense, and how could we have more money for infrastructure—you hear people talk about infrastructure. People want to build roads. Republicans and Democrats want to build roads, but guess what. There is no money. We are a trillion dollars short this year because we passed these—clasp hands—spend whatever the hell you can find, whatever is not tied down, spend it and give it away. Both sides spend it like there is no tomorrow.

If you ask: How could we change our government? Where would there be some money that we could actually

save? Well, really, some of it is in our foreign policy. We do not have enough probably for our military to be involved in seven wars. We might have enough to be involved in maybe three or two or one or maybe we should not be involved in any of the ones we are involved in at this point.

The thing is, we said after 9/11 that we are going to go after those who attacked us, those who aided the attackers and those who abetted them or supported them. They are all dead. We killed them all. That is good. We should declare victory and come home from Afghanistan.

Right now, we are over there nation-building. Why do we have trouble with nation-building? I will give you a story from a Navy SEAL I met a couple of years ago. He had been in 19 years. He was a tough guy, like they all are, and he said: Do you know what? We can go anywhere. We can kill any of our enemies. We can do whatever you ask us to do, but, he said, the mistake is when the politicians tell us to plant the flag and create a country. We are just not very good at it.

Most of our military don't want to be policemen. They don't want to create countries. They would just as soon kill the enemy and come back home to their family, but we kill the enemy, and then we stay and we stay and we stay, and we build them schools, we build them roads. There are some schools that have been built four or five times and blown up four or five times by the Taliban. It is terrible that the Taliban doesn't want girls to go to school. It is terrible that the Taliban would do this, but don't the people who live there have some responsibility, after we have given them a trillion dollars, to do something for themselves? Will people do something for themselves if you keep doing it for them? So really there has to come a time when we come home. We spend \$50 billion a year in Afghanistan. Our mission is over, and we should come home.

It is \$50 billion a year that could be spent on infrastructure, if you wanted to do that, or in maybe not having a trillion-dollar debt next year or deficit next year.

We are in a bunch of different places though. When the soldiers were killed in Niger not too long ago, a country in Africa, many people didn't even know where the country was, much less that we had 800 troops there. You say: Well, it is only 800; it is not that many. Well, the problem is, 800 sometimes becomes 8,000, and it sometimes then becomes 80,000 because when we get in the middle of a civil war and some of our guys get killed, we are like, well, gosh, we have to do more, not less. Nobody wants to come home after people have been killed. They want to go in and punish the enemy. I don't know who the good people are in Niger or who the bad people are and what they are fighting about. So I think sometimes it is very unclear who the good guys and bad guys are.

We have been involved in the Syrian civil war for a long time, and we aided a group of people who many up here call the moderate Syrian rebels. Well, it turns out the moderate Syrian rebels were jihadists often. They hated Israel. The only people they hated about as much as Israel was us. We gave anti-tank weapons to one group, and the leader of the group, within a week of getting our anti-tank weapons, said—we wanted them to fight ISIS—they said: The hell with ISIS. We want to attack Assad. When we are done with Assad, we want to attack Israel and get the Golan Heights back.

These are the people we gave weapons to. We poured hundreds of tons of weapons in there. There are a lot of weapons running through Qatar, running through the United Arab Emirates, running through Saudi Arabia—we just poured it in there. A lot of them wound up in the wrong hands. We kept supporting these moderate fighters who didn't fight. We spent \$250 million training 10 of them. We trained 10 fighters for \$250 million. We sent them into battle, and they were captured in the first 30 minutes.

Guess what happened recently. I will give President Trump some credit for this. They decided to ally with whoever was fighting the best over there. It turned out the Kurds were, both the Syrian Kurds and the Kurds who live in Iraq, and they did fight. Now the question is—Turkey is unhappy with that, so we will throw the Kurds under the bus in favor of Turkey, which has a leader who has no use for us at this point either. It is very confusing who the enemy is and who our friends are. It is also very expensive. We have to defend ourselves, and we may occasionally have to attack the enemy overseas.

The thing is, if we go and stay for decade after decade—in Iraq, we didn't stay long enough. How long is long enough? Is it 100 years, 200 years—forever? They don't see us as we said they were going to treat us—as liberators. They see us as occupiers.

Afghanistan has hated every country that has come in there. They didn't like the Russians occupying them. They didn't like the British occupying them. They don't like us there.

There was a movie not too long ago with a depiction in a scene where they were in a village and freed the village. The general was telling them: You are free. You are free. The elders of the village gathered and said: Will you leave now?

They realized that wasn't the end. Eventually, the Americans would leave, and when they left, the Taliban would come back.

We have to rethink: Are we going to be at war forever? Can we afford it?

Maybe we have to think about whether or not we should do nation building here at home and not always abroad. We have to think about the unintended consequences of what we do as well. I will give you an example of

that. We recently signed a deal to give Saudi Arabia \$350 billion worth of military equipment. Currently, Saudi Arabia is using that equipment to encircle and blockade Yemen, the country next to them. Yemen is a very poor country. They import about 80 percent of their food. This is one of the poorest countries on the planet, and currently 17 million people live on the edge of starvation. But people convinced themselves that, well, there are some Shia who are supported by Iran, and we don't want Iran there, so we have to support the Sunnis.

Does anyone remember who attacked us on 9/11? It wasn't the Shia; it was the Sunnis. Most of the radical jihadists, the ones who have been trying to get into our country—in fact, I don't know of any Shia terrorists who have been here, to tell you the truth. We have had plenty of Sunni terrorists. All 16 of the hijackers were from Saudi Arabia. We just released documents last year, the missing pages of the Saudi Arabia investigation with the 9/11 Commission, which show there is a possibility they were complicit in those things. They are not exactly a free country. They are a monarchy that could actually have power to consume and concentrate, in one person's hands, more and more.

We have to decide what wars we need to be involved in. Our Founders were very clear about this. Our Founders didn't like war, by the way. Our Founders had seen virtually perpetual war in Europe. Everybody was always fighting somebody, and it went on even after founding our country—cousins fighting cousins, fathers fighting brothers, brothers fighting brothers; everybody was related. All the royal families of Europe were related and always fighting with each other. They didn't do the fighting. They sent the common man to do the fighting.

So when we got to our country, we said: We have these oceans; enough of that. We want less war. One of the things they included in the Constitution was a very specific provision that said: When we go to war, we have to declare war. It has to be passed by Congress.

There was a debate over whether that power should be in Congress or should be in the hands of the President. Madison said that the executive, the President, is the branch most prone to war; therefore, with steady care, we gave that power to the legislature. War is supposed to be determined by us—ultimately, by us as representatives of you.

It doesn't happen that way. It hasn't happened that way in a long time. Why are we at war in seven different places? We don't vote on it. We haven't voted on anything, really, since the proclamation of the Iraq war, which I think was a mistake, but we at least voted on it in 2002.

We voted in 2001 to go into Afghanistan for those who attacked us. We haven't voted on anything since. They

said that the 2001 proclamation gives us the power to go anywhere. Most people fighting weren't even born and have nothing to do with 9/11 or Afghanistan. Yet we are in a perpetual war, and we haven't voted on it.

Once again, it is the process that is broken, like the budget. We have extraordinary waste, and your money gets burned and put in a closet and thrown down a waste hole. We don't do the right process of following your money.

War is somewhat the same way. We get involved in war in too many places because we don't have a vigorous debate.

When we go to war, I tell people that should be the most important decision we ever make—the most important decision a legislator ever makes. It should be a profound, moral, and personal decision, as if your kids were going or as if you were going. It should be a heartfelt debate, and everybody should speak out, and we should try to figure out whether it is right to go to war.

Interestingly, when we have been attacked, we have been nearly unanimous. When we were attacked at Pearl Harbor, they voted. One person opposed it, and everybody else voted for it. When we were attacked on 9/11, it was the same thing. I would have voted for that response. We should have responded. That was the right thing. We voted and did the right thing.

Since then, we are now at war everywhere, in countries most of us haven't heard of, fighting on one side or the other, and we don't even know what we are fighting for. It costs an extraordinary amount of money, but we are not voting on it. Maybe if we did the right thing—maybe if we passed the appropriations bills, maybe if we voted on war—we wouldn't be in so many places. They are all interconnected because they are intersected to the shortness we have in money.

The last thing I will get to is something called the debt ceiling. The debt ceiling is something that has been a limitation on how much we spend, and we have to vote on it. It is an unpleasant vote. They try to do it for a long period of time or try to stretch it beyond elections. So this 700-page bill, which no one read, which will continue all spending and will not reform your government and is irresponsible, and which we will pass later tonight—that 700-page bill also allows the debt ceiling to go up. Historically, we would let the debt ceiling—our borrowing limit—go up a dollar amount. We would say: We have to borrow money, and it looks as if we will need a trillion dollars. Do you know how they do it now? Like everything else, we break the rules, and somehow there is a little bit of deviousness to it. The debt ceiling will go up in an unspecified amount. As much as you can borrow between now and November, go for it. So there is no limitation; the debt ceiling becomes not a limitation at all. They are still taking

the vote—although maybe they don't want to vote on it anymore; they want it just to happen.

They say: Well, you voted for the spending. I personally think the more obstacles we have in place to spending money we don't have, the better we would be.

The debt ceiling will go up in an unspecified amount that will be a credit card that has no limits, issued to the United States. This is a problem. Everything about this process stinks, to tell you the truth.

The media doesn't get it. The media does you such a disservice. They can't understand what is going on sometimes. They say: Bipartisanship has broken out. Hallelujah. Republicans and Democrats are getting along.

In reality, they should be telling you: Look for your wallet. Check your pants to make sure they haven't taken your wallet.

When both parties are happy and both parties are getting together and doing stuff, guess what. They are usually looting the Treasury. That is what this bill does. It is going to loot the Treasury. It spends money we don't have. We will have a trillion-dollar deficit this year.

What I would say to my Republican colleagues—you don't see them here; I am not sure where they are. What I would say to my Republican colleagues is: I know every one of you. I have seen your speeches. I saw every one of you go after President Obama. Was that all empty partisanship? Do you not really believe it? I promise you, every one of them went home—and probably will go home next week and say how they are fiscally conservative and against the debt, and almost all will vote for this new debt. Almost all will vote for a trillion-dollar debt in 1 year, and every Republican, at least, was against President Obama's debt.

At least the Democrats are honest. They are not too concerned about the debt. They are sometimes concerned about the debt when it comes to taxes because they don't want people to keep more of their own money. They are afraid somehow of the imbalance of that.

The thing is, we do have to watch the balance of money—how much comes in and goes out. Some have said: How can you be a deficit hawk if you voted for the tax cut? One, because I think you own your labor. You own the fruits of your labor. You own all of it. You give up some of your labor to live in a civilized world. My question to you is—everything you make, everything you own, everything that comes from the sweat of your brow and work of your hands is yours. If you give up some, you are giving up your liberty. You give up a little bit of your liberty, you give up a little bit of your wages to live in a civilized world, to have law and order and have some government. I am OK with that.

I ask you: Do you want to give up more or less? Do you want to give up

100 percent of your paycheck or give up 10 percent of your paycheck?

We should always be about minimizing government. Taxes really are about how much of your liberty you get to keep—how much of your liberty to continue spending your own money.

The other side of the ledger is spending. Are we going to have some government spending? Yes. The Constitution laid out very specific requirements for what was allowed. Article I, section 8 says what Congress can do. They are very few and limited. Yet what happened over time is that we began doing a lot of things that aren't there.

What they said in the Bill of Rights was pretty important, though, in the Ninth and Tenth Amendment. The Ninth Amendment says that those rights not listed are still yours and not to be disparaged. So the Bill of Rights was not a complete listing of your rights. You have many other rights—such as the right to privacy and the right to property—that aren't exactly spelled out in the first eight amendments.

The Tenth Amendment said something important too. It said that if the Constitution didn't explicitly give that power to the Federal Government, it is left to the States and people respectively. This is the other reason for our debt. There are checks and balances within the process. We are supposed to do appropriations bills and all of that. That might or might not work. It can't be any worse than what we are doing now.

The real check and balance is the Constitution. The Constitution has these limits on how big government can get and what government can do. If we obeyed the Constitution, we would have a balanced budget every year. If we had a balanced budget every year, would there still be things the government does? Sure.

We have to assess as a people and we have to decide—and really, this is the ultimate decision the American people have to make. Are you going to cheer for the Republicans and Democrats holding hands and having a trillion-dollar deficit or are you going to say to yourself: I am suspicious that the Republicans and Democrats are clapping hands and giving us a trillion-dollar deficit. Is it a good thing? Are we so excited about civility that we don't care what the result of civility is? Or are we really sort of misguided in thinking that people aren't yelling at each other and they have bridged their differences, but the compromise means we are all going to spend more money, we are going to ignore the Constitution, the waste is going to continue, and nothing will be fixed. Are we so sold on civility that we are willing to give up on it and say: Well, at least we are getting along together. As long as we are getting along, that is all we want.

I think we are smarter than that. I think the American people are more perceptive. I think, in the end, the American people will see through this.

I think they are going to see it as the future unfolds and as the stock market continues to be jittery. I think they are going to see it as we move forward and the ramifications of having so much debt come home.

There could be higher interest rates. Those affect not only you personally but also the massive government programs we have—Social Security and Medicare. The borrowing we do for our interest is one of the larger items. I think it is the third largest item we spend right now. As interest payments grow, they crowd out other things. Right now, we are still paying government interest in the low 2 percent or a little bit more. Imagine what happens when it is 5 percent. Even if interest stays at 2 percent, because government is growing and we have a bigger debt, we will have an \$800 billion interest payment. It will be the No. 1 one item. It will crowd out everything else.

There are ramifications. There are people who say that when you are at a 100 percent of your GDP—when your whole economy equals your debt, you are at the precipice, at the point where you may reach a point of no return.

There are ways we can fix this. Later this year, I will offer a budget that freezes spending. You say: Well, how bad could that be? We will give government the same amount they had last year. If we freeze all spending—I mean everything we spend money on—we would balance the budget within about 5 or 6 years, and we would get things back in balance if we did it.

If you talked to people up here, they would freak out. I promise you, we will get 10 or 15 votes for freezing spending to try to get it back in order.

This is what we have to ask as American people: Are you happy with your government? Are you happy with a trillion-dollar deficit? Are you happy with people who just don't seem to care? Somehow they care more about this clasping of hands and everybody getting everything, and then they get to go home for the weekend.

I think the ramifications for our country are severe and significant.

What I would ask my colleagues, as well as those across the country, is basically this: What do you want from government? Do you want some physical item? Is government here so someone can get you something and give you some physical item, such as a cell phone or a car? Is that what government is for, or is government here to preserve your liberty?

Most of us—or I would say some of us—believe that your rights are from God, that they preexist government, and that government's job is not to get you stuff; government's job is not to get somebody else's stuff for you; government's job is to preserve your liberty, to preserve our natural, God-given rights. In doing that, through your liberty or through your hard work, you may acquire stuff, and the government helps to prevent your neighbor from stealing it, but your

government shouldn't be the one stealing it from your neighbor and giving it to you.

Besides, we look at the ramifications of a society where we do think that we are going to take from one and give it to another, and we are going to do it through this government transfer program, and we look at that and ask: Is that good for a person?

A good friend of mine talks a lot about self-esteem, and I like the way he puts it. He says that self-esteem cannot be given to you. People say: Well, we need to have—everybody gets a trophy, everybody gets first place, and whether or not Johnny can read, we need to pat him on the back and make sure he feels good about whether he can read or not read. In reality, the only self-esteem you can get is from achievement.

Some people say: Oh, that is easy to say if you have achieved or done something. But you can have achievement at anything. It is a little bit akin to this talk we have had about the merits of immigration. There is merit to hard work, like picking tomatoes. There is merit to being a doctor, a lawyer, or a professor. There is merit to so many jobs, and that is also where your self-esteem comes from.

One of the things we are doing in our country is we are destroying the self-esteem and motivation of the country. What goes along with that? When we have destroyed your self-esteem, you no longer leave your house, weight problems, drug problems, and all of the things that ensue from that. People say: Oh, you are simplifying addiction; it doesn't all come from Big Government. Maybe. Maybe not. But I think there is a correlation to not working and the disease that comes from non-work.

You say: You are heartless. You are just saying that everybody should work, and there are not jobs. There is virtually full employment now. We have less than 4 percent unemployment. Yet, the way we measure it, we still have communities that have 30 percent nonworkers because they are no longer counted. This is where a lot of the problem exists in our society. A lot of the drug problem is coming from nonworkers.

So I think we have to reflect on what we want from government. Do you want something material from government? Do you want government to give you something that your neighbor has that you don't have, or do you want government to protect your God-given liberty?

I think that if we realize that the abstraction of liberty is something amazing and incredible and that is what our government is about, maybe we would bicker less and we would become more unified as a people, knowing that what you are trying to get is not something—they talk about whether coveting something is a bad thing. When you covet or you really want something of somebody else's, some of it is

because it is somebody else's, but some of it is because it is a material thing you want instead of sort of the freedom to search and seek out, through work and through life and through art and through literature, your own bit of self-esteem.

I think that if we knew what government was about and we recognized the true function of government, we wouldn't be in this state. I can tell you that I am very, very saddened by where we are. I am saddened mostly by the debate on my side. I have disagreements with the other side, but I know where they are as far as these issues are concerned. I am saddened that on my side, many people who give lip-service to believing and saying they are fiscal conservatives will vote for a bill that adds \$1 trillion to the debt. I think that if we were really honest with ourselves, we would say no.

They say: The government will shut down.

I don't want the government to shut down. I think it is a dumb idea. In fact, I proposed legislation called the Government Shutdown Protection Act. What my legislation would do is this: You have a year to do your appropriations bills. There are 12 different units of government, and that is your job. How do we make these people do their job if they won't do their job? What we say is that over this 12-month period, if you don't do your job, government will continue spending, but government will continue spending 1 percent less. So government would go on spending 99 percent of what they spent the last year, but every 90 days, we would take 1 more percent from government until the people in government decide to do their job.

I see some Members of the House did their job last year; they passed all 12 appropriations bills. Yet the Senate I think finally, in the end, passed one, 4 or 5 months into the fiscal year.

So I think if we look at it that way and say "How can we convince Congress to do its job?" that is part of the answer: passing the individual appropriations bills but also evaluating them for waste and being concerned with waste.

Probably equally important is understanding that the function of government, the powers of government are few, defined, and limited. That was a big thing that Madison talked about. When you read the Federalist Papers, he is talking about how there are very specific functions of government. Government wasn't supposed to do everything. There is nothing in the Constitution about education. You say: Oh my God, he would get the Federal Government out of the education system? Absolutely. Get them completely out. The Constitution said nothing about them being in it, and we don't have the money for it, and the State governments are better at it. I am not saying the State government can't be involved, but the Federal Government

shouldn't be involved at all in education. As a consequence of government, it gets bigger and bigger.

We take on new functions of government that really were never spelled out in the Constitution. The Department of Commerce—it could be gone, and you would never know it, probably. It could be gone and we would save \$35 million. And most of its functions are not in the Constitution.

We have to have some of that debate over what is the proper role, what is the constitutional role. How will we have that debate if we are not allowed to amend the bill? If we are given a 700-page bill the night before, nobody reads it, and they say it is done, it is a binary choice—their favorite word—binary choice, take it or leave it. I am leaving it. I could not go home and look my wife in the face; I could not go home and look my friends in the face; I could not go home and look in the faces of anybody who voted for me and say: Oh yeah, you know, President Obama, he was terrible. He had trillion-dollar deficits as far as the eye can see. But the Republican deficits are not quite as bad because they are just \$1 trillion.

That is what we are doing here. The Republican side is telling America that trillion-dollar deficits are bad when they are Democrats, but they are OK when they are Republicans. So they are telling you that deficits are bad when the other guys do it but not so bad when we do it. This is the height of hypocrisy.

This is sort of maybe the uncomfortableness that this debate engenders. If having this debate is uncomfortable, this is maybe why we don't have amendments. It is sort of backfiring because I am going to talk about this for quite a while, and we are going to vote at three in the morning because they wouldn't let me have a vote during the day, and I probably won't get a vote. I think it is misguided. We should have had 20 votes. There are votes Democrats wanted that I probably would disagree with, that I would have voted no on, but I would have voted to let them have amendments.

This is a big deal. This is our spending. This is what the Congress is supposed to do, assess our spending and how much we spend. Yet we are not going to have amendments to it. It is predecided by some secret cabal of leadership from both sides who have now clasped hands to say: We have won. The country has won. We now have a \$1 trillion deficit this year.

The American people are losing by this, so I think we have to figure out a better way. We have to figure out a way where we do our job, which is that for each of the individual appropriations bills, we look at them and we scrutinize waste.

I showed you some of the William Proxmire Golden Fleece Awards from 1968, and the same agency that has been wasting that money is still here.

We haven't limited their budget. Their budget is probably tenfold bigger than it was in 1968, and we are still doing the crazy stuff.

Actually, let's do the one I can't resist. Here is a good one from the same group of people who brought you Neil Armstrong and \$700,000 to study. What did he say? One small step for man, one large step for mankind. These people—they one-up even Neil Armstrong. They wanted to know whether Japanese quail are more sexually promiscuous on cocaine. Inquiring minds want to know.

The thing is, I think we—I wish that there were a button and that we could ask people to just sort of dial in and push a button. Do you think Japanese quail are more promiscuous on cocaine? We spent \$356,000 studying this. This is the craziness.

Why do we do this every year? Why isn't it getting better? We don't look at it. So if you have a 700-page bill and nobody ever looks at it, how are we going to find this? Even in an appropriations bill—if we did an appropriations bill that included this, it would still be 500 pages long and you would have to hunt long and hard to find this. Why do we have conditions on how you spend your money? Because we don't look at it. Nobody reads any of these bills. We don't do individual bills.

People come to my office and say: I am for legal aid, and I think people should be able to have a lawyer, and poor people should get help. I listen to them, and I say: Well, you know, I have never voted on that, and I probably won't ever vote on that. I won't even vote on the department of government that oversees legal aid because I am given a 700-page bill that has all of the government spending.

What is ironic about this is that we have dozens and dozens of people who come to our office every day saying: We like this part of government. I say: Well, I never get to vote on it, so I don't know if I can help you or hurt you because I never get to vote on that part of government. They make me vote on all of government, so it is either all or none. The binary choice is shut it down or keep it open, but don't reform it. I think that is a terrible choice.

I did a hearing this week and I called it "The Terrible, Rotten, No-Good Way to Run Your Government." That is what I believe. It is a terrible, rotten, no-good way to run your government, and we shouldn't do it.

I will tell you this. This is a secret. So don't tell anyone. I have talked to probably 50 Senators in the last 3 weeks, and most of them say: I kind of agree with you. It is a really crummy way. This is the last time I am voting for it.

Didn't you tell me that last year and the year before, that this is your last CR, that you were never going to vote for another one?

Do you know what would happen? Let's say that this speech was so per-

suasive that all of my colleagues came in here and got a conscience and voted down the spending and said: Hooey with all of you; we are not going to spend all that money. The government would shut down over the weekend. We would come back on Monday and do our job. We would start looking at each thing individually, and we would say that these are things we shouldn't spend it on and these are things we should, and we would begin that process.

The other thing is, if you pass one appropriations bill, then you don't have to worry about that part. That is more than one-twelfth of government; it is probably about a third of the government. You passed that, so then you don't have to worry about shutting down. Each time you pass an appropriations bill, you move on to another. We have to do that.

I think the thing that is disappointing to probably everybody in here, Republican and Democrat—they will tell you: Oh, it is a terrible way to run the government. Yet we are doing it. We did it a week ago, we did it 3 weeks ago, and we did it a month ago. This is the fourth time we have done it this year. Since I have been here, we have never passed all of the appropriations bills. We have never had extended debate in committees.

I was thinking about this the other day. I was thinking, what if the first day you got sworn in, the leadership sat in the chair, and all 100 people were required to be here or requested strongly to be here, and we had a frank discussion, and we said to both sides: This is the year we are not doing any continuing resolutions. Guess what—it will just shut down if we don't, but we are going to do our job. In the first 3 months of the fiscal year, we are going to have hearings, and the main job will be to authorize and appropriate the money—3 months for each committee. That is a pretty long time, actually. Then maybe spend a whole week or 2 weeks in the committee with amendments for specific things like, we have decided this year not to study what cocaine does for Japanese quail, so this would be the year we finally stop doing that. You would have that debate, 3 months on committees, and 9 months left to do the spending bills.

Then, if you were sitting in the chair, you would say: This is the way we are going to do it. And each appropriations bill—we are going to take 3 weeks on the floor to do it—3 weeks. We are not going to putter around, obfuscate, and not have any amendments.

One reason we are going to send this over to the House at midnight is that we are hoping they are too tired to vote no. So we are going to send it over late tonight or at 3 in the morning, but it is purposefully done. We don't do amendments. We don't do anything in a timely fashion. We wait around until the very end, and at the very end, we are trying to wear people out so there isn't sufficient energy to really scrutinize your government and its spending.

We have had all week; we could have done all this.

But let's say we did committee hearings for 3 months, and then for 9 months—the rest of the fiscal year—we did the appropriations bills, and then we spent 3 weeks on the floor and let people bring amendments. My first amendment would be that the National Science Foundation would no longer be able to do most of the stuff they do. The only way you do this is by giving them less money—maybe half as much; I don't know, 25 percent of what they get—a lot less, because they are spending a lot of it on things they shouldn't be doing.

This goes on throughout government. We have the same debate all the time. We had this debate with the post office. They are losing \$1 billion a quarter. That is quite a bit of money. They came before our committee and said we need to pay them sufficiently. You can't have good-quality people unless you pay them. They pay the top guy like \$1 million, \$1.5 million to keep talent? How much talent does it take to lose \$1 billion a quarter? I can lose half a billion for \$500,000 a year. So it is the ridiculous notion of government.

Sometimes I wonder, are people in government—is government inherently stupid or populated by people who are inherently stupid? I don't think so. I think there are well-meaning people in government, so they are not inherently stupid, but they don't give the right or proper incentives.

Think about it in your life. If I were to ask you for \$10,000 each and say “I have this business proposition; will you give me \$10,000?” you are going to think long and hard about what you had to do to get the \$10,000. And if you give it to me, you are probably going to have a little pang inside, hoping that I pay dividends to you and that you get your money back. But it is really a heartfelt decision. It doesn't make it always the right decision, but it is a heartfelt decision, and you really struggle with every fiber of your being to make sure you made the right choice, even though it is not always going to be right.

In government, imagine your city council person, \$10,000—it is not their money. Then imagine that you go to the State legislature, and it is not \$10,000, it is \$2 million. Then imagine you get up here, and it is now \$2 billion or maybe \$200 billion. It is not their money.

So when we look at government and ask why government is so bad, Milton Friedman hit the nail on the head. Milton Friedman said: “Nobody spends somebody else's money as wisely as he spends his own.” That is the truth of it, and that is the way government is. Government will never be efficient because of the very nature of government. It is not an argument for no government, but it is an argument for minimizing how big government is.

Government should never be involved in something that somebody else is al-

ready doing, that the private sector can do, because government will never be as efficient because nobody spends somebody else's money as wisely as they spend their own. This actually goes hand in hand with what the Founders thought. The Founders thought people ought to be left free to do most things themselves, so they very significantly limited what the Federal Government is supposed to do.

So as we move forward in this debate and as we look at what can be done to bring back the greatness of this country, I think we do have to be worried about the debt we are accumulating. My hope is that both sides of the aisle will look long and hard and say that this isn't the way we should run our government—not just say this and say “next time” but maybe say “this time.”

I promise you, both sides of the aisle have told me this week: It is a terrible way to run government; you are exactly right. Continuing resolutions, putting all the spending in one bill, not reading it, having no analysis, and not getting rid of the waste, is a terrible way to run the government. But almost everybody who told me that this week is going to vote for this.

So the only way this ever gets fixed is to call these people and convince them they need to do their job, which is do the individual appropriations bills. They need to pay attention to the Constitution, or, frankly, you need new people. That is what the American people have to decide: Do you need new people, or are you happy with them borrowing \$1 trillion?

I think it is completely and utterly irresponsible and something no American family would do. I don't care whether you are a Democrat, a Republican, or an Independent, no American family lives the way your government does. It is completely and utterly irresponsible.

As we look at this debate, my hope is that both sides will come together and say: Enough is enough. This is the time—tonight—I say no.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, please inform me when 10 minutes has expired.

I rise tonight to let the military know that we may have a short night in the Senate, but you are going have better days ahead. This whole exercise, for me, is about you. It is about those who have been fighting this war for the last 17 years. It is about stopping the madness created by the Congress in 2011.

What we did in 2011 was we came up with a budget proposal called sequestration. If we could not find a bipartisan path forward to cut \$1.2 trillion in the Federal budget over a decade, we would punish the military by taking \$600 billion out of the military and \$600 billion out of nondefense spending and leave entitlements alone. Nobody

thought it would happen. There was a penalty clause in the Budget Control Act to make sure that the supercommittee would act responsibly. Guess what. They didn't. There is no use blaming them over everybody else. The bottom line is, we couldn't reach a budget agreement. We spent \$47 trillion over the next 10 years, which is how much we will spend. We couldn't save \$1.2 trillion, so sequestration kicked in.

What has it done to our military? This is what General Mattis, the Secretary of Defense, said:

Let me be clear: As hard as the last 16 years of war have been on our military, no enemy in the field has done as much harm to the readiness of U.S. military than the combined impact of the Budget Control Act's defense spending caps, worsened by operating for 10 of the last 11 years under continuing resolutions of varied and unpredictable duration.

This is the Secretary of Defense telling the Congress that no enemy on the battlefield has done more damage to our military than the budget agreement that we reached in 2011.

I want to congratulate President Trump for keeping his campaign promise to rebuild the military.

In case you couldn't understand what I said, here it is in writing. Spend some time looking at it. This is one of the most respected warriors of his generation, who is now Secretary of Defense, telling the Congress to end the madness. Tonight we are going to end the madness. If we have to lose some sleep, we are going to end the madness.

We are going to spend \$160 billion over the next 2 years rebuilding a military that has been in decline since 2011. How bad is it? It is terrible. If you don't believe me, just listen to what our commanders say. About 60 percent of the F-18s in the Navy aren't able to fly. We have lost more people in training accidents than we have lost on the battlefield. If you ask every military commander, they will tell you that sequestration has done a lot of damage when it comes to our military readiness. This \$160 billion infusion of cash is much needed.

When you talk about deficits, here is what I can tell you. We are spending, GDP-wise, at the lowest level on defense really since World War II, when you look at GDP spending on defense. It has been above 4, close to 5 percent of GDP; we are in the 3.5-percent range. When I hear Senator PAUL say we have doubled the defense budget, compared to GDP spending on defense, we are at the low end.

What has happened since 2011? This is the way the world has turned out since we passed sequestration through the Budget Control Act. The Syrian civil war came about, the collapse of Libya, the rise of ISIL, the invasion of the Ukraine, and the annexation of Crimea by Russia. China is building islands over land claimed by others. Yemen is falling apart. North Korea is pressing toward the capability to hit the homeland with a nuclear-tip missile. We have had cyber attacks come from North Korea.

The bottom line is, since 2011, all hell has broken loose, and we have been standing around here looking at each other instead of listening to our commanders. President Trump has listened. President Trump is behind this budget agreement—2 years of funding to rebuild the military at a time they need every dollar they can get.

As to the deficits, yes, they bother me, but here is what I can tell the public without any hesitation: You can eliminate the Department of Defense, and you are not going to change the debt situation long term for the country. Two-thirds of the debt is driven by mandatory spending in interest on the debt itself. Medicare, Medicaid, and Social Security are entitlement programs that are growing in a tremendous fashion because the baby boomers are retiring en masse. We have fewer workers, and all these trust funds are failing. That is what drives the debt, not military spending. One-third of the Federal budget is discretionary spending. Out of that one-third comes the military, and it is about 50 percent of the one-third.

All I can say is that I want to applaud Senator MCCONNELL and Senator SCHUMER for reaching an agreement. The nondefense spending is about \$160-something billion. What does that mean? That helps the FBI. Without this infusion of cash, the FBI will have fewer agents in 2018 than they did in 2013. They are on the frontline of defending the Nation as much as anybody else. The Department of Homeland Security, the CIA, the National Security Administration—all of these non-defense agencies have a defense role, and they will benefit from this budget agreement.

Sequestration did not get us out of debt. Fixing sequestration is not going to add to the debt in any serious way.

Every Republican voted for the tax cuts because we believe the \$1.5 trillion and then some will be made up by economic growth. I think we are more right than wrong about that.

When it comes to defense spending, Republicans and Democrats have finally listened to this statement by General Mattis, and all of us came together behind our President to increase defense spending in a fashion relevant to the need.

To those who believe that the military is well-funded, you are not listening to anybody in the military. You haven't spent any time in the field. I have been to Iraq and Afghanistan 42 times in the last decade. I can tell you the pressure that has been placed upon our military. You have to put all of the money in deploying people—robbing Peter to pay Paul—so training suffers and readiness suffers.

It has been a miserable experience to be in the military the last 4, 5 years. Families go lacking. People are deployed more than they should be because we are not big enough. This \$160 billion is going to allow us to grow the Navy. We are moving toward a 350-ship

Navy, not 278. We have the smallest Navy since 1915, the smallest Army since 1940—that is where we are headed under sequestration. This turns it around.

President Trump, thank you for keeping your promise to rebuild our military.

To Senator SCHUMER and Senator MCCONNELL, thank you for working together in getting us on track to rebuild the military and help some accounts that need help outside the military.

To the Members of the body, there are a million reasons to vote no on any bill. While I respect how you vote, I don't know how you go to the military and explain your vote if you vote no. How do you tell those in uniform, who are getting by under incredibly difficult conditions because they don't have the money to train and be ready—they are in a hot war. What do you tell them—well, I voted no because this and that?

The deficit and debt are a problem. Senator PAUL, to his great credit, is willing to reform entitlements. I have worked with him and Senator LEE to reform Medicare and do something about Social Security to keep these programs from going broke. I will compliment Senator PAUL. He is a man of great political courage when it comes to taking on hard issues like entitlement reform. But when it comes to military, I could not be more different. He is holding us up. He has every right to do so.

I just want to let our soldiers know, and all their families, that we are going to wait him out and that you are not the reason we are in debt. The money we are giving you, you take gladly. There will be a smaller pay raise in here. But Senator PAUL's solution to raising pay for the military is to withdraw from Afghanistan.

I have not heard one general tell me we can leave Afghanistan safely. That day will come, but we are nowhere near that day. All I can tell the public is, the last time we took our eye off Afghanistan, we got 9/11. I don't know how much money we spent after 9/11, but we lost almost 3,000 Americans. Based on 19 people who were willing to kill themselves, they took almost 3,000 of us with them. Just think what would have happened if we had left too soon. We are not going to do that again—never again.

I trust those in our military leadership. I am proud of my Commander in Chief, President Trump, for giving them the ability to fight the war. The gloves are now off. They just need the resources to take the fight to the enemy and turn it around because what happens over there matters here. If you don't believe me, remember 9/11.

Whatever it takes and as long as it takes, we are going to increase defense spending in the next 24 hours. Then we are going to start marching to fix other problems. The Dreamers have waited a very long time to bring certainty to their lives. Next week, we

will take up their problems, their plight. The one thing I can tell you today is, in the next 24 hours, we are going to end the nightmare for the military. Next week, we will take up solutions to help the Dream Act population and secure our borders. We can do two things at once.

If you want to get the country out of debt, count me in. If you want to tell younger people they have to work longer and cannot retire at 65 because we live so much longer, count me in. If you want people at my income level to take less from Social Security because I can afford to give some up, count me in. If you want people in my income level to pay more into Medicare because we should, count me in.

The one thing for which you cannot count on me is to use the military as a punching bag and blame it on them that we are in debt. We are not in debt because of them. What General Mattis said is we can always afford freedom, and we can afford survival.

If you don't believe the people we are fighting would kill us all if they could, then you have a short memory. The only reason 3,000 died on 9/11 and not 3 million is they couldn't get the weapons with which to kill more of us. If North Korea keeps going the way it is going, God help us all. If the Iranians ever go nuclear, God help us all. We live in dangerous times.

If radical Islam could get its hands on a chemical or a biological weapon, it would use it. The best way to keep them from hurting us here is to stay over there and partner with our Afghan partners, our Iraqi partners, and others. More Muslims have died in this fight than anybody else. They have seen the face of the enemy, and I have certainly seen it. The best way to keep it off our shores is to have a strong military that creates lines of defenses over there so we can be safe here.

I am very happy tonight. I had to miss my flight, and I am not going to get much sleep, but what we are doing pales in comparison to what the military has done for the last 5 or 6 years—a lot with less. They have taken on too much danger and too much risk because the Congress has sat on the sidelines and watched Rome burn. Those days are over.

Whenever we vote, we are going to vote. I will make a prediction that we are going to get more than 60 votes to fund the military. When it gets to the House, to my fiscal conservative friends, I understand there are things in the nondefense spending aspect of this they will not like—I get that—but there are Democrats in this body, and there are Democrats in the House, and they have a say. That is just the way it is.

So I will sleep well tonight. I may not sleep long, but I will sleep well in knowing that the men and women in uniform, who have suffered so much for so long, will be better off in the morning. A short night for me will mean better days ahead for them.

All I can say to my colleagues is not to let these groups mislead them about what their job is. Their job as Members of the U.S. Congress, in my opinion, is to defend this Nation above all else. Without national security, Social Security really doesn't matter. Without national security, everything we enjoy could be lost.

The primary role of the Federal Government, in my view, is to give the men and women in uniform, who are all volunteers, what they need to keep us safe. Come tomorrow, they are going to have more. If it means we stay up late tonight, so be it.

To the congressional leadership, thank you. To the President, thank you for being a Commander in Chief we have desperately needed for the last 8-plus years. To my colleagues, vote yes. You may get some criticism from people who run blogs, but the next time you see a soldier, you will know you voted right.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Thank you, Mr. President.

I will be making a unanimous consent request in just a second. The reason I am doing this is that every hour we go without funding the military, every day that we wait, and the longer we continue this madness, the worse it is for those who fight in a war we can't afford to lose.

I think that Congress, in the words of General Mattis, has done more damage to the military than any enemy on the battlefield. So tonight I am speaking for you. We are going to end this madness as soon as we possibly can.

I respect Senator PAUL, who is a fiscal conservative—every bit of it—but when it comes to national security, not so much. He wants to do entitlement reform. God bless him. That is where the money is at.

Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 8 p.m. today, the Senate vote on the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 1892 with a further amendment; further, that if cloture is invoked, all postcloture time be yielded back and the Senate vote on the motion to concur.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object, I think no one in this body more than I wants to continue funding the military. I have three nephews serving in the military. My father-in-law is a career Air Force man, and my dad served in the military. However, I think it is also important when we talk about how we have a strong country that we have to talk about solvency. There comes a point in time when you borrow so much money that it actually becomes a threat to your national security.

It was Admiral Milliken, the former Chief of Staff, who said that the biggest threat to our national security currently is our national debt.

I think there is an irony that those who criticized President Obama for trillion-dollar deficits are now in the body saying: Oh, we must pass this trillion-dollar deficit.

Yes, I do think it is important that we have this debate. What I have been arguing for tonight is not a delay, not any kind of permanent delay. What I have been arguing for is an open debate.

So if we are having all the spending, every last bit of spending has been glommed together in one bill, 700 pages. No one has read it. Nobody has any idea what is in it, and there is no reform. I think if we are going to do that, I think we ought to at least have amendments and have an open debate.

If we are not going to have an open debate, if it is going to be "take it or leave it," frankly, I will leave it because I think my duty. What I told the American people was that I care. I care about how much debt we are accumulating in this country, and I think it is a danger to our national security to accumulate so much debt.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I know what is in it—\$160 billion over the next 2 years that is absolutely necessary to rebuild a military that is in decline. If you don't believe me, ask the Secretary of Defense.

There are other things in this bill, some of which I like and some of which I don't. I know this: If the President of the United States, who is our Commander in Chief, says he will sign it if we will send it to him, and the reason that we are not going to send it to him right now is because Senator PAUL has every right to object, this is a debate worth having.

What is the most important thing for our country?

The deficit and debt are real, and, to his credit, Senator PAUL is willing to do the hard things, such as to change the age of retirement and to means test those benefits. That is how you get out of debt.

What we are doing tonight is putting money into the pipeline of a military that has suffered mightily since Senator PAUL and others voted for sequestration in 2011.

Enough is enough. The day of reckoning is upon us. Every hour, every minute matters to me. So this is what I am trying to tell people back in South Carolina: If you are worried about the debt and deficit, count me in. But to go there, you have to do something that very few people will do, and Senator PAUL is not in the category of the very few.

On the debt and deficit, I give him high marks—on national security, not so much.

He said tonight on television that the best way to give the military a pay raise is to withdraw from Afghanistan. Go over to Afghanistan before you say that. Name one military commander that believes that is a rational approach to increasing military pay. You had better pay them a lot more because they are going to be fighting for a lot longer if we leave now.

How much has 9/11 cost us? It is this kind of thinking that led to 9/11. The only people I know who like that idea are the Taliban. They wish we would leave tomorrow.

ISIL is now present in Afghanistan. I wish the world were not so dangerous, and I wish it wasn't so complicated, but it is. Have we learned nothing from radical Islam? "Leave them alone, and they will leave you alone" does not work. Their goal is to destroy their faith and rebuild it in the image of their view of Islam, to destroy our friends in Israel, and to come after Christians, vegetarians, Libertarians. They are coming after you, and the only thing between them and us are the men and women in the military—the 1 percent who have suffered mightily.

In the words of General Mattis: No enemy has done more damage to our readiness than budget cuts plus continuing resolutions.

He is a nice man. Let me say it more directly: Congress has shot down more planes through budget cuts than any enemy could hope to. Congress has crippled the Navy more than the Chinese or the Russians could have ever hoped to. Congress has made it harder for people to be with their families because our military is too small for the times in which we live.

The times in which we live are the most dangerous since the 1930s. I will repeat that again. The only reason 3,000 of us died on 9/11 is that they couldn't find a way to kill more of us. If they could ever find that way, they will do it. As long as we have some soldiers in Afghanistan, Afghanistan is not likely to be the platform for the second 9/11.

If you think this is over the top, talk to the people fighting the war. Go there yourself. I spent a lot of time in Afghan prisons and detention centers, looking at the enemy, as a reservist and as a Senator. I know exactly what they have in mind for us.

Here is my pledge to those who are doing the fighting. We are going to end this insanity. We are going to rebuild the military.

President Trump, thank you so much. Thank you for understanding that debt and deficits are no excuse to leave the warfighter hanging out.

What do you tell somebody who doesn't have the equipment they need to go to the fight? Well, the debt and deficit are the reasons you don't get any more. If we have to raise taxes—whatever it is—to make sure that we can keep our military going, I will do it.

I have come to conclude, like Ronald Reagan, that the best way to help the economy is to cut taxes. Ronald Reagan cut taxes, he rebuilt the military, and he engaged in entitlement reform. We should follow his lead. Ronald Reagan did not believe in this isolationist approach. He believed that on the other side of that wall is an evil empire, and he stared it down.

I went to the military in 1981. The first thing I got was a 25-percent increase in pay by Ronald Reagan. I liked that guy from that day until now. The morale was low after the Carter years, and readiness was in decline. Reagan changed everything.

President Trump, I think you are on course to change everything. We are taking the gloves off. We are changing the rules of engagement. We are going to provide the equipment and training that our men and women desperately need. We are going to set aside these budget cuts.

To Senator MCCONNELL and Senator SCHUMER, thank you for coming together. To those who object to some things in this bill, I get it. But what is more important—the debt or deficit or the war in which we are in? There is nothing in this bill, if it went away tomorrow, that would get us out of debt. The debt that we are adding to defend the Nation can be fixed in 5 minutes if we did some entitlement reform.

When I was 21, my mom died. When I was 22, my dad died. My sister was 13. We moved in with an aunt and uncle who never made more than \$25,000 in their life working in the cotton mills. If it wasn't for survivor benefits and social security going to my sister, we would have had a hard time making it. If it weren't for Pell grants, she probably wouldn't have gone to college.

I am 62, and I am not married. I don't have any kids. I make \$175,000 a year. I will gladly give up some of my Social Security so people who need it more than I can have it. I will gladly pay more into Medicare to keep it from falling apart. I think a lot of people like me would do that if they were asked. So I don't need any lectures about the debt and the deficit.

We are in a shooting war. We had more people die in training accidents than we had in combat because we made them do too much for too long without enough. That is going to end.

So, Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 8 p.m. today, the Senate vote on the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 1892 with a further amendment; further, that if cloture is invoked, all postcloture time be yielded back and the Senate vote on the motion to concur.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object, I think there are some interesting points when we look

at our debt, in trying to figure out how best to fix it.

What we have been dealing with today is a spending bill of about 700 pages, but it does deal only with what is called discretionary spending. This is military and nonmilitary spending, and it is about one-third of what we spend over all. The other two-thirds is called entitlement spending or mandatory spending.

So often people will say: Well, we can't cut the discretionary spending because we are not doing anything to the two-thirds of the spending that is mandatory; this is Medicare, Medicaid, Social Security, food stamps, and some welfare programs. It is true that they are growing at a rapid rate. They are growing at about 6 percent and the military and nonmilitary are growing at about 2 percent.

So there is more of a problem on the entitlement side, but often you will hear people come to the floor and say: Well, we can't. We have cut all this discretionary spending, and what we really need to do is entitlements.

Yet this is a bit of a canard, because I have been here 6 years, and I have tried to push entitlement reform and tried to push cost savings, but we have never had a bill come to the floor.

So people say: Well, I am not going to cut this, but if the other were to come to the floor with mandatory spending cuts—how come nobody brings it to the floor? It never comes to the floor. So two-thirds of the budget or spending is never being cut, and it is growing at 6 percent. It is a problem. Entitlements have to be contained.

Some of the problem is not the Republicans' or the Democrats' fault. It is basically a function that we are living longer. When Social Security was created, the average life expectancy was 65 years or less. Now the average life expectancy is about 80. So you can see how the costs have risen dramatically. We are living a lot longer.

The other thing that happened is that somewhere along the way, when we were victorious in World War II, we came home and had a lot of babies, for one reason or another. They are the baby boomers—60 to 70 million of them. There is an enormous cost of retiring baby boomers and we are living longer.

These things have added to entitlement costs. There are things we could do. I recommended that we gradually raise the age of eligibility. People say: Oh, you don't want people to get their Social Security at 65? Well, it is already 67, actually.

On Medicare, the problem is that if we leave things as is, Medicare is \$35 trillion short, and Social Security is about \$7 trillion short. So we are \$7 trillion short in Social Security and \$35 trillion short in Medicare. You have to do something about the entitlements.

However, the same grievance I have with the process here is the same grievance I have with entitlement reform. I have been pushing for it for 6 years. I have produced bills that never get here.

So the leadership on both sides—and in fact, I have heard this before—will say: You can talk about it, but don't put it on paper.

So many people are for entitlement reform until it comes to the specifics. You saw this in the debate over ObamaCare. Try getting rid of any kind of entitlement or lessening it or making it less effective, and people freak out at that.

It is true that we have to look at entitlements. If we were to look at entitlements, it would take some pressure off of the military spending, but it is also important to put military spending in perspective. We have doubled military spending since 2001. We have put a lot of money into the military.

Then there is the question of what is national defense. Is defense having weapons to defend ourselves against attack, having troops and armaments and being able to defend and occasionally go to where the attackers are, or is it the job of the military to be involved in every civil war around the world?

Currently, we are involved in at least seven different wars. None of them have been voted on. Our Founding Fathers said that the executive branch was the most prone to war, and, therefore, they gave that power to Congress. Yet we haven't voted on any of the seven wars we are involved with. There are seven different wars around, at least.

There have been people talking about authorizing war, and they want us to be involved legally somehow in 34-some-odd countries. So we should have a more robust debate. We haven't been able to force a debate on whether or not we are at war for the last 7 years. I have been trying to get a vote on whether or not we are at war. We certainly appear to be at war. We are in Yemen. We are in Somalia. We are in Ethiopia, Djibouti, Niger, Iraq, Syria, and Afghanistan. We are in a lot of different places. Yet the Senate has never voted on going to war. And you say: Well, we are going after those people who attacked us on 9/11. Well, we killed those people. The people whom we are now embattled with are sons and daughters of other people who might have the same ideology, but they are spread all across the world.

We had a manned raid in Yemen not too long ago where we have not declared war. When we had the manned raid, sadly, a Navy SEAL died, and a bunch of people in the village died. We were told we had information to get the enemy, but we also have to look from the perspective of the people who live there. You say: Oh, you would look from the perspective of our enemies? Well, no. You have to understand your adversaries, you have to understand your enemy, and you have to understand their response if you ever want to figure out a final solution or some kind of ending of a war.

You have to think about when the manned raid came at night with night

vision goggles to a small village. Let's say the people were bad people. Let's say they were terrorists and someday might have come here. Well, we killed them, but we also killed their wives and their children too. I don't fault our soldiers. Our soldiers go in in the middle of the night, and they are given a command. It is not the soldiers' fault; it is ours for having an unclear mission or for sending them into an impossible mission.

There is no clear-cut war. There are three or four different factions fighting in Yemen, and here is the point I have been making. The neoconservatives are histrionic about, oh, Iran is supporting the Houthi rebels. Well, on the other side are Sunni extremists who are supported by Saudi Arabia, which also supports Sunni extremism across the world. There is also a third party in Yemen that is al-Qaida in the Arab Peninsula. My fear is that when you go in and you say "Oh, the Iranian-backed Houthi rebels—we must kill them, and we are going to support the Sunnis from Saudi Arabia," you have to ask yourself "Well, what about al-Qaida? Do they get stronger or weaker?"

Here is my fear. We go into a civil war that nobody in America knows about, and nobody can know up from down on, and we decide to get involved. What if the end result is chaos? What if out of that chaos arises al-Qaida? What if the end result of our getting involved in the civil war is that they all kill each other and we end up with a civil war in which al-Qaida becomes stronger?

Mr. GRAHAM. Regular order.

The PRESIDING OFFICER. Is there objection?

Mr. PAUL. The interesting thing about it is that as you look at the war in Yemen, it is—

The PRESIDING OFFICER. Is there objection to the request?

Mr. PAUL. Yes, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. PAUL. So as you look at the war in Yemen and you go back and forth and you say "What are the results of getting involved in this civil war?" it may well be that al-Qaida gets stronger.

If you look at what happened in Syria, the neoconservatives went crazy and said: We should support the moderates in Syria who are fighting against Assad. Well, it turns out the moderates in Syria were al-Qaida-linked, ISIS-linked jihadists. In fact, with one group the neocons said that we must give weapons to, it turned out that as soon as they got anti-tank weapons from us, they said—and this is a quote from one of the leaders days after they got anti-tank weapons from us: When we are done fighting Assad—not ISIS, Assad—we are going to attack Israel to take back the Golan Heights.

We did this, and we pumped millions of dollars and hundreds of tons of weapons into Syria, and it didn't work.

When we finally quit doing the funding and sending of weapons, that is when the Kurds rose up, with our help, and actually did a much better job.

The thing is, there is a perpetual war crowd that ignores the Constitution, and they will say that we should be at war everywhere, and we don't need to vote on it. One, that is a terrible insult to our forefathers and a terrible insult to the Founding Fathers, but as you look at this and you look at the debate, it is also incredibly draining to the Treasury and often has unintended consequences.

As we got involved in the Syrian civil war, the so-called moderates—many of them jihadists, many of them al-Qaida; the fiercest fighters actually were more al-Qaida linked, al-Nusra—began pushing back on Assad, and there was chaos. Guess who arose in the chaos there: ISIS. So really ISIS became a result of or at least was accentuated by our intervention in Syria, and then we had to go back in and fight ISIS.

Here is a scenario that could happen in Yemen. We decide we are going to go into Yemen and we are going to support the Sunni extremists, whom the Saudis are for, against the Houthi extremists, whom Iran is for. But in the chaos, perhaps al-Qaida rises again, and we have to get more heavily involved. I think there is no end to the idea that we are going to kill a terrorist group in the middle of the desert in Yemen and, somehow, there will not be more.

I will give you an example of how sometimes what we get involved with actually backfires and causes more terrorists to arise. We have been feeding the Saudi planes bombs. We probably have sold them the bombers as well. But we have been feeding them bombs, we have been helping them with targeting, and it turns out they have been targeting civilians. They targeted a funeral procession. The Saudi bombs that we gave them—we paid for and we gave them; they may have paid for them indirectly, but with the Saudi bombs that are U.S. bombs, they ended up bombing in Yemen a funeral procession and killing about 150 people who were unarmed and wounding 500.

You say: Oh, well, I don't care what they think. I don't care what their response is. Well, think about what their response might be and then decide whether you care, and I am not saying I am sympathetic to the people. I don't know the people enough to be sympathetic or not, but I am aware of their response to being bombed in a funeral procession.

My guess is that 1,000 years from now, the people and their families will, through oral tradition, remember the bombing of the funeral procession. I am not kidding you. These people have a long memory. The Sunnis and the Shia have been fighting for 1,000 years. They remember the massacre at Karbala. I promise you they still celebrate when one side massacred the other, and that was at least 500 to 600 years ago—

maybe more. So there is a long memory going on in this, and we have to decide whether it is more beneficial to kill one of them than to have the result of 10 new terrorists created by that. The thing is, they are everywhere. There is a branch of Islam that is radical and that does wish our demise and wish us harm, but we have to decide what the best way of containing this is. What is the best way of defending our country?

If you look at it, what I think you will find is that there have been a great deal of unintended consequences. One is an enormous drain on the Treasury, but two is a lot of unintended consequences as far as sometimes actually making it worse. I think our intervention in Syria actually exacerbated the rise of ISIS. I think our intervention in Yemen could well exacerbate or cause or allow the rise of al-Qaida in the Arab Peninsula again.

It is confusing when you ask: What do the soldiers want? The only soldiers who are allowed to speak are the ones at the very top or those who are retired. Even at the very top, most generals who are still active can't give a full opinion. They may give it to the administration but typically not on television or to the public. But the average soldier really is never asked for his or her opinion. I understand that, and I understand the role of the order of the military—that you have to take orders.

The interesting thing is, as you meet the average soldier—I promise you this is true. If people were able to do this and we were able to actually take a poll of thousands and thousands of ordinary soldiers, I think you could ask them: Do we still have a purpose in Afghanistan? Are you ready for another deployment? You have been on six deployments to Afghanistan. Are you excited about the next deployment? Freedom is going to ring out in Afghanistan. They are going to be a great, self-sufficient country, and we will have won the war.

I think most of the soldiers who have been there will actually tell you the opposite. I have met dozens and dozens and dozens of these soldiers who have come home and actually are unclear now as to what our motives are. They are unclear as to what our goal is, and they are unclear as to what the end result is.

We had two Under Secretaries recently in the Senate Foreign Relations Committee. One was Under Secretary of Defense and another was Under Secretary of State. One of the Senators asked them: How many Taliban are there? How many people are we fighting? They seem like pretty honest questions. He said: You don't have to tell me the exact number. Tell me about how many we are fighting.

Neither one of them knew. They said: We have to wait until fighting season, and then we will find out. Well, any time you are in a situation where there is a fighting season—and every year

there is a fighting season—maybe that indicates this is a perpetual war that is not going to end. But neither of these guys knows whether there are 100,000 Taliban or there are 10,000 Taliban.

Interestingly, for the neocons who think this is going to end like Hiroshima and Nagasaki and there will be unconditional surrender, it will never end that way. Even Secretary Mattis—when I have asked him “Will there ultimately be negotiation with the Taliban?”—says that actually there will be. The Under Secretary of the Department of Defense, in our meeting, said that the goal was to push them toward negotiation.

Here is the interesting thing about Afghanistan. We have had as many as 100,000 troops—President Obama, who ran on a message of having less war and less involvement and was mercilessly criticized by the Republican side, actually escalated the war in Afghanistan to a great degree. So President Obama put 100,000 troops into Afghanistan, and what happened? The enemy melted away. I am sure we killed some. We won some battles, but they sort of melted away into our good ally Pakistan, for the most part. But then they come back, and people say: We left too early. Well, how long are we going to stay? Are we going to stay forever?

We put in 100,000 troops, and it temporarily pacified Afghanistan. After we brought the troops down, now the Taliban control maybe one-third—some say maybe half—of the territory. You say: Well, if we leave, the Taliban will take over. Well, how long is it going to take until the Afghans step up and fight for themselves?

One of the biggest problems we have had is infiltration of the Afghan Army and their actually shooting us on the base. It is ostensibly not the soldiers; it is people from the enemy who have infiltrated.

At the same time, there has been such enormous corruption there. When Karzai ruled Afghanistan, his brother was accused of being in the drug trade. My good friend, THOMAS MASSIE from the House of Representatives, often says that we spent \$8 billion eradicating their poppy crop. Poppy is the plant they use to make heroin. They had their best crop last year, so something is not working. He often comments that for \$8 billion he could buy a lot of Roundup and probably do a better job. But the thing is, we are aren't doing a very good job. The mission doesn't seem to have the purpose that it once had.

Look, if I had been here, I would have voted to go there after 9/11. We needed to disrupt the terrorist networks, we needed to punish them, and we needed to make sure they couldn't attack us again. It was a noble endeavor, but there has to be an end. I think part of our problem is that we are unsure how to define victory, so we never can have it.

There was a proposal to have a big military parade, and many of my

friends who have served in the military were a little bit worried about that because the image has been somewhat an image we have seen more in totalitarian governments than in our own. We really haven't had a habit of it, but I was looking at a story, and it said that we did have a big parade after we had won the first Iraq war, and the troops did parade through. I am not completely against having a parade necessarily, but my suggestion is this: Why don't we bring the 14,000 troops home from Afghanistan, declare victory, and have a parade because then there really would be something to celebrate—bringing those 14,000 troops home.

I think if we were involved in less war, we could pay our troops better. We have an enormous number of veterans retiring after 15, 16 years. We have never been at war constantly for 16 years. We have a lot of veterans who have been wounded, and to take care of them, it is going to take enormous resources. All of us want to provide those resources, but the thing is, if we continue in this perpetual war mode, are we eventually going to run out of money so that we can't even take care of our own veterans?

What we are really looking at tonight is a trillion-dollar deficit, and I do think that deficit really does threaten our national security. I think our foreign policy threatens our national security in the sense that there are things that we need to upgrade. We need to take care of our nuclear arsenal. We need to take care of our bombers. We need to have the most modern planes and technology, but we often can't have them because we are involved in so many wars.

People talk about the Romans getting overextended. We are everywhere, and we always think somehow it is our responsibility to take care of everything. I think that in many parts of the world, particularly in Afghanistan, they see—since Genghis Khan, people have been going across Afghanistan, conquering it, going back across it, and then somebody new comes. But each time the indigenous people have been strong enough to ward off and eventually get rid of their attackers. Their attackers wear out.

It is the same way now. Some of the people like our being there. Some of them have been honest, upright, good people. Some have been crooks. Karzai and his family were involved in the drug trade.

The other problem is this—and this is a real problem that the other side fails to acknowledge. Afghanistan is not really a country. Afghanistan is an area of Central Asia that Westerners drew a line around in the late teens or twenties; it may have been 1922.

We draw this line around Afghanistan, and we call it a country, but it is not really a country. The far western part speaks Farsi or is related, in many ways, to the Iranian people and has more in common with them. The

northern tribes have more in common with the Uzbeks, the Kazakhs, and different nationalities to the north. The Pashtuns are on both sides of the Pakistan border. If you ask any of these disparate people whom their allegiance is to, they will tell you, primarily, their allegiance is to their local warlords, the local elders, or local council, but they don't have much allegiance to Kabul. They have never really seen themselves as subservient to the capital. So when we go there and say we are going to create a nation, it isn't a nation that can be created because they are people who may not want to be to part of a nation.

Iraq has a little of the same thing. You have the Sunni-Shia split that is 1,000 years old. You have people who aren't necessarily that comfortable under the yoke of one country. So as we try to force them in together and try to have them dominate, what you find in a lot of these areas is that you end up having a strongman, and the strongman rules with an iron fist. This was Saddam Hussein.

The interesting thing about world politics and balance of power is, when we went in and toppled Saddam Hussein—let freedom ring—we actually made it more difficult for us in the world, and we made the Middle East more unstable because Iran and Iraq fought a fierce 8-year bloody war. They had come to somewhat of a standstill. Saddam Hussein, for all his warts, was somewhat of a counterbalance to Iran. So when Iraq was toppled and Saddam Hussein was gone, you once again have a power vacuum. In a power vacuum, al-Qaida will fill it and did. You upset the balance of power between Iran and Iraq, and now Iran seems to be more threatening throughout the region.

As we look at our spending, without question, there is part of the spending that isn't in this bill—the mandatory spending. For those who say: Oh, we are not going to do anything for the part of the bill we are actually voting on, and we are OK with the trillion-dollar deficit, I think there is sort of a litmus test. It is a litmus test of hypocrisy. If they were against trillion-dollar deficits for President Obama, why is it OK to have a Republican deficit of a trillion dollars? There is no escaping the hypocrisy of that.

I think there is also no escaping the dire warnings we heard. Almost all of the Republicans—I venture to say every Republican in the Senate—has made dire warnings about the debt, which was critical of President Obama. I was one of them, but we need to be honest enough to look in the mirror at ourselves when we are in charge of all three branches of government.

When the Republicans took over the House, they said: Well, don't have too high expectations. We only control one-half of one-third of the government. Then we took over the Senate, and they said: Well, we still can't do anything because President Obama is there. Now, we have a Republican

President. I don't know what the excuse is going to be. Some say: Well, we must govern. If by govern, they mean act like the other side and run up huge deficits, I guess it is not what I am interested in as far as governing.

Governing is about making tough choices. I think what has happened in our country—because we basically have a printing press, a Federal Reserve that replenishes and pays our debt, buys our debt simply by creating money and buying Treasury bills with it or Treasury bonds—is that we have sort of a limitless notion of debt. That is what has been going on. We keep adding to it.

To a large extent, we haven't had a catastrophe. I think we were close in 2008. Some of that is related to accumulation of debt. I think you also will see some of that in the near future. There is an unsettling notion out there—the stock market, having risen so far, so fast, you are seeing this jittery notion out there.

There is the worry about interest rates. There is the worry that historically we funded this massive debt at about 2 percent interest. What happens if we get back to more normalized rates of interest? I think this is an important debate. It is important to get also back to the crux of the debate.

What I have been arguing for tonight is that we have amendments. The most important job the Congress does is to pass spending bills. It is the most important thing we do, and the most important oversight we have. If we are to do that oversight, we should have a debate. We should have amendments.

What we are looking at is a bill that was decided in secret—700 pages that were printed last night at midnight—and, for the most part, it has not been read. It is very easy not to have a full understanding of a bill that is nearly 700 pages that comes forward, but within the midst of this, we know a couple of things.

We have gotten rid of fiscal responsibility. There were spending caps put in place to try to control spending. For a couple of years—2011, 2012, 2013—we were actually seeing a slowdown on the rate of growth of spending. You heard everybody squawking about this sequester. The sequester is so bad. The interesting thing about sequester is it wasn't a cut in spending. It was a slowdown of the rate of spending, a slowdown of the rate of growth of spending. If you look at curves over a long period of time—actually the rate of growth—you still had government growing, but we slowed down the rate of growth. As revenue was picking up, we actually were whittling away, at least a little bit, at the annual deficit.

Then the cries came that were, actually, mostly from my side. They said the military is being hollowed out. We have to have more military money. The dirty little secret around here is you can only get more military money if you give the other side more welfare money. We have warfare and welfare.

That is guns and butter. It has been going on a long time. We spent a lot of money, and both sides have now agreed to do this. The leadership has agreed to do this.

In this spending bill, what you are going to have is a looting of the Treasury, basically. Both sides are really culpable. Both sides are somewhat equally responsible for this bill and for the debt that will ensue.

The real question has to be—I think most importantly for my side—if you were against President Obama's trillion-dollar deficits, why are you for trillion-dollar deficits when you put a Republican name on it? I think people are going to see through this. You are already seeing some of the clips in the media putting forward the comments from 2010 and 2011 about President Obama's debt. These are comments coming from Republicans who are now for this bill. As they say in some parts of the country, you have some explaining to do.

That is the question. Are people going to look at this and say: My goodness, is everybody out there just a partisan politician and all they care about is party; and that the debt is bad when it is a Democratic debt and not bad when it is a Republican debt? That is sort of what we are facing.

My recommendation is that we really look long and hard at this. Most of the Senators will say: This is the last one. I am never voting for this again. These are terrible. This is a rotten way to run your government. I object to doing it this way. I will vote for this one because I don't want the government to shut down.

I don't want the government to shut down. I also don't want to keep it open if we are not going to reform it. It is damned if you do; damned if you don't. We could have done better. We could have moved forward with a responsible spending package that had amendments that we could all offer on the floor—an open amendment process and debate. We chose not to go that way. That is why we are here.

Some will say: You are responsible for this. It is all your fault. If I am responsible for drawing attention to the debt, so be it. Somebody has to do it. I didn't come up here to be part of somebody's club. I didn't come up here to be liked. I didn't come up here to just say: Hey, guys, I want to be part of the club so I am going to always vote with whatever you tell me to do. I have often voted with Democrats. I have often voted with Republicans. I probably have two dozen bills I cosponsored with Democrats. I am also seen as one of the most conservative Members of the Senate. I think there is a way you can have bipartisanship.

Bipartisanship doesn't mean you have to give up on everything you believe in. That is what this spending bill is. It is a bipartisan spending bill that gives up on everything that Republicans ostensibly believe in as far as deficit, debt, and spending. I will vote against this bill.

I will continue to advocate. If they want to vote earlier, they can vote earlier, as long as I get a vote on an amendment where we would have an open debate and an explicit vote that says: Are you for or against breaking the spending caps that we put in place? Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Mr. President, I was talking with the pages earlier asking if they knew what was going on. I am not sure if people watching the debate know what is going on. Let's talk about the mechanics of what is happening right now.

We have a measure before the Senate right now that cures at 1 a.m. tonight. At 1 a.m. tonight, we are going to vote on something we could vote on right now. The outcome is going to be something my friend from Kentucky will oppose, but it is going to happen because the majority of Republicans believe that funding the government is a pretty important thing to do.

I am in a club. I am in a club that says we need to keep the government open. I am in a club that says we don't need to be telling people they are going to be furloughed tomorrow when we know darn well that at 1 a.m. tonight, we will be back open for business. I am in a club that tells everybody we obligated ourselves to pay our bills, and we are going to pay our bills.

I don't like this. I served as speaker of the house for 4 years. We paid our bills on time and got our budgets done on time. We had regular order. I agree with all that stuff.

Right now, we are in a position to where this is very simple. We can, right now, provide certainty to the thousands of people who expect the government to be open or we can play this game until 1 a.m. I, for one, think we should do it right now. If we want to go through the theater, and we want to go until 1 a.m., that is going to be the end result.

Employees out there, I apologize on behalf of people who can't give you certainty right now at 9 p.m. At 1 a.m., you will have it. I am sorry we have to go through this process. We seem to go through it far too often.

I will also tell you something else I have to speak briefly on, and I am going to offer a motion.

This whole idea about this concept of let's just withdraw from Afghanistan—I have been to Baghdad. I have been to the Kurdish region in Iraq, and I have been to Afghanistan. I have heard people in Iraq say the worst thing we did was a precipitous withdrawal from Iraq. We can debate whether we should have gone in there, but we are in there, and now we have to figure out a way to exit that doesn't put Iraqis at risk and American men and women who are serving this country. You don't do it through a precipitous withdrawal. It is irresponsible, and I will guarantee you, there is not a single person in uniform who would agree with you that is the

right way to protect our troops and protect the people of Afghanistan and the many allies we have there trying to take the fight to the Taliban and al-Qaida. It is irresponsible. So I am a member of that club.

I am a member of a club that says when the United States said we are going to protect a country and try to get it on the right path, we stay there until we get it done and do everything we can while there to keep our men and women safe. If that is the wrong club to be in, so be it. I happen to think it is the club that every single one of us should be in.

This is not the sort of discussion we should be having tonight. Tonight is about funding the government. Tonight is about actually having a great discussion about regular order, getting appropriations bills on the floor, having a debate like we are going to have on immigration next week—but now is not the time to have this discussion.

We have to decide, what do you want to be as a Senator? Do you want to be a Senator who wants to make a point or do you want to make a difference? Do you know what? I don't see how points alone make a change in America. What makes a change in America is when we ratify a bill or get a bill out of here, we send it to the President, and it becomes law. If all we do is a speech on the floor, and it doesn't produce an outcome, time after time, then you may want to rethink how you are trying to get your point across.

What happens when you don't produce an outcome here? You haven't convinced 50 or 51 Senators your idea is good enough to support. Go to work. Build a coalition. Make a difference. You can make a point all you want. Points are forgotten. There are not a whole lot of history books about the great points of the American Senate. There are history books about the great results of the American Senate—the great bills, like the tax reform bill, and the other things we have done in this session but not points.

People aren't here to talk about a good point. They are here to talk about a good outcome. How do good outcomes happen? When we take votes like the vote we should be taking at 9 p.m. tonight. We may take it at 1 a.m. I am a night person. I am all right with that, but we should be taking it now.

Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 9 p.m. today, the Senate vote on the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 1892 with a further amendment; further, that if cloture is invoked, all postcloture time be yielded back and the Senate vote on the motion to concur.

The PRESIDING OFFICER. Is there objection?

Mr. PAUL. Mr. President, reserving the right to object, the question is often asked, if not now, when? We have all been told: Now, Senator, is not the

time to discuss this. If we can do this through the committee in an orderly fashion, there is always going to be a better day. But the day never comes.

The vast majority of the Senators will admit that the way we do our budgeting and the way we do our spending around here is abominable. It is an abomination. Most people are opposed to it. Yet they come to the floor and say: Let's just keep doing it the way we have always done it. So until a majority of us will say no, enough is enough, it will continue to be the same thing.

The promise of making it different in the future is somewhat of an illusion or a false promise that just never gets here. There have been four times in 41 years that we did the right thing, that we did the appropriations bills—four times in 41 years.

So what I am proposing—and this actually would have been nice to vote on tonight—people come to the floor and say they want to vote, but they don't want to vote on anything they don't agree with. They don't want to have any kind of an open amendment process where we can have votes. I am interested in putting forward something that is called the Government Shutdown Prevention Act. This is legislation I have put forward that says that if, after a year of being able to put forward your appropriations bills, you haven't done your job, then the spending point will go down by 1 percent.

Mr. TILLIS. Mr. President, regular order.

The PRESIDING OFFICER. Does the Senator object?

Mr. PAUL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Carolina.

Mr. TILLIS. Mr. President, again, I have the motion before us. I believe the Senator from Kentucky did object to the motion.

Just one brief comment. And I thank the Senator from Louisiana for presiding. I know I was supposed to be in the chair 30 minutes ago, and I will be there in a couple of minutes.

I also wanted to take a moment to talk about the great opportunity we have next week to pass immigration reform, the great opportunity that we have to fulfill the promise to the DACA population of some 1.8 million that the President has proposed to provide a path to citizenship. It is a proposal that has \$25 billion allocated over 10 years, with maybe \$2.5 billion to \$5 billion appropriated in the bill that we will take up or in various amendments that we will take up next week.

The first pillar is DACA, and we have satisfied that, and I believe we have broad consensus. There may be a few things around the edges, but we are pretty close to done.

On border security, we are done because the President himself has said it is not a monolithic wall over 2,300 miles. It is not even a wall over half that territory. It is about maybe 1,000

miles. And 1,000 miles of wall includes some walls that are secondary. So when you see a mile-long wall, it is actually two walls because there is a secondary barrier.

We are also talking about technology and infrastructure so that we can start working on the opioid epidemic. Tons and tons, millions of doses of heroin, fentanyl, and other drugs come across our border every month. By implementing border security—a lot of people think this is just about preventing people from crossing the border. This is about securing our Nation. Fortunately, many of my colleagues on the other side of the aisle recognize that.

Some think that the proposal—many of them; I don't know that all of them do—many of them believe the Department of Homeland Security and the Border Patrol have put together a great strategy that makes sense. I have always said—I got criticized last year—I said there is no way we are going to build a wall. We don't need a wall across all 2,300 miles, but we need security. We need it so that we know what is coming into this country, whether they are people crossing the border illegally or whether they are pumping hundreds and hundreds and millions of doses of poison into the thousands of people who die every year from opioids. In my State of North Carolina, more people die from opioid overdoses every year than interstate accidents—over 1,400.

So I am glad to know that pillar one—a path to citizenship for some 1.8 million DACA recipients—has an opportunity to become law, to make that difference I was talking about, and then \$25 billion to secure the border.

Now we are having a great discussion about what is called the diversity lottery. It involves about 50,000 visas every year that are allocated in a random way today that makes no sense. We want to do it in a way that actually makes sure that underrepresented countries have an opportunity to come here, maybe some 15,000 a year, many from Sub-Saharan Africa, and the other ones can be used to draw down a backlog of people who have been trying to get to this country for as long as 17 years.

We talk about how we want more people immigrating, but the reality is, if you get in line today through the legal process, it can take you 10 to 17 years to get through the process. We are trying to figure out a way, through that allocation of the diversity lottery, to make that half the time. So we can clear out the queue for people waiting for 17 years, and others in the queue will never have to wait that long—about 9 years in total. I think we are making great progress.

The last thing we have to work on is chain migration or family reunification. Today, about 72 percent of the 1 million to 1.1 million people who come to this country every year are through what they call a family petition. So there are people who may have some

relationship here—it could be a brother, a sister, a mother, or a father. That is important to do, but it is also important for us to take a look at what our economy needs, what America needs, to make sure we have the resources and the people who best provide a great platform for the Americans whom we have to fight for—for all of the Americans whom we have to fight hard for in this country.

So there would be simple provisions, such as if you have an advanced degree—maybe we should allocate some of what is going into purely family reunification into getting engineers, doctors, scientists, highly educated people who want to come to live in this country.

At the other end of the spectrum, we need people of various skills, with a community college certification, maybe—a welder, a technical drawer. There are a number of things you can get at a community college. I know this because I went to a community college—actually two of them. There are a number of skills that you get over 2 years that you may have gained in a foreign country, or you may want to come here and complete the degree and then stay here.

That is all we are talking about in terms of adding a merit component to what right now is purely random or purely family-based immigration. I think there is a way to bridge that gap. I know people are kind of drawing their swords on certain issues, but let's look at what we are trying to do: No. 1, promote immigration to this country; and No. 2, make sure that it is very much focused on the kinds of needs we have in this Nation to help the economy grow.

By the way, if the economy is growing, there is going to be a lot of resources and people to support that growing economy. So I think that at the end of the day, if we do this, it could have the effect of actually promoting a case for more legal immigration over time.

I want to thank Senator DURBIN and Senator GRAHAM and a number of people who have spent years trying to solve this problem. By the same token, I would tell them, you have spent years trying to solve the problem with a single solution, and it hasn't worked. It hasn't worked in a Republican administration, and it didn't work when President Obama was in power. It didn't even work when you didn't need a single Republican to vote for comprehensive immigration reform.

There was a time here—because no Republican voted for ObamaCare, so there was clearly a time here that the table should have been set for whatever immigration solution you wanted, in the same way the table was set for whatever healthcare solution President Obama wanted. I don't begrudge him for taking advantage of the opportunity, whether or not I disagree with the policy. But it is very telling, if that solution, which started back in 2001,

couldn't make it through a sympathetic Republican President's administration, if that legislation couldn't make it through after 2008, with President Obama's clearly sympathetic administration, why on Earth would we simply propose the same thing that has failed for 17 years when we are so close to coming up with something that is balanced and compassionate?

I have had all kinds of people mad at me because I support a path to immigration for 1.8 million people. I wear that as a badge of honor because it is the right thing to do. It is also the right thing to do to secure the border, to fix the visa lottery, and to work on migration here that still maintains roughly the same numbers but does it in a responsible way that also protects the interests of the American people, the people who are here today, and creates a better environment for the people who want to move here tomorrow. I thank the Presiding Officer for standing in my place for a moment.

I will yield the floor and come to the Chair.

(Mr. TILLIS assumed the Chair.)

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from North Carolina.

Mr. TILLIS. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 9:30 p.m. today, the Senate vote on the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 1892 with a further amendment; further, that if cloture is invoked, all postcloture time be yielded back and the Senate vote on the motion to concur.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object.

I think it is interesting, as we follow the debate this evening, and people watching at home may be interested because it kind of turns on some inside baseball things, and you are not sure what to know or believe.

One side says they are ready to vote, and the other side says we are ready to vote. That is the way it has kind of been, except for one side wants to vote only on what they want to vote on and they have agreed to beforehand. The other side wants an open debate, where we would have amendments. That is the side I am on.

I have been arguing all day, basically, to have open amendments, and I want to do an amendment that would say that, basically, we should obey the spending limits. Instead of having a \$1 trillion debt, we should obey our spending limits.

So it is about open debate. It is about voting. I am all in favor of voting, I am in favor of voting right now, and I have offered the other side a 15-minute vote on containing or retaining the spending caps.

So I object because I think there should be amendments, and there

should be sufficient debate on this subject.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 10:30 p.m. this evening, the Senate vote on the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 1892 with a further amendment; further, that if cloture is invoked, all postcloture time be yielded back and the Senate vote on the motion to concur.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object, I think it is very important that the American people know why we are here this evening, and why we are here is because Washington is completely broken.

Mr. CORNYN. Mr. President, regular order.

Mr. PAUL. We are spending money like it is out of control. This bill will have a trillion-dollar deficit, as bad or worse than any of President Obama's. So what I ask my Republican colleagues is, Why are we doing this when we condemned it on the other side?

Mr. CORNYN. Regular order.

The PRESIDING OFFICER. Is there objection?

Mr. PAUL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 11 p.m. this evening, the Senate vote on the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 1892 with a further amendment; further, that if cloture is invoked, all postcloture time be yielded back and the Senate vote on the motion to concur.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Reserving the right to object, I think it is interesting how much energy we are expending when we could have had a 15-minute vote on this, but nobody wanted to vote.

Mr. CORNYN. Mr. President, I ask for regular order.

The PRESIDING OFFICER. Regular order is called for.

Is there objection?

Mr. PAUL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 11:30 p.m. this evening, the Senate vote on the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 1892 with a further amendment; further, that if cloture is invoked, all postcloture time be yielded back and the Senate vote on the motion to concur.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Reserving the right to object, it seems like a lot of work for a trillion-dollar deficit.

Mr. CORNYN. Regular order.

The PRESIDING OFFICER. Regular order is called for.

Is there objection?

Mr. PAUL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 12 a.m., the Senate vote on the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 1892 with a further amendment; further, that if cloture is invoked, all postcloture time be yielded back and the Senate vote on the motion to concur.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Reserving the right to object, a trillion-dollar Republican deficit—the hypocrisy is astounding. Every one of these Republicans complained about President Obama's deficits. Yet now we have them out there bragging and pushing and doing everything they can to get their trillion-dollar deficit through.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 12:30 a.m., the Senate vote on the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 1892 with a further amendment; further, that if cloture is invoked, all postcloture time be yielded back and the Senate vote on the motion to concur.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Reserving the right to object, I realize this charade is about Republicans wanting a trillion-dollar deficit.

Mr. CORNYN. Regular order.

The PRESIDING OFFICER. Regular order is called for.

Is there an objection?

Mr. PAUL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 1 a.m., the Senate vote on the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 1892 with a further amendment; further, that if cloture is invoked, all postcloture time be yielded back and the Senate vote on the motion to concur.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object, we are talking about a trillion-dollar deficit.

Mr. CORNYN. Regular order.

The PRESIDING OFFICER. Regular order is called for.

Is there objection?

Mr. PAUL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. CORNYN. Mr. President, I have asked unanimous consent that the Senate be allowed to vote on the pending matter, and there have been multiple objections, of course, by the Senator from Kentucky.

I don't know why we are basically burning time here while the Senator from Kentucky and others are sitting in the cloakroom wasting everybody's time and inconveniencing the staff. We could easily move this matter forward and have a vote. The outcome will be exactly the same, and it is not inconsequential that the current continuing resolution, I believe, expires at midnight tonight.

So the Senator from Kentucky, by objecting to the unanimous consent requests, will effectively shut down the Federal Government for no real reason. I know he wants to make a point. He has that right. I agree with many of his concerns about deficits and debt, but we are in an emergency situation.

We have our military that is not ready to fight and win our Nation's wars the way it should be. We have military members who have died in accidents as a result of the lack of training and being stretched too thin because of budget cuts, and we need to fix that. General Mattis has pointed out that more American military members have died in training accidents and in regular operations than they have in combat. That is a tragedy that I would hope all of us would want to address.

Then, of course, there is the disaster relief that helps people who were victimized by Hurricane Harvey, Hurricane Maria, the wildfires out West, and Hurricane Irma. That is an emergency matter, as well.

So I don't understand why the Senator from Kentucky wants to insist on shutting down the Federal Government when, after the time expires under the regular order, the outcome will be exactly the same.

I recognize that he has that right, and he has objected to all of my unanimous consent requests to move the vote up earlier, but it makes no sense to me. It will not accomplish anything. I just ask him to reconsider what he is doing in shutting down the entire Federal Government when the outcome of this vote will not be any different after the regular time expires than it would be if we had that vote starting at 10:30 tonight.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, I think it is interesting—the debate we are having, an important debate—and it is important to call attention to how we spend money in Washington and how the system is irrevocably broken. We can cast blame where we want to cast blame, but, I think, for the record, it is important to know that I have been offering all day to vote.

I would like nothing more than to vote, but it is the other side. It is the leadership that has refused to allow any amendments. So we have what is called a closed debate. There will be no amendments. There will be no questioning of the authority. The deal was made in secret, and the deal will not be debated on the floor, and there will be no amendments.

So what I am advocating for is, one, that we should reform the process. I don't advocate for shutting the government down, but neither do I advocate for keeping it open and borrowing \$1 million a minute. In fact, the statistics this year are closer to \$2 million a minute.

This is a government that is horribly broken. This is a system that is horribly broken, and Senator after Senator will come up quietly, and they will say: Oh, this is the last time I am voting for a continuing resolution. This is terrible. This is a terrible way to run a government. This is a rotten way to run the government. Yet they keep voting for it. They are in charge. Why have we been doing this for 40 years? Four times in 40 years have we actually done our job where we voted on each individual appropriations bill.

Earlier today, I went through some of the waste. It is amazing the waste that has been going on. William Proxmire was first pointing out this waste in 1968. One of the examples he pointed to was that money was being spent studying why men fall in love with women. You may be curious about that, too. If you are, ask your friends to get Crowdsourcing, and you could get a study of why men fall in love with women. That is not a function of government. That waste goes on decade after decade, and nothing is ever fixed.

What we have is a 700-page bill that will not have been read by anyone. I was just reading some of the things that will be stuck in there. Nobody will have any idea how they got in there—all of the spending glommed together in one bill with no oversight.

This is a terrible, rotten, no-good way to run your government, and it has been going on decade after decade. Everyone admits it is a terrible, rotten, no-good way to run your government. Yet nobody stands up and says enough is enough. They say: It is a binary choice, young man. Take it or leave it. I will leave it.

I don't want to shut down the government, but somebody ought to insist that we have an open amendment process. Someone should insist that we root out waste in government. We have had a partial audit of the Pentagon, and we

found out that \$800 million was misplaced or lost. What has been done so far in the audit showed over \$100 billion has been wasted in the Pentagon. So what do we do? We reward them with more money. We have been trying to get a complete audit of this Pentagon for 17 years, and you know what they argue? They say: We are too big to be audited. How galling is that, when your government tells you that we are too big to be audited?

This goes on decade after decade. Everybody in Washington complains about it. All the constituents complain about it. All of America complains about it. Yet we do it time after time. Then, people say: Well, look, this is a bipartisan deal. Kumbaya. Republicans and Democrats are holding hands to spend more money.

It is the opposite of what you want. You want compromise in Washington, but we should be compromising to spend less money, not more. Every one of the Republicans—count them; you can look it up on the internet—said that President Barack Obama was a spendthrift and he had trillion-dollar deficits, and we railed day in and day out, year in and year out against it, and rightfully so.

It was too much debt and too much spending. We were against that. That is what I ran for office on. I am not about to turn my head the other way and say it is fine because my party is doing it. That is what this is about. It is pure, empty, partisan politics, where people are saying: It is OK for Republicans to have debts, but it was bad for Democrats to have debts.

It is time we stood up and said it is a rotten system and it should end.

How will it end? It is never going to end by people always passing the buck and saying: Oh, I am voting; this is my last continuing resolution. I hate continuing resolutions. They are terrible. This is my last one, but I am going to vote for one more—maybe next year or actually in a month, because we will be doing this again in a month.

Do you realize that we are on our fourth continuing resolution? This has nothing to do with the budget, and the media confuses this. They say we have a budget deal. No, we have a continuing resolution deal. This is not a budget. This isn't some sort of plan. This hasn't gone through a committee. There are no appropriations bills that have gone through committee. There is no oversight happening to your government. So when I tell you that \$356,000 was spent last year studying what happens to Japanese quail when they are on cocaine—whether they are more sexually promiscuous on cocaine—this is what your government is spending money on. But it doesn't get any better because we never root out the waste. In fact, the agency that has been doing this research ends up getting more every year.

They are like: Oh, we like science. If you like science, you will like this one. They took \$700,000 from autism re-

search, and they spent it studying what Neil Armstrong said when he was on the moon. Did he say "one small step for man," or did he say "one small step for a man"? We spent \$700,000 studying whether the preposition "a" was in Neil Armstrong's statement. That is \$700,000 that should have been spent on autism.

This isn't really just about fiscal conservatism, although it is. It is about how best to spend money for legitimate expenses. Every time you spend money in a wasted way, you are taking away from something that presumably was less wasteful. So this is a big deal.

Do I want to shut down the government? No. But do I want to keep it open and not reform it? Hell, no. That is what is going on. It is a trillion-dollar deficit this year. It is going to be bigger, probably, but we were approaching a trillion dollars before they added \$300 billion of new spending to this. So this is a problem. This is a big deal.

I have said all day long that I will vote. Start the process. Open the doors. We could have had 40 amendments today. We have been at this all day, with the other side blocking amendments, trying to have no debate and trying to close the door so a secret deal—a deal done in secret—can be forced on everyone else.

So yes, we should have debate. Yes, we should have a vote. Let's have a vote tonight on amendments. Let's have amendments. Let's determine whether the American people or the Senate are really in favor of busting the caps.

I have one amendment. I am not asking for a dozen amendments. I am not asking for 100 amendments or 1,000 amendments. I am asking for one. It takes 15 minutes.

So realize that all day these people wanted to paint a picture. They are embarrassed, and I understand that. They are embarrassed by this situation because they know the hypocrisy is thicker than pea soup. They know the hypocrisy is out there. They railed and they railed against President Obama's debt—trillion-dollar deficits. Every one of them railed against it, and now they have to vote tonight for a trillion-dollar deficit. That is the problem here. So there is a certain embarrassment to bring this up. The embarrassment causes them to say: We don't want any amendments. We don't want to discuss this. They ought to be discussed, and so much more should be discussed.

It isn't just that we are blocking amendments or debate on spending or that we are not doing our job on appropriations bills. We are also not doing our constitutional duty on the declaration of war. This was something the Founding Fathers were explicit on. The power to declare war was given to Congress in article I, section 8—given to Congress. In fact, there is discussion of this. There was extensive discussion of this. Almost every Founding Father

weighed in on the fact that war should be declared by the legislature. Madison put it this way. He said that the executive branch is most prone to war; therefore, with steady care, that power was vested in the legislature.

When was the last time we declared war? Well, officially, we haven't declared war since World War II, but we have sort of voted. At least we came to Congress—at least George Bush came to Congress when we went to Afghanistan the first time and when we went to Iraq the first time, and there were votes. But those votes were long ago, nearly a generation ago. They really don't apply to anything we are doing now, and there is a certain intellectual dishonesty by those who continue to say that the vote to go into Afghanistan has anything to do with what we are doing over there now. There is no military solution there, and that also ties into our budgetary problems.

We do not have enough money to build nations around the world and think that we can build our Nation here at home. So when people talk about nation building, I say: Yes, you are right, but we need to do some nation building here.

The President has talked about a \$1 trillion infrastructure plan, but there is no money for it. So we are borrowing \$1 trillion before we get started with people advocating for a \$1 trillion infrastructure plan. There is no money. If we want to find the money, we have to make difficult choices.

As people come to my office, they say: We want money for X; we want money for Y; we want money for Z. I listen carefully, I listen sympathetically, and I try to say: Look, we are a rich country. We ought to be able to do what you are asking. Yet we have a \$1 trillion deficit, and everything has to be reflected by the fact that we are out of money and horribly spending a great excess of what comes in. But nobody is making these difficult choices because we just keep adding on to the tab. We basically just borrow more money.

When President Obama was President, we were—under George W. Bush, we went from \$5 trillion to \$10 trillion in total debt. With President Obama, we went from \$10 trillion to \$20 trillion. We are almost at that same curve again. In fact, we may be escalating that curve as we speak. As Republicans, we all criticized that enormous debt and said that it was a bad thing for our government. There was a debt commission, and there was all of this discussion and a lot of pandering. I was one of those who was concerned, and I am still concerned.

We have this debt that continues to escalate. Yet what do Republicans do when they are in charge? You remember the stories. If you were asked to help Republicans, they said: Well, we took over the House, but that will only—we control one-half of one-third of government. We can't get everything we want. So it didn't happen.

Then we took over the Senate. We controlled one-third of government, and they said: Well, we have to have the Presidency.

Then, lo and behold, we won the Presidency. We have all of the branches of government, yet we still are putting forward a spending bill that will be the equivalent of a \$1 trillion deficit.

Is it wrong to point that out? Is it wrong to want better of your own party? Is it wrong to think that we ought to do our job, that we ought to go into an appropriations process? The House actually did it. People say: Oh, we can't do that anymore. The House of Representatives passed all 12 appropriations bills. It can be done.

Actually, maybe it is not the panacea I would hope in the sense that there is still too much money being spent, even in the appropriations process. It really needs to go hand in hand with two things. We should still do the appropriations bill. There are 12 departments of government; let's pass them one at a time. But we should also keep in mind, as we are spending money or voting to spend money, that the Constitution limits very much what the Congress can do. There are enumerated powers given to Congress under article I, section 8. That is what we are supposed to do. This was a big deal to the Founding Fathers. In fact, they were very specific that those rights not listed were not to be disparaged, so the listing of the Bill of Rights was a partial listing of your rights. But they were also very careful to say that the powers that were granted to the Federal Government were a complete list, and anything not listed in the powers granted would be retained by the people and the States—by the States and the people, respectively.

Part of our problem is that we decided we wanted a government that is everything to everyone. You ask yourself: Is one party better than the other? Maybe at times. But, really—if you are looking for responsibility—they want to cast blame. All of a sudden, I, myself, am somehow responsible for the whole problem here. Actually, I have made them angry, and they are very upset with me because I have made it difficult. We are going to have to be up late tonight, and they are angry that I am pointing out their hypocrisy. That is a big problem, and nobody likes to have that pointed out. But if we don't, if we just continue on this course, I think there is a great danger to the Nation.

I think there is a day of reckoning coming, and I think that our debt eventually could get the better of us, that it could really threaten the underpinnings, the undergirding of our country, and it could do it in a couple of different ways.

For some time now, we have manipulated interest rates through the Federal Reserve. We kept them below the market rate, which led to a huge housing bubble and a housing correction. We don't really have a housing bubble

happening, but many of you may have noticed that there has been a huge stock market bubble. There is a question as to whether the fury of that has been fed by Fed policy and whether the desire to keep interest rates low to make it cheap to borrow money—whether someday we will have a boom that leads to a bust. I really think that is a worry.

The stock market has been very jittery in the last few days. I think some of that has to do—it is funny how people interpret it. Some on the left will say: Oh, the stock market is jittery because the government might shut down for 2 hours. That is the dumbest thing I have ever heard in my life. But it could be, perhaps, that they are jittery because we have a government that is profligate in its spending, is perpetually spending more than comes in, and has such a great imbalance that maybe one-third of what we are doing here is financed.

They say: Well, it would be one thing to actually finance a house or something like that, but if you are financing your rent or if you are financing your groceries each month, there is a problem. We are having trouble paying our day-to-day expenses because we are borrowing them.

Much has been said about the military needing money, and I believe in a strong national defense. In fact, I believe that our national defense is actually the most important thing the Federal Government does. It is one of those things that State government can't do. So, yes, I want a strong national defense, but you have to ask yourself whether a \$20 trillion debt makes us a stronger country or a weaker country.

I think it was Admiral Milligan who said that, currently, the No. 1 threat to our country is our national debt. There is this question of whether an insolvent nation can be a strong nation.

As we look through this, I think it would be wise to look at the spending bill and say: This is not the way we should run a government, and we, as Republicans—if we really, truly are conservative—should be putting forward something that looks toward balance, at the very least, instead of going the opposite way.

I would ask the Senate to really take a look at themselves, to look in the mirror and say: Is this really what we stand for? Is this what we have been running for all these years, to control government and then be no different from our counterparts across the aisle?

I think today is a day of reflection but hopefully a day where there will be some who will say: Enough is enough. I am not going to do it anymore.

The PRESIDING OFFICER (Mr. CRUZ). The Senator from Utah.

Mr. LEE. Mr. President, we find ourselves in another position like those we have found ourselves in before. We find ourselves in a position in which the government's spending authority is set to expire in just a few hours. We have

known this was coming for weeks, just as we did with the last continuing resolution and the one before that and the one before that. As Jacques Cousteau once observed: "We are living in an interminable succession of absurdities imposed by the myopic logic of short-term thinking."

Every time, we approach this as if it were somehow going to be different this time. We quibble from time to time about this or that policy. We quibble from time to time about the price tag. Sometimes we are so focused on the policy and the price tag that we forget about the process. It is primarily to this subject, the process, that I would like to turn my attention for the next few minutes.

You see, the process is important around here. We come from different backgrounds. We come from different States. We represent diverse interests across this great country. We are not going to agree on everything. In fact, there are a lot of things on which we strongly disagree. That is why we have processes.

The Constitution is, itself, all about the process. In fact, the Constitution is more or less agnostic as to the substantive policy outcome. It is all about connecting the American people to their government, which is there to serve them. It is all about making sure that there is responsiveness and accountability from the government to the people, making sure that the government serves the people and not the other way around.

It is for this reason—and it is very important—that each Member who holds an election certificate in this body or in the body just down the hall from us in the House of Representatives is allowed to express his or her opinions and have them matter. Nowhere is this more important than when it comes to spending bills.

You see, it is in spending bills that we have the opportunity to exercise oversight over the Federal Government—a government that requires the American people to spend many months out of every year working just to pay their tax bills, a Federal Government that imposes \$2 trillion every single year in regulatory compliance costs on the American people, a government that has the power to destroy a business or a livelihood or, in some cases, lives.

It is important that we exercise this oversight, and without spending constraints, there can be no meaningful oversight. Without an adequate process, the Republican form of government cannot fulfill its role. The American people are no longer in charge of their government when this happens.

For this reason, it is a little disturbing that a government that spends nearly \$4 trillion every single year makes its spending decisions in one fell swoop as it does. You see, whenever we pass a continuing resolution, what we are doing as a Congress is effectively pressing a reset button. It keeps current spending levels intact, in place,

unchanged, as if there were no reviewing body, as if there had been no election, as if the American people didn't matter at all to the process by which they are governed. This is an abdication of our role as the people's elected representatives. It disconnects the American people, and we wonder—we wonder why it is that this is an institution, Congress, that enjoys an approval rating somewhere between 9 and 14 percent, making us slightly less popular than Fidel and Raul Castro in America and only slightly more popular than the influenza virus, which is rapidly gaining on us. It is for this reason—because we have disconnected the American people from their own government, and one of the ways we do that is when we pass a continuing resolution to keep the government funded at current levels without any additional changes. When these things are offered, it is often within just hours of the expiration of a spending deadline.

We have a bill before us that is quite lengthy and that we have had access to for only about 24 hours—a little bit less than that—and we are asked to make a binary choice as to that legislation, yes or no. Vote for it and, in this case, there are some things that you get. You get \$90 billion in emergency spending. You get an increase of spending caps of about \$300 billion over 2 years. You get in excess of \$1 trillion in new debt. Some have estimated it could be more like \$1.5 trillion, but we will be talking about a \$22 trillion debt by the second quarter of 2019 as a result of this bill.

When we received this bill, we were told: You have two options. You can vote yes and accept all of those things or you can vote no, and there is no opportunity for anything in between there—no opportunity to amend it, no opportunity to improve it. If you think about it, there is really not a meaningful opportunity for debate if you don't have a meaningful opportunity to amend a legislative provision once it is introduced.

Members are told over and over and over again: You are either going to vote for this and accept the government as is, with no changes or with changes that you might find incredibly disturbing, or you will be blamed for a shutdown. Why is this OK?

One of the things that we hear from the American people, quite understandably, quite justifiably, is why can't you all just get into a room and come to an agreement? Well, this is that room. There are two such rooms here in the Capitol. One is in the Senate, and one is in the House of Representatives. This is the room where that is supposed to take place. There are mechanisms by which that is supposed to occur. Through the amendment process, people offer up legislation, and they offer to improve legislation. If they have concerns with it, they can offer up amendments. When Members are denied that opportunity, the American people are disconnected yet again from that process.

Who benefits from this? Well, it certainly isn't the American people, who find that their government gets bigger and more expensive. It does so at their expense, at the expense of the American people. Every time we undertake this process again—we pass another continuing resolution—we suggest that it is somehow OK to fund the government this way, with one decision affecting every aspect of government, in one vote put forward under sort of extortive circumstances in which Members are told: You have to do this, or the government is going to shut down, and you will be blamed for that if you vote against it.

This isn't right. Why couldn't we bring legislation to the floor not hours but weeks or even months before the deadline? Why couldn't we allow that to occur, to allow the debate, the discussion to occur under the light of day rather than having this legislation negotiated under cover of darkness, behind closed doors, where the American people are left out.

I have thought about this on many occasions, and there are very few circumstances in our day-to-day lives that are like the way Congress spends money.

It has occurred to me that it is as if you moved into a new area, a very remote area, and you had access to only one grocery store for many, many miles, many, many hours away. You were on your way home from work and your spouse called you and said to stop at the store and pick up bread, milk, and eggs.

You go to the store and get your grocery cart. You go to the bread aisle and put a loaf of bread, a carton of milk, and a dozen eggs in your cart. You get to the checkout counter, and you put out your bread, milk, and eggs. The cashier rings those things up and says: I am sorry, you may not purchase bread, milk, and eggs unless you also purchase half a ton of iron ore, a bucket of nails, a book about cowboy poetry, and a Barry Manilow album. In fact, this is a special kind of store where you have to buy all of those things. In fact, you have to buy one of every item in this entire store in order to buy any of these things, including the bread, the milk, and the eggs.

That would start to approximate what it feels like to spend money in Congress, where we are told: You can't fund any part of government unless you are willing to fund all of government, subject to such changes as the few people who write the continuing resolution might insert. And you, by the way, having been duly elected by the citizens of your State, will be left out of the process other than to exercise the binary choice of yes or no.

So we have seen that this is how we get to be \$20 trillion in debt, soon to be \$22 trillion in debt. We don't get to be \$21 trillion, soon to be \$22 trillion in debt without a whole lot of agreement on the part of a whole lot of people to do that. It is a bipartisan exercise, to

be sure. Bipartisanship is necessary, but the fact that it is bipartisan doesn't always make it holy.

You don't get to be \$20 trillion in debt without a whole lot of Republicans agreeing with a whole lot of Democrats that we are going to do precisely that. It might inure to the benefit of a few people who stand to benefit every time the government gets bigger or more expensive, every time we do things this way, but it hurts everyone else.

So process matters. The fact is, we will not always come to an agreement as to how much we ought to spend. We will not always come to an agreement as to those things on which we will be spending, the requisite amount of money. But I think we should be able to agree that the American people deserve a process, one that allows them to be heard through the people's own elected representatives. If not us, who? If not now, when? At what point are we going to start appropriating funds through this government, through a process that is open, that is transparent, that can be observed by the American people and through which the American people can be heard?

At the end of the day, we must remember that we are great as a country not because of who we are but because of what we do. To the extent that we have recognized as a nation that the dignity of the human soul matters, that the rights of the individual have to be taken into account, and that the government works for the people, we have prospered and will prosper in the future. But we have to be willing to respect the American people, and we should not be surprised—when we ignore them over and over again and when we shut them out of a process that directly and materially impacts their lives, we should not be shocked when they respond with horror. We shouldn't be surprised when wave election after wave election signals dissatisfaction with this very body, with this very entity that serves as the legislative branch of our Federal Government.

Each time we are presented with one of these continuing resolutions or with a one-size-fits-all spending package where we are told that we have to either vote for it, all of it, with no opportunity to improve it, or we have to vote against it, I have concerns with that.

I have significant concerns with this particular legislation, and I will vote no.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, I came in the Chamber just in the middle of a couple of these statements that have been made, and I was confused because I thought we were talking about the tax bill, the bill that went through the Senate in December with no hearings and no amendments. It didn't even have a fig leaf of bipartisanship. I am

puzzled regarding my two colleagues, who seem so worried about the deficit, both of whom I believe voted for that bill, which, according to the Congressional Budget Office, is going to add \$1.5 trillion to the deficit.

There are two issues; one is process, and one is results. I myself am concerned about results. I am concerned about the deficit, and I think it is a legitimate question, but it ill-behooves one who, less than 6 weeks ago, voted for a massive, unfunded tax cut that will increase our deficit by well over \$1 trillion. So it is OK as a matter of deficit politics to be for that bill and against a bill that funds community health centers in my State; that funds opioid treatment, which is desperately needed across this country; that funds our military in a way that they can operate and actually meet the needs of the national security of this country. That is what the bill before us does.

So we can argue about those things, but it is touching, frankly, to hear these very lugubrious comments about process when the process on the tax bill was one of the worst processes in the history of this body. When tax reform was passed in 1986, there were some 33 hearings before the Finance Committee. It took 14 months, and the vote in the Senate was something like 90 to 10. That was a process. The process on the tax bill in December was atrocious. It was an embarrassment. The city council in Bangor, ME, would not have amended the leash law using that process.

Now, tonight, people are coming and complaining about process—the people who voted for that bill. I am sorry, I am not very persuaded by that. At least now there has been some process in the sense that it has been bipartisan, that our leaders have been able to negotiate, that there has been input from the Appropriations Committee, from Members of the rank-and-file on both sides and in both Houses. I admit it is not a great process, but it seems to me those who are raising that issue tonight forfeited the right to raise that issue when they voted for the tax bill, as far as I know, without a peep about process or about deficits.

I agree that we ought to get back to regular order. We ought to get back to working together. We ought to get back to committee hearings. But let's not have this amnesia from 6 weeks ago when we made one of the most significant decisions—a once-in-a-generation decision—about permanent tax policy that is going to affect the budget and the debt of this country for a whole generation.

Here, tonight, we are getting all of this strong emotional plea about process, about what amounts to a 2-year budget, which, by the way, is the way we should do it—not according to this process, but we ought to be talking about 2-year budgets.

So I am sympathetic on both the deficit issue and the process issue, but the lawyer in me says that you are es-

topped from raising that argument if you voted for the tax bill. You can't have it both ways.

I listened to my esteemed colleague from Utah, and I understand his concerns. I share his concerns. If only he had said that in December. But, instead, he says it tonight when we are talking about funding our military, opioid treatment, and children's healthcare.

I think you have to work it both ways. You can't just take one side of the debate and say that it is OK to do a tax cut with no process but it is not OK to take a bipartisan, negotiated arrangement on the budget because all of a sudden we are concerned about process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I appreciate the keen insights of my friend and distinguished colleague, the Senator from Maine.

I would point out here that there was a process on the tax bill. It may not have been perfect—in fact, it wasn't—but there was a process. We had amendments. We were allowed to offer them, to have them considered. We did, in fact, take votes. There is no process on this.

I have been told by some of the Members of this body—some from my party, some from the other party—that there is a process because members of the Appropriations Committee have had input on this. That isn't a process that belongs to the Senate; that is for one committee. It is not a substitute for floor consideration.

There is a provision in the U.S. Constitution that makes certain kinds of amendments to the Constitution patently unconstitutional. That provision says that you can't do anything to alter the equal representation of the States within the U.S. Senate. Consistent with the spirit of that provision, we have to make sure we don't make changes to Senate procedure in a way that creates a super class of Senators. We don't want to get to a point, to paraphrase George Orwell, where we say all Senators are equal but some are more equal than others.

The process within the Appropriations Committee is not Senate process.

We did, in fact, have a process on the tax bill. It was not perfect, but it was a process. Here, there isn't a process. Here, there is not an opportunity for amendments. There is not an opportunity for a single amendment. That is a material distinction, and it is one worth noting here.

It is also worth noting here that we have done this over and over and over again. What is this—the fifth continuing resolution of this fiscal year alone? This is happening over and over and over again, so much so that many Members of this body have never seen it operate any differently. That is a sad state of affairs and one that ought to be troubling to Members of both polit-

ical parties and to Members of this body from every part of this great country.

Thank you, Mr. President.

MORNING BUSINESS

REMEMBERING JON HUNTSMAN, SR.

Mr. HATCH. Mr. President, today I wish to honor the life of Jon Huntsman, Sr., a committed public servant, a visionary entrepreneur, and perhaps the greatest philanthropist Utah has ever known. Jon passed away peacefully last Friday afternoon with his friends and family gathered by his bedside. Elaine and I will miss him dearly, as will thousands in Utah and across the Nation.

From humble beginnings, Jon rose to the highest echelons of industry and power. But along life's journey, he never lost sight of what matters most. Indeed, no matter what success Jon experienced, no matter what wealth he attained or honors he achieved, he always maintained an everyman ethos that endeared him to friends and business associates alike.

Jon's hallmark humility was born of a childhood spent in poverty. Growing up in modest circumstances, Jon resolved to escape the financial hardships of his youth and find success as a businessman. In time, he made a tremendous fortune as the chairman and CEO of the Huntsman group of companies, which includes Huntsman Chemical Corp. Rather than sit on his wealth, Jon gave liberally to all, donating more than \$1 billion over the course of his lifetime to build and sustain hundreds of charities, the most prominent of which was the Huntsman Cancer Institute—a premiere research facility dedicated to eradicating cancer in all its forms. With a donation of \$450 million, Jon and his wife, Karen, founded the institute in 1995. Today, it remains among the most respected medical research facilities in the world. For Jon, the battle against cancer was personal; he himself was a four-time cancer survivor, and his own mother passed away from the disease. With the sheer amount of resources he has devoted to cancer research, Jon has done more than perhaps anyone alive to help us find a cure.

Of course, fighting cancer was not Jon's only cause. He also donated hundreds of millions of dollars to strengthen schools, feed the hungry, and protect women and children from abuse. For Jon, material success was never an end in itself but a means to enrich the lives of others. Richly was he given, and richly did he give to all who stood in need. He was magnanimous to the very end and will long be remembered for his selflessness towards his fellow man.

Jon was also actively involved in public life, serving as an Associate Administrator of the Department of

Health, Education, and Welfare, and later as a White House Staff Secretary. In all things, he embodied the concept of a life well-lived. Outside of his professional pursuits, Jon had a robust and meaningful personal life. He married his high school sweetheart, Karen, not long after graduating from the Wharton School of Business, and together they raised nine children. The Huntsman family has grown immensely over the years, and today includes 56 grandchildren and 26 great-grandchildren. Jon was also an active member of the Church of Jesus Christ of Latter-day Saints and served diligently in leadership positions as a regional representative, stake president, and president of the Washington, D.C. South Mission.

On a personal note, I feel a great love for Jon and the entire Huntsman family. More than an accomplished businessman and philanthropist, he was a trusted confidante and a dear friend whom I will miss greatly. With his passing, Utah has lost a lion. This week, my prayers are with the Huntsman family.

ADDITIONAL STATEMENTS

TRIBUTE TO SHANE AND CHERRY HARRINGTON

• Mr. DAINES. Mr. President, this week I have the honor of recognizing Shane and Cherry Harrington of Wibaux. Shane serves as sheriff of Wibaux County and has done so for 14 years. Prior to being elected sheriff, Shane served as under-sheriff for 6 years. His 20 years of work to keep Wibaux County a safe place to live and work is greatly appreciated by the community.

Shane's wife, Cherry, is also very active in community life. Just this past August, Cherry took over the Wibaux General Store after learning that the original owner was preparing to retire. The store is a hub for Wibaux's economy and community, offering everything from farming and ranching supplies to cookware. The thought of the store closing was a concern for the community. Cherry stepped up to meet the community's need for a hardware store and is looking forward to making improvements and meeting the demands of Wibaux County.

That is what Shane and Cherry do; they step up to meet the needs of the community. Together, they have raised three sons, who all became ranchers in Wibaux County. Shane and Cherry's contributions to the community exemplify our way of life—service, hard work, and family. Their commitment to Wibaux and Montana is a testimony to the strength of Montana communities, and I am so grateful for their contributions.●

TRIBUTE TO PAUL J. REEDER

• Mr. DAINES. Mr. President, this week I have the distinct honor of rec-

ognizing Paul J. Reeder of Billings, MT. Paul has a fantastic history of service to Montanans and to the Billings community. He has served in pastoral ministry and care for decades and has dedicated himself to the well-being of community members.

Paul pastored churches across Montana prior to becoming the director of the Friendship House, from which he retired after 22 years of service in 1996. Paul also began his chaplain ministry in 1978 and has faithfully served the Billings Police Department as chaplain for the past 40 years. His unwavering commitment to encouraging officers is evident in all his actions as he attends morning briefings, learns each officer by name, sends birthday cards, bakes Christmas cookies, and hosts an annual breakfast for the officers. Never missing an opportunity to make officers feel known, Paul keeps a current photo display of officers updated at the department.

In his spare time, Paul has published booklets on the Underground Railroad, Buffalo Soldiers, and other various historical figures. He also repairs Bibles, hymnals, and other books for churches, friends, libraries, schools, and civic organizations. At 87 years old, Paul still preaches one Sunday a month at All Nations Church. Paul's devotion and faithful attendance has encouraged officers and chaplains alike for the past 40 years, and his encouragement and commitment will be remembered as he retires this year. Thank you, Paul, for all your service.●

200TH ANNIVERSARY OF THE TOWN OF MEXICO

• Mr. KING. Mr. President, today I would like to recognize the town of Mexico, ME, as they will celebrate their 200th year since incorporation on February 13, 2018. Located in Oxford County, Mexico is bordered by the Androscoggin River, as well as Dixfield and the historic mill town of Rumford. Recognized as the gateway to the Western mountains, visitors and residents enjoy the town's colorful fall foliage, quaint downtown, and proximity to the great Maine outdoors.

The town of Mexico's unique name stemmed from the local interest in foreign politics. In the early 1700s, the territory was known as "Township Number One" until the area was bought by Colonel John Holman near the end of the 18th century. Just a few years after the American Revolutionary War, Holmanstown was renamed to honor the country of Mexico's fight for independence from Spain. Though the Mexican War for independence was occurring almost 3,000 miles south of the small town, locals were known to be sympathetic to supporting North America's decolonization from European powers.

In the spirit of celebration, the town of Mexico has 13 bicentennial events planned throughout the year. The multigenerational festivities will in-

clude a parade, a carnival, a talent show, as well as "Mexicoplay," a familiar board game specifically designed to recognize local businesses and organizations for their everyday accomplishments. I would like to commend the community members of Mexico for all that they have done during this time of celebration and historical remembrance. Maine is proud to honor a community that has successfully evolved and adapted with the changing times.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting nominations which were referred to the Committee on Armed Services.

(The message received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:32 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1438. An act to redesignate the Jefferson National Expansion Memorial in the State of Missouri as the "Gateway Arch National Park".

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1997. An act to encourage United States-Ukraine cybersecurity cooperation and require a report regarding such cooperation, and for other purposes.

H.R. 2371. An act to require the Administrator of the Western Area Power Administration to establish a pilot project to provide increased transparency for customers, and for other purposes.

H.R. 3851. An act to amend the State Department Basic Authorities Act of 1956 to provide for rewards for the arrest or conviction of certain foreign nationals who have committed genocide or war crimes, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1997. An act to encourage United States-Ukraine cybersecurity cooperation and require a report regarding such cooperation, and for other purposes; to the Committee on Foreign Relations.

H.R. 2371. An act to require the Administrator of the Western Area Power Administration to establish a pilot project to provide increased transparency for customers, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3851. An act to amend the State Department Basic Authorities Act of 1956 to

provide for rewards for the arrest or conviction of certain foreign nationals who have committed genocide or war crimes, and for other purposes; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE (for Mr. McCAIN), from the Committee on Armed Services:

Special Report entitled "Report on the Activities of the Committee on Armed Services, 114th Congress, First and Second Sessions" (Rept. No. 115-207).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. CRAPO for the Committee on Banking, Housing, and Urban Affairs.

*Marvin Goodfriend, of Pennsylvania, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2016.

*Jelena McWilliams, of Ohio, to be Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation for a term of five years.

*Thomas E. Workman, of New York, to be a Member of the Financial Stability Oversight Council for a term of six years.

*Jelena McWilliams, of Ohio, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

By Mr. GRASSLEY for the Committee on the Judiciary.

Kurt D. Engelhardt, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

Barry W. Ashe, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Howard C. Nielson, Jr., of Utah, to be United States District Judge for the District of Utah.

James R. Sweeney II, of Indiana, to be United States District Judge for the Southern District of Indiana.

John C. Anderson, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

Brandon J. Fremin, of Louisiana, to be United States Attorney for the Middle District of Louisiana for the term of four years.

Joseph P. Kelly, of Nebraska, to be United States Attorney for the District of Nebraska for the term of four years.

Scott W. Murray, of New Hampshire, to be United States Attorney for the District of New Hampshire for the term of four years.

David C. Weiss, of Delaware, to be United States Attorney for the District of Delaware for the term of four years.

David G. Jolley, of Tennessee, to be United States Marshal for the Eastern District of Tennessee for the term of four years.

Thomas M. Griffin, Jr., of South Carolina, to be United States Marshal for the District of South Carolina for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. WARREN (for herself and Mrs. ERNST):

S. 2402. A bill to direct the Secretary of Veterans Affairs to increase the number of peer-to-peer counselors providing counseling for women veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DONNELLY (for himself and Mr. BURR):

S. 2403. A bill to modify a provision relating to adjustments of certain State apportionments for Federal highway programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CASEY (for himself and Ms. COLLINS):

S. 2404. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to reauthorize the organic agriculture research and extension initiative; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COTTON (for himself and Mr. JONES):

S. 2405. A bill to amend the Federal Deposit Insurance Act to clarify capital requirements for certain acquisition, development, or construction loans; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ALEXANDER (for himself, Mrs. MURRAY, Mr. YOUNG, and Ms. HASSAN):

S. 2406. A bill to advance cutting-edge research initiatives of the National Institutes of Health; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HASSAN (for herself, Mr. KAINE, Mrs. SHAHEEN, and Mr. REED):

S. 2407. A bill to establish a career pathway grant program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself, Mr. VAN HOLLEN, Mr. BLUMENTHAL, and Ms. DUCKWORTH):

S. 2408. A bill to prohibit the use of funds for an exhibition or parade of military forces and hardware for review by the President outside of authorized military operations or activities; to the Committee on Armed Services.

By Mr. UDALL (for himself, Ms. CORTEZ MASTO, and Ms. SMITH):

S. 2409. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to improve nutrition in tribal areas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THUNE (for himself and Mr. CARPER):

S. 2410. A bill to amend the Internal Revenue Code of 1986 to permit high deductible health plans to provide chronic disease prevention services to plan enrollees prior to satisfying their plan deductible; to the Committee on Finance.

By Ms. DUCKWORTH:

S. 2411. A bill for the relief of Miguel Angel Perez-Montes, Jr.; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. DURBIN, Mr. CRUZ, Mr. CARDIN, and Mr. LEAHY):

S. 2412. A bill to support the successful implementation of the 1991 Paris Peace Agreement in Cambodia, and for other purposes; to the Committee on Foreign Relations.

By Mrs. McCASKILL:

S. 2413. A bill to provide for the appropriate use of bridge contracts in Federal pro-

curement, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HELLER:

S. 2414. A bill to transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for use as a national cemetery, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 292

At the request of Mr. REED, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 292, a bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes.

S. 482

At the request of Mr. THUNE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to treat certain amounts paid for physical activity, fitness, and exercise as amounts paid for medical care.

S. 497

At the request of Ms. CANTWELL, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Alabama (Mr. JONES) were added as cosponsors of S. 497, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 732

At the request of Mr. BOOZMAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 732, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit against income tax for the purchase of qualified access technology for the blind.

S. 751

At the request of Mr. WARNER, the names of the Senator from New Hampshire (Ms. HASSAN), the Senator from Florida (Mr. NELSON) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 751, a bill to amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.

S. 980

At the request of Mrs. CAPITO, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 980, a bill to amend title XVIII of the Social Security Act to provide for payments for certain rural health clinic and Federally qualified health center services furnished to hospice patients under the Medicare program.

S. 1152

At the request of Mr. MERKLEY, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1152, a bill to create protections for depository institutions that provide financial services to cannabis-related businesses, and for other purposes.

S. 1690

At the request of Ms. DUCKWORTH, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1690, a bill to amend the Higher Education Act of 1965 to provide greater support to students with dependents, and for other purposes.

S. 1738

At the request of Mr. WARNER, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1738, a bill to amend title XVIII of the Social Security Act to provide for a home infusion therapy services temporary transitional payment under the Medicare program.

S. 1806

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1806, a bill to amend the Child Care and Development Block Grant Act of 1990 and the Head Start Act to promote child care and early learning, and for other purposes.

S. 1842

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1842, a bill to provide for wildfire suppression operations, and for other purposes.

S. 1989

At the request of Ms. KLOBUCHAR, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Maryland (Mr. VAN HOLLEN) were added as cosponsors of S. 1989, a bill to enhance transparency and accountability for online political advertisements by requiring those who purchase and publish such ads to disclose information about the advertisements to the public, and for other purposes.

S. 2029

At the request of Mr. REED, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2029, a bill to establish a National and Community Service Administration to carry out the national and volunteer service programs, to expand participation in such programs, and for other purposes.

S. 2086

At the request of Mrs. SHAHEEN, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 2086, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to extend and modernize the sugar program, to extend and subsequently repeal the feedstock flexibility program for bioenergy producers, to extend and subsequently replace flexible marketing allotments for sugar, and for other purposes.

S. 2098

At the request of Mr. CORNYN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2098, a bill to modernize and strengthen the Committee on Foreign Investment in the United States to more effectively guard against the risk to the national security of the United States posed by certain types of foreign investment, and for other purposes.

S. 2127

At the request of Ms. MURKOWSKI, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2127, a bill to award a Congressional Gold Medal, collectively, to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II.

S. 2324

At the request of Mr. HELLER, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 2324, a bill to amend the Investment Company Act of 1940 to change certain requirements relating to the capital structure of business development companies, to direct the Securities and Exchange Commission to revise certain rules relating to business development companies, and for other purposes.

S. 2339

At the request of Mr. PAUL, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 2339, a bill to amend title 31, United States Code, to provide for automatic continuing resolutions.

S. 2345

At the request of Mr. CORNYN, the names of the Senator from North Carolina (Mr. BURR), the Senator from Missouri (Mrs. McCASKILL) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 2345, a bill to amend the DNA Analysis Backlog Elimination Act of 2000 to provide additional resources to State and local prosecutors, and for other purposes.

S. 2353

At the request of Mr. COTTON, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 2353, a bill to require the Secretary of the Treasury to report on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes.

S. 2360

At the request of Ms. HEITKAMP, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2360, a bill to provide for the minimum size of crews of freight trains, and for other purposes.

S. 2364

At the request of Mr. BOOZMAN, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 2364, a bill to

amend the Water Infrastructure Finance and Innovation Act of 2014 to provide to State infrastructure financing authorities additional opportunities to receive loans under that Act to support drinking water and clean water State revolving funds to deliver water infrastructure to communities across the United States, and for other purposes.

S. RES. 396

At the request of Mrs. SHAHEEN, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. Res. 396, a resolution to establish a special committee of the Senate to address sexual abuse within United States Olympic Gymnastics.

S. RES. 397

At the request of Mrs. MURRAY, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. Res. 397, a resolution designating the week of February 5 through February 9, 2018, as "National School Counseling Week".

AMENDMENTS SUBMITTED AND PROPOSED

SA 1935. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1930 proposed by Mr. MCCONNELL to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty; which was ordered to lie on the table.

SA 1936. Mr. GRASSLEY (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1930 proposed by Mr. MCCONNELL to the bill H.R. 1892, supra; which was ordered to lie on the table.

SA 1937. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 1930 proposed by Mr. MCCONNELL to the bill H.R. 1892, supra; which was ordered to lie on the table.

SA 1938. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1930 proposed by Mr. MCCONNELL to the bill H.R. 1892, supra; which was ordered to lie on the table.

SA 1939. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 1930 proposed by Mr. MCCONNELL to the bill H.R. 1892, supra; which was ordered to lie on the table.

SA 1940. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1930 proposed by Mr. MCCONNELL to the bill H.R. 1892, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1935. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1930 proposed by Mr. MCCONNELL to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty; which was ordered to lie on the table; as follows:

On page 223, between lines 17 and 18, insert the following:

Subtitle E—Additional Extensions Through 2018

SEC. 40601. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) IN GENERAL.—Section 30C(g), as amended by section 40404, is amended by striking “December 31, 2017” and inserting “December 31, 2018”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2017.

SEC. 40602. EXTENSION OF SECOND GENERATION BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Section 40(b)(6)(J)(i), as amended by section 40406, is amended by striking “January 1, 2018” and inserting “January 1, 2019”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to qualified second generation biofuel production after December 31, 2017.

SEC. 40603. EXTENSION OF SPECIAL ALLOWANCE FOR SECOND GENERATION BIOFUEL PLANT PROPERTY.

(a) IN GENERAL.—Section 168(l)(2)(D), as amended by section 40412, is amended by striking “January 1, 2018” and inserting “January 1, 2019”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2017.

SEC. 40604. EXTENSION OF EXCISE TAX CREDITS RELATING TO ALTERNATIVE FUELS.

(a) EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.—

(1) IN GENERAL.—Sections 6426(d)(5) and 6426(e)(3), as amended by section 40415, are each amended by striking “December 31, 2017” and inserting “December 31, 2018”.

(2) OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.—Section 6427(e)(6)(C), as amended by section 40414, is amended by striking “December 31, 2017” and inserting “December 31, 2018”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2017.

(b) SPECIAL RULE FOR 2018.—Notwithstanding any other provision of law, in the case of any alternative fuel credit properly determined under section 6426(d) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2018, and ending on the date of the enactment of this Act, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

SA 1936. Mr. GRASSLEY (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1930 proposed by Mr. MCCONNELL to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at

half-staff in the event of the death of a first responder in the line of duty; which was ordered to lie on the table; as follows:

On page 208, strike lines 3 through 19 and insert the following:

(a) INCOME TAX CREDIT.—

(1) IN GENERAL.—Subsection (g) of section 40A is amended by striking “December 31, 2016” and inserting “December 31, 2018”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to fuel sold or used after December 31, 2016.

(b) EXCISE TAX INCENTIVES.—

(1) IN GENERAL.—Section 6426(c)(6) is amended by striking “December 31, 2016” and inserting “December 31, 2018”.

(2) PAYMENTS.—Section 6427(e)(6)(B) is amended by striking “December 31, 2016” and inserting “December 31, 2018”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuel sold or used after December 31, 2016.

(4) SPECIAL RULE.—Notwithstanding any other provision of law, in the case of any biodiesel mixture credit properly determined under section 6426(c) of the Internal Revenue Code of 1986 for the period beginning on January 1, 2017, and ending on the date of the enactment of this Act, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

SA 1937. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 1930 proposed by Mr. MCCONNELL to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—NO BUDGET, NO PAY

SEC. ____01. SHORT TITLE.

This title may be cited as the “No Budget, No Pay Act”.

SEC. ____02. DEFINITION.

In this title, the term “Member of Congress”—

(1) has the meaning given the term under section 2106 of title 5, United States Code; and

(2) does not include the Vice President.

SEC. ____03. TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.

If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before

October 1 of that fiscal year and have not passed all the regular appropriations bills for the next fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year and all the regular appropriations bills.

SEC. ____04. NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section ____05.

(b) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section ____05, at any time after the end of that period.

SEC. ____05. DETERMINATIONS.

(a) SENATE.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate for certification of determinations made under subparagraphs (A) and (B) of paragraph (2).

(2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section ____03 and whether Senators may not be paid under that section;

(B) determine the period of days following each October 1 that Senators may not be paid under section ____03; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Secretary of the Senate.

(b) HOUSE OF REPRESENTATIVES.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives for certification of determinations made under subparagraphs (A) and (B) of paragraph (2).

(2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section ____03 and whether Members of the House of Representatives may not be paid under that section;

(B) determine the period of days following each October 1 that Members of the House of Representatives may not be paid under section ____03; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

SEC. 06. EFFECTIVE DATE.

This title shall take effect on February 1, 2019.

SA 1938. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1930 proposed by Mr. MCCONNELL to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty; which was ordered to lie on the table; as follows:

On page 93, line 25, insert “2012, 2013,” before “2014”.

SA 1939. Mr. MENENDEZ (for himself and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 1930 proposed by Mr. MCCONNELL to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty; which was ordered to lie on the table; as follows:

On page 260, between lines 6 and 7, insert the following:

SEC. 4120. CREDIT AGAINST TAX ON INVESTMENT INCOME OF PRIVATE COLLEGES AND UNIVERSITIES.

(a) IN GENERAL.—Subchapter B of chapter 65 is amended by adding at the end the following new section:

“SEC. 6433. CREDIT AGAINST TAX ON INVESTMENT INCOME OF PRIVATE COLLEGES AND UNIVERSITIES.

“(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by section 4968 an amount equal to so much of the qualified tuition waiver amount for the taxable year as does not exceed the amount of such tax for such taxable year.

“(b) QUALIFIED TUITION WAIVER AMOUNT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified tuition waiver amount’ means the product of—

“(A) the regular tuition for a full-time student at the applicable educational institution (as defined in section 4968(b)(1)) for academic periods during the taxable year, and

“(B) the number of qualified students attending the applicable educational institution full-time during such periods who do not pay any tuition.

“(2) QUALIFIED STUDENT.—The term ‘qualified student’ means any full-time student if the total income (as defined in section 480 of the Higher Education Act of 1965) for the student’s family, determined in accordance with part F of title IV of such Act, does not exceed \$150,000 for the taxable year.

“(3) EXCLUSION OF THIRD-PARTY SCHOLARSHIPS, ETC.—A qualified student shall not be taken into account under paragraph (1)(B) if the student’s tuition is paid by any person other than the applicable educational institution, including by scholarship, grant, or loan.

“(c) TUITION.—For purposes of this section, the term ‘tuition’ does not include—

“(1) expenses for room and board, and

“(2) expenses described in section 117(b)(2)(B).”

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by adding at the end the following new item:

“Sec. 6433. Credit against tax on investment income of private colleges and universities.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SA 1940. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1930 proposed by Mr. MCCONNELL to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty; which was ordered to lie on the table; as follows:

On page 140, strike line 5 and all that follows through “YEAR 2027.—” on page 141, line 22.

AUTHORITY FOR COMMITTEES TO MEET

Mr. ROUNDS. Mr. President, I have 6 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 Thursday, February 8, 2018, at 10:30 a.m., to conduct a hearing on the following nominations: Paul C. Ney, Jr., of Tennessee, to be General Counsel, Kevin Fahey, of Massachusetts, to be an Assistant Secretary, and Thomas E. Ayres, of Pennsylvania, to be General Counsel of the Department of the Air Force, all of the Department of Defense, and Lisa Gordon-Hagerty, of Virginia, to be Under Secretary for Nuclear Security, Department of Energy.

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 Thursday, February 8, 2018, at 11 a.m., to conduct a hearing on subcommittee assignments and the following nominations: Jelena McWilliams, of Ohio, to be Chairperson of the Board of Directors, and to be a Member of the Board of Directors, Federal Deposit Insurance Corporation, Marvin Goodfriend, of Pennsylvania, to be a Member of the Board of Governors of the Federal Reserve System, and Thomas E. Workman, of New York, to be a Member of the Financial Stability Oversight Council.”

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, February 8, at 10 a.m. to conduct a hearing.

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 Thursday, February 8, at 10 a.m. to conduct a hearing entitled “The Opioid Crisis: Impact on Children and Families.”

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, February 8, at 10:30 a.m., to conduct a hearing on the following nominations: Kurt D. Engelhardt, of Louisiana, to be United States Circuit Judge for the Fifth Circuit, Michael B. Brennan, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit, Barry W. Ashe, to be United States District Judge for the Eastern District of Louisiana, Howard C. Nielson, Jr., to be United States District Judge for the District of Utah, James R. Sweeney II, to be United States District Judge for the Southern District of Indiana, Susan Paradise Baxter, to be United States District Judge for the Western District of Pennsylvania, Daniel Desmond Domenico, to be United States District Judge for the District of Colorado, Marilyn Jean Horan, to be United States District Judge for the Western District of Pennsylvania, Adam I. Klein, of the District of Columbia, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board, and John C. Anderson, to be United States Attorney for the District of New Mexico, Brandon J. Fremin, to be United States Attorney for the Middle District of Louisiana, Joseph P. Kelly, to be United States Attorney for the District of Nebraska, Scott W. Murray, to be United States Attorney for the District of New Hampshire, David C. Weiss, to be United States Attorney for the District of Delaware, David G. Jolley, to be United States Marshal for the Eastern District of Tennessee, and Thomas M. Griffin, Jr., to be United States Marshal for the District of South Carolina, all of the Department of Justice.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Thursday, February 8, 2018, at 2:30 p.m., to conduct a closed hearing.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that Ramona McGee, a Department of Homeland Security fellow in my office, be granted privileges of the floor during the consideration of border security and immigration legislation.

I also ask unanimous consent that my military fellow Patrick Heiny be granted privileges of the floor for the remainder of this year.

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

AUTHORIZING USE OF EMANCIPATION HALL

Mr. TILLIS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 102, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 102) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the 200th anniversary of the birth of Frederick Douglass.

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 102) was agreed to.

RECESS UNTIL 12:01 A.M. TOMORROW

Mr. TILLIS. Mr. President, I ask unanimous consent that the Senate recess until 12:01 a.m. on Friday, February 9.

There being no objection, the Senate, at 10:54 p.m., recessed until Friday, February 9, 2018, at 12:01 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JOHN J. ALLEN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. PAUL M. NAKASONE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. TODD M. LAZAROSKI

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. JOHN C. AQUILINO

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

RICHARD G. ANDERSON
KLEET A. BARCLAY
TRENT C. DAVIS
JOEL K. WARREN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JACQUELINE E. BERRY
KATHLEEN M. BRINKER
KEVIN J. CREEDON
BETH R. DION
RAUL G. FLORES
MARY T. FLOYD
JANE M. FREE
SHAWNA M. GREINER
NANCY J. JOHNSON

PETER N. KULIS
TONEKA B. MACHADO
JOHN J. MODRA, JR.
MICHELLE L. MONTGOMERY
MARY A. PARKER
ANDREW L. REIMUND
AMY L. ROBERSON
BONNIE E. STEVENSON
BETH N. SUMNER
MARILYN E. THOMAS
WILLIAM E. THOMS, JR.
BETTY A. VENTH
THERESA A. VERNOSKI
CONNIE L. WINK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MARC M. ADAIR
BERT W. ADAMS
RYAN J. AERNI
JAMES D. AKERS
JOSEPH R. ALKIRE II
ANTONIO ALVARADO
CAROLYN F. AMMONS
MATTHEW P. ANDERSON
JASON P. ARNOLD
DAVID A. ARRIOLA
LAMONT ATKINS
CHANDLER P. ATWOOD
MICHAEL C. BAILEY
RYAN N. BAKAZAN
KRIS E. BARCOMB
JAMES C. BARGER
RICHARD ALLEN BARKSDALE, JR.
DERRICK Q. BARTON
ARIEL G. BATUNGBACAL
CASEY M. BEARD
GREGORY S. BEAULIEU
JAMES A. BECKER
KRISTI L. BECKMAN
CARY M. BELMEAR
JOHN F. BELO
TODD J. BENSON
KENNETH A. BENTON
KYLE A. BENWITZ
SCOTT E. BERGREN
DAVID J. BERKLAND
KENNETH L. BLACK
BRYAN L. BOBECK
TIMOTHY J. BODE
BENJAMIN D. BOEHM
JEFFREY W. BOGAR
MICHAEL J. BORDERS, JR.
TIMOTHY J. BOS
RICHARD W. BRANSON
DANIEL J. BROWN
ROBERT L. BROWN
SCOTT A. BRYANT
GEORGE M. BUCH, JR.
CHRISTOPHER M. BUSQUE
BRYAN T. CALLAHAN
ANDREW J. CAMPBELL
JASON S. CAMPBELL
RYAN A. CAMPBELL
MATTHEW S. CANTORE
RICHARD P. CARVER
BRANDON A. CASEY
JAMES I. CHAMBERS
ROGNAULD E. CHRISTENSEN
MICHAEL T. CLANCY
BRIAN M. CLIFFORD
RICHARD R. COALSON, JR.
FREDERICK A. COLEMAN III
JUSTIN K. COLLINS
BENJAMIN D. CONDE
ANNEMARIE CONTRERAS
RUSSELL P. COOK
CHARLES L. COOLEY
MARCUS L. COOLEY
JEREMY C. COONRAD
PAUL S. CORNWELL
DAVID P. COYLE
KEVEN P. COYLE
JONATHAN M. CREER
DOUGLAS O. CREVISTON
JERRY L. CRIGGER, JR.
MIGUEL A. CRUZ
CHRISTOPHER C. CUNIFF
GREGORY K. CYRUS
CHRISTOPHER C. DANIELS
JOHN J. DEENEY IV
ANTONIO C. DELELLO
JOSHUA D. DEMOTTS
GAVIN W. DEPEW
KEITH A. DERBENWICK
ANDREW E. DEROSA
BRIAN M. DEWITT
JOEY L. DIBLE
DANIEL C. DIEHL
ERNESTO M. DIVITTORIO
MATTHEW R. DOMSALLA
ROSALIE A. DUARTE
JOHN E. DUKES, JR.
WILLIAM W. EDMUNDS III
JASON C. EISENREICH
CHRISTIAN G. ELLENBAUM
TONY D. ENGLAND
RAYMOND R. ESCORPIZO
MICHELLE C. ESTES
MICKEL R. EVANS
TODD R. EWY
IAN M. FAIRCHILD
TIMOTHY A. FARR
DAVID A. FAZENBAKER

IAIN D. M. FERGUSON
TAYLOR T. FERRELL
JEREMY A. FIELDS
ANTHONY S. FIGIERA
JAMES A. FINLAYSON
DERRICK J. FLOYD
JACK W. FLYNT III
HEATHER A. FOX
JOSEPH A. FRANKINO
BRIAN K. FREEMAN
MICHAEL A. FREEMAN
HEATH W. FRYE
CHANCE W. GERAY
KOUJI P. GILLIS
JASON R. GINN
MATTHEW G. GLEN
BRIAN D. GOLDEN
JEFFREY J. GOMES
REYNALDO GONZALEZ, JR.
LAURA G. GOODMAN
MICHAEL C. GOODMAN
PAUL R. GRIFFIN
BRENT W. GRIME
CYNTHIA L. GUNDERSON
RYAN E. HADEN
JEFFREY A. HAMBLIN
RAYMOND F. HANDRICH
GAGE E. HANDY
MICHAEL B. HARRIS
TAMMIE L. HARRIS
STEPHEN M. HARVEY
KYLE B. HEAD
DEREK B. HEIFNER
WADE A. HENNING
TIMOTHY A. HERRITAGE
IVAN M. HERWICK
MICHAEL S. HESSE
JAMES V. HEWITT
PATRICK N. HILGENDORF
JASON T. HOKAJ
JAMES D. HOOD
DENNIS H. HOWELL
COLIN R. HUCKINS
JAROD C. HUGHES
ANDREW B. HUNTOON
ROBERT J. JACKSON
JIMMY T. JACOBSON
COTINA R. JENKINS SELLERS
JAMES A. JERNIGAN
GREGG W. JEROME
ZACHERY B. JIRON
DAVID B. JOERRES
ANDRE T. JOHNSON
GREGG S. JOHNSON
JARED M. JOHNSON
JAY A. JOHNSON
CHARLES E. JONES
LAMONT A. JUBECK
BRIAN W. KABAT
JOY M. KACZOR
CHRISTOPHER J. KADALA
STEPHANIE R. KELLEY
JANETTE D. KETCHUM
KEVIN J. KIRSCH, JR.
MICHAEL E. KLAFMEYER
DAIN O. KLEIV
MICHELLE R. KNEUPPER
DANIEL E. KOBBS
DAVID A. KOEWLER
THOMAS A. KOORY
KYLE R. KORVER
JOSEPH K. KRAMER
DANIEL T. LANKFORD
ROBERT V. LANKFORD
THOMAS S. LARSEN
PETER L. LARSEN
PETER S. LASCH
THOMAS S. LEE
NICHOLAS J. LEONELLI
MATTHEW E. LEWIN
KATHERINE A. E. LILLY
JOHN E. LITECKY
BARRY E. LITTLE
SAMUEL A. LITTLE
JOHN C. LOFTON III
CATHERINE M. LOGAN
ROBERT A. LONG
ROBERT F. LONG
VALARIE A. LONG
DAVE A. LOPEZ
JAMES R. LOVEWELL
TAMMY K. C. LOW
GREGORY B. LOWE
SEAN E. LOWE
JAMES C. LOZIER
TARA K. LUNARDI
JAMES C. MACH, JR.
JAMES L. MALEC, JR.
EDWARD F. MARQUEZ, JR.
ANDREW F. MARTIN
KEVIN C. MARTIN
WILLIAM R. MARTIN II
MELCHIZEDEK T. MARTINEZ
PEDRO ENRIQUE MATOS
MELVIN E. MAXWELL, JR.
WHITNEY P. MCCLOUD
RICHARD E. MCGLAMORY
THAD R. MIDDLETON
KENNETH J. MILLER
JASON T. MILLS
KEVIN V. MINOR
NATHAN B. MITCHELL
SEAN R. MONTEIRO
BRIAN D. MOORE
EUGENE A. MOORE III
DAVID E. MORGAN
ERIC E. MORGAN

GREGORY A. MORISSETTE
ROSS C. MORRELL
CHRISTOPHER B. MORRIS
MONTE T. MUNOZ
DANIEL J. MUNTER
ERIC M. MURPHY
YIRA Y. MUSE
ANTHONY M. NANCE
CHRISTOPHER M. NEIMAN
VICTORIA L. NEMMERS
MATTHEW R. NEWELL
TINA H. NGUYEN
CALEB M. NIMMO
GREGORY W. NITA
LEO M. NOYES
ROY H. OBERHAUS
MICHELE J. OLSEN
PATRICK J. OROURKE
JAY A. ORSON
PATRICK M. OSULLIVAN
WILLIAM L. OTTATI
MILKO R. PADILLA
DAMIAN D. PANAJIA
MICHAEL B. PARKS
JAMES J. PARSLow
WILLIAM P. PASTEWAITT
ANDREW H. PATE
DAVID S. PATTERSON
JASON P. PAVELSCHAK
ROBERT E. PEACOCK
KENNETH E. PEDERSEN
MICHAEL J. PEELER
CLAYTON JOSEPH PERCLE
VICTOR M. PEREIRA
CHRISTOPHER W. PETERS
ERIN D. PETERSON
JEFFREY A. PHILLIPS
DAMIEN F. PICKART
DAVID L. PITTMER
CHRISTOPHER J. FLOURDE
JOHN F. POLKOWSKI
THOMAS J. PRESTON
DEREK D. PRICE
DINA L. QUANICO
KATHLEEN S. QUARNACCIO
CARLOS A. QUINONES
NATHAN R. RABE
JASON J. RAFFERTY
JEREMY A. RALEY
DAVID E. RAYMAN
ROBERT T. RAYMOND
BRIAN L. REECE
JERIME L. REID
FRANK N. REYES
KEVIN R. RHODES
DUSTIN C. RICHARDS
RYAN E. RICHARDSON
TIMOTHY L. RICHARDSON
JUSTIN A. RIDDLE
JOHN C. ROBERTS
MARIA C. ROBERTS
CHRISTOPHER M. ROBINSON
ROY V. ROCKWELL
JEFFREY T. ROSA
LANCE ROSAMIRANDA
JOSEPH J. ROTH
JARON H. ROUX
JOSEF E. SABLATURA
KELLY M. SAMS
PETER A. L. SANDNESS
ELIOT A. SASSON
LYNN E. SAVAGE
CHRISTOPHER G. SCHLAK
DAMIAN SCHLUSSSEL
JASON A. SCHMIDT
DANIEL T. SCHMITT
DONALD E. SCHOFIELD II
NATHAN C. SCOPAC
SHAWN A. SERPASS
MARIO A. SERNA
JASON R. SETTLE
JOSEPH L. SHEFFIELD
JEROMIE K. SHELTON
JON L. SHUMATE
DAVID M. SKALICKY
ALBERT E. SMITH
ANDREW M. SMITH
ANTHONY L. SMITH
DANIEL W. SMITH III
VERONICA E. SMITH
WILLIAM H. SMITH
BRIAN L. SNYDER
ANDREW A. SOUZA
TIMOTHY J. SPAULDING
DANNE EMMETT SPENCE
GUY T. SPENCER
EDWARD T. SPINELLI
ERIC J. SPRINGER
BRADLEY J. STEBBINS
ANDREW J. STEFFEN
BRADLEY R. STEVENS
RODNEY S. STEVENS
STEVEN A. STRAIN
JOHN C. STRATTON
CLIFFORD V. SULHAM
LAWRENCE T. SULLIVAN
BRETT T. SWIGERT
MICHAEL A. TARABORELLI, JR.
ANDREW J. TAYLOR
TERENCE G. TAYLOR
LUCAS J. TIEL
KATRINA A. TERRY
MICHAEL A. THOMAS
KRISTEN D. THOMPSON
CASEY J. TIDGEWELL
MICHAEL C. TODD
JAMES M. TRACHIER

JOHN D. TRAN
AARON A. TUCKER
ERICK A. TURASZ
ROBERT T. UNGERMAN III
DENNIS W. UYECHI
SPENCER T. VANMETER
JASON F. VATTIONI
OMAR A. VELASCO
SHANE M. VETTER
WILLIAM O. WADE
TED A. WAHOSKE
ANTHONY L. WALKER
BRADLEY C. WALKER
PHILLIP WALKER, SR.
WILLIAM M. WALLIS
SHAWN P. WALRATH
STACY E. WALSER
BRANDE HELEN WALTON
ZACHARY S. WARAKOMSKI
BENJAMIN GRAY WARD
RANDY S. WARDAK
GEORGE R. WATKINS
AARON M. WEINER
JEFFREY H. WELBORN
KIMBERLY LEE WELTER
DERRICK J. WEYAND
SCOTT P. WEYERMULLER
WILLIAM P. WHITE
RANDY C. A. WHITECOTTON
STACY S. WIDAUF
STEVEN T. WIELAND
BRADY J. WILKINS
JOSHUA P. WILLIAMS
CLINTON M. WILSON
KEITH D. WILSON
KYLE J. WILSON
JOSEPH H. WIMMER
PATRICK V. WNETRZAK
MICHELE J. WOODCOCK
DAVID B. WOODLEY
CARRIE L. WORTH
JASON D. YEATTS
MATTHEW J. ZAMISKA
JESSE B. ZYDALLIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RONNELLE ARMSTRONG
DAVID M. BARNS
ZEBULON E. BECK
RAYMOND J. BOYER
GREGORY M. BRUNSON
CHRISTOPHER A. CONKLIN
DANIEL W. FORMAN
WALID A. HABASH
RICHARD H. HOLMES
MICHAEL M. HOWARD
JASON M. KNUDESON
DALE E. MARLOWE
ERIK A. TISHER
JOHN MARION VON ALMEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ALISON LEE BEACH
REAGAN HOWARD BEATON
CHARLES M. BENNETT
ADAM DANIEL BENTZ
MICHAEL L. BOYER
YVONNE SUZETTE BRAKEL
WESLEY ALLEN BRAUN
GARRETT JONATHAN BRUENING
WILLIAM G. DALZELL
JASON SPIRO DESON
DAVID S. DICKINSON
JANET CHRISTINE EBERLE
COLIN P. EICHENBERGER
THOMAS AARON FINLEY
ERIC CHRISTOPHER FRANCIUM
VELMA CHERI GAY
PAUL M. GESL
PATRICK A. HARTMAN
JEFFREY TODD HAWKINS
AARON L. JACKSON
JAY C. JACKSON
CHRISTOPHER DALE JAMES
SARA CATHERINE JOBE
MATTHEW G. KARAS
SHAD RAYMOND KIDD
MARCUS E. KIMSEY
ISRAEL DAVID KING
JANE MARIE MALE
VICKI L. MARCUS
BENJAMIN FARLEY MARTIN
NICHOLAS P. MATHIEU
SHANE ALLEN MCCAMMON
SAMUEL THOMAS MILLER
ANDREW REMY NORTON
ADAM NICHOLAS OLSEN
MARK RUSSELL ONEILL
WINDLE LEON PATTERSON III
THOMAS BRIAN PAYNE
AARON PAUL ROBERTS
ALEX JAY ROSE
MARK F. ROSENOW
WENDI MARIE SAZAMA
REBECCA E. SCHMIDT
JUSTIN W. N. STRONG
JUSTIN J. SWICK
SUSAN JUSTYNA TREPCZYNSKI
KHELA M. VON LINSOWE

TIMOTHY R. WARD
JOHN WAYNE WELCH, JR.
CHRISTOPHER M. WU
CORTNEY LYNN ZURCHER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

KYLE R. STIEFEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ADAM C. MILLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MATHEW M. CONDRIY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

DAVID A. AMAMOO
NATHAN J. BANKSON
JEFFREY K. BLANK
MICHAEL C. CUSACK
JACQUELINE J. DECAINE
JASON M. ELBERT
BRETT A. FARMER
JONATHAN E. FIELDS
MARY E. FISCH
NICOLE L. FISH
CHRISTOPHER S. GLASCOTT
MICHAEL P. GORDON
CHARLES D. HALVERSON
ERIC K. HANSON
CHRISTOPHER S. HARRY
HECTOR J. HIGUERA
ERIC C. HUSBY
ADAM W. KERSEY
DAVID J. KRYNICKI
RYAN W. LEARY
AARON L. LYKLING
MARY N. MILNE
WILLIAM M. NICHOLSON
AMY E. NIEMAN
BOBIE B. OSEI
MARLIN D. PASCHAL
MEGHAN M. POIRIER
MICHAEL G. POND
TIFFANY D. POND
DAVID H. RITTGERS
HANA A. ROLLINS
LAURA R. L. ROMAN
LISA M. SATTERFIELDSCOTT
YOLANDA A. SCHILLINGER
JOSEPH W. SHAHA
FRANCES M. SMITH
LAWRENCE H. STEELE
JEREMY W. STEWARD
JENNIFER L. VENNGHAUS
JOSEPH K. VENNGHAUS
THEOLOGOS A. VOUDOURIS
GLEN E. WOODSTUFF
ALLEN P. ZENT
D012839
D013799

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JASON B. YEENRICK

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

SHAWN P. CHABOT
RICHARD P. CHAREST
KEITH C. DATIZ
BRADLEY S. GILMER
ANTHONY J. GREGORY
JEFFREY D. PLANTEN
RICARDO B. RIVERA

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ENRIQUE LUZ, JR.
RAFAEL E. MASALBALADEJO
MICHAEL R. RUIZ
ANTHONY C. SICILIANO
JEREMY J. WILLOUGHBY

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JEFFREY A. BRYANT
JAMES S. KNIGHT
JASON W. PRICE
JOE A. SAENZ

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ANDREW E. CHEATUM
JOSEPH M. DAVID

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

AARON J. KING

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE

UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BRIAN K. EVANS
CORY J. LENTKOWSKI
DUSTIN L. MAGGARD
JEREMY F. ORTIZ

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DANIEL H. FLICK
MARSHALL W. KNIGHT
JESSE C. TALLMAN

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

EZRA H. BARDO
MICHAEL C. MEDLEY

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MATTHEW C. PAMPUSH
STEPHEN T. SUTTON

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ODIN PINEDA
JAMES M. ROD

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JON C. PETERSON

EXTENSIONS OF REMARKS

IN REMEMBRANCE OF CHIEF
ROBERT SEARS

HON. JACKY ROSEN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Ms. ROSEN. Mr. Speaker, I rise today to honor the life of Mr. Robert Sears, a longtime Boulder City resident, public servant, and former fire chief.

Chief Sears first became a volunteer fireman in 1951. He moved to Richfield, Ohio in 1960 where he was appointed Fire Chief, the youngest chief ever appointed in Ohio at the time, and in 1969 accepted the Fire Chief position in Boulder City, Nevada.

Among his many achievements, he reduced fire insurance rates from a class 9 city to a class 3 and was the driving force behind "Operation Heart Start" which increased the save-rate of cardiac emergencies to well above the national average. Additionally, under his command, BCFD developed into one of the best trained and equipped fire departments in Nevada.

Chief Sears retired after 21 years of service to the BCF, but continued to serve the public. He worked tirelessly for the Boulder City Chamber of Commerce, and he volunteered his time serving as President of the Nevada Fire Chief's Association, President of the Southern Nevada First Chiefs Association, Vice President of the Western First Chiefs Association, Chairman of Clark County Fire Prevention Council, Chairman of the Nevada Division of the American Health Association, Chairman of the Nevada Fire Training Board and a member of the Boulder City Sunrise Rotary Club. Chief Sears additionally served 35 years as a member of the Civilian Military Council at Nellis Air Force Base and on the Military Academy Selection Committee for Nevada's Third Congressional District.

Robert Sears was an inspiration to all those he worked with, and everyone he encountered. He encouraged others as a mentor and with his strong work ethic. He taught others how to be calm under pressure, shared his vast wisdom, and was an extraordinary and selfless person. He will not soon be forgotten.

HONORING THE 10 YEAR ANNIVERSARY OF CHAPEL HOUSE SHELTER

HON. JOHN KATKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Mr. KATKO. Mr. Speaker, I rise today to recognize Chapel House Shelter, a nonprofit organization that serves homeless individuals in Cayuga County. On December 2, this wonderful organization celebrated 10 years of helping members of our community get back on their feet.

Founded in 2007 under the direction of Father Dennis Shaw and Executive Director Sandi Mettler, Chapel House provides a compassionate response to homelessness in Cayuga County. Once operating out of the gymnasium of the former Holy Family School on North Street, Chapel House has expanded and now provides emergency housing and services for men in a three-story, wood-frame house on Franklin Street.

Today, this nonprofit organization relies on the support of 14 full-time employees and 20 volunteers led by Executive Director Christina Thornton, as well as the generosity of individuals and businesses within the community. Thanks to the support of so many in our community, Chapel House Shelter is able to pursue its mission to provide our homeless neighbors with emergency shelter and the tools for self-sufficiency in a safe and respectful manner.

This phenomenal group has helped over 1,500 people find a warm place to sleep at night, fed the hungry, and offered a sense of security for those in need. In the last five years, in partnership with the U.S. Department of Veterans Affairs, Chapel House has assisted over 75 veterans.

It is my distinct honor to recognize the 10 year anniversary of Chapel House, and thank Executive Director Thornton, her employees, and volunteers for all they do to help support those in need and alleviate homelessness.

HONORING COACH CHRIS WYRICK FOR HIS INDUCTION INTO THE MISSOURI HIGH SCHOOL BASEBALL COACHES ASSOCIATION HALL OF FAME

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Mr. LUETKEMEYER. Mr. Speaker, I rise today to honor Coach Chris Wyrick from Jefferson City, Missouri on his recent induction into the Missouri High School Baseball Coaches Association Hall of Fame.

Coach Wyrick graduated from Helias Catholic High School and helped lead the Crusaders to three state championships. After his high school graduation, he played for the University of Missouri, then professionally for the St. Louis Cardinals and Detroit Tigers. His coaching career began in St. Elizabeth, Missouri from 1997 to 1999 as an assistant. Coach Wyrick then returned to his alma mater, Helias Catholic High School where he's been since 2000.

Over the last 20 years Coach Wyrick's achievements are nothing short of incredible. He has a 336-210 overall record, a Class 3 State Championship in 2000 and 2001, and District Championships in 2000, 2001, 2002, 2003, 2004, 2012, 2016, and 2017. During this time he has coached 108 all-district players and 41 all-state players. In 2000, Coach

Wyrick was awarded Coach of the Year by the Missouri High School Baseball Coaches Association and the following year he received the same honor from the Greater St. Louis MLB Scouts Association and the National Federation of State High School Associations.

More important than the accolades, Coach Wyrick has touched the lives of countless young athletes. Many players and individuals have praised the skills of Coach Wyrick not only because of his success on the field, but because he consistently puts his players first. This has been a key component of his coaching career and has paved the way for a long-standing trust between him and generations of Missouri ballplayers. Of the hundreds of athletes he has coached over the years, 42 of them have gone on to play for college teams. Coach Wyrick's mentality can be summed up in his own words: "as a coach, you hope you have some influence on a player's life to when they hit adversity, they get through it and come out better on the other side." Coach Wyrick has been supported throughout the years by his loving wife, Janie, and their three children, Emma, Erin, and Sam.

Please join me in congratulating Coach Wyrick for a well-deserved induction into the Missouri High School Baseball Coaches Association Hall of Fame.

SALUTE TO HOUSTON BOY SCOUTS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Mr. POE of Texas. Mr. Speaker, the Boy Scouts of the Sam Houston Area Council live up to the Boy Scout motto, selflessly giving back to others and embodying the true spirit of what it means to be a Boy Scout. The Sam Houston Area Council serves over 50,000 youth in 16 counties throughout Southeast Texas. The troops in the Houston area are dedicated to service and leadership. This year, the Scouts are partnering with Super Bowl of Caring to do what a Boy Scout does best, give back to their local community. The program is called "Scouting for Food," which began on January 28th. The Boys Scouts went door to door, distributing door hangers in neighborhoods to announce an upcoming food drive. The project lasted through February 3rd, with Scouts returning to pick up any donations available in the neighborhoods. The donations will be going directly to food pantries, food banks, and churches in the Scouts' local neighborhoods. This is, without a doubt, a welcome to those who struggle to make ends meet and need help putting food on the table. In 2016, the Scouts collected an impressive 200,000 pounds of food. The Boy Scouts are hoping to top that this year. There is no doubt, with their determination and grit, they will easily reach that goal. The Boy Scout's promise is "to help other people at all times." This is a shining example of helping others out who

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

are less fortunate. The Boy Scouts of Sam Houston Area Council must be commended for thinking of others before themselves. And that's just the way it is.

CONGRATULATING ANDREW CARPENTER ON RECEIVING A "YES I CAN" AWARD FROM THE COUNCIL FOR EXCEPTIONAL CHILDREN

HON. ELISE M. STEFANIK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Ms. STEFANIK. Mr. Speaker, I rise today to congratulate Andrew Carpenter for receiving the "Yes I Can" Award from the Council for Exceptional Children.

The "Yes We Can" Award is presented by the Council for Exceptional Children, a professional association of educators dedicated to advancing the success of youth with exceptionalities, in recognition of accomplishments in various categories. Andrew is one of only twelve students worldwide receiving this prestigious award, and will be honored in the transition category.

Andrew, who is affected by autism, graduated from Gloversville High School in 2015 and subsequently enrolled in Transitions at Lexington, a chapter of The Arc New York, which prepares teenagers and young adults with autism and learning differences for college, careers, and life.

Throughout his time at Transitions, Andrew continues to flourish, developing skills including self-advocacy and goal-setting to equip him for success in life. His enriching experience has even included becoming a vocalist for the popular Lexington-based band, Flame, which travelled to Carpi, Italy, last year to perform at the International Festival of Different Abilities. Andrew also currently attends Fulton-Montgomery Community College, where he studies communications.

On behalf of New York's 21st District, I would like to recognize Andrew for his hard work and commitment at Transitions that led him to great success. He is a deserving recipient of this award and I want to wish him all the best in the years ahead.

IN MEMORY OF DR. JAMES R. BUSH, JR.

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Mr. WILSON of South Carolina. Mr. Speaker, on February 1, 2018, a memorial service was conducted at St. Joseph Catholic Church in Rayne, Louisiana, to honor the life of Dr. James R. Bush, Jr.

I include in the RECORD the following thoughtful obituary published in The Crowley-Post Signal on January 27, 2018:

A Funeral Mass will be held at 2 p.m. at St. Joseph Catholic Church on Thursday, Feb. 1, for Dr. James R. Bush, Jr., 68, who died Thursday, Jan. 25, 2018, at his home surrounded by his family. A rosary will be said Thursday, Feb. 1, at 1:30 p.m. at St. Joseph

Catholic Church. The services will be officiated by Fr. William "Bill" Roskoski and Deacon Tommy Adams.

He is survived by his mother, Betty Bush of Rayne; his wife of 44 years, Mary Bush of Rayne; two sons, Michael Bush and wife Courtney of Rayne, and John Bush and wife Lindsey of Crowley; two daughters, Mary Katharine Doré and husband Jason of Washington, D.C., and Elizabeth Leonards and husband Luke of Lafayette; a brother, David Bush and wife Sandra of Rayne; two sisters, Nancy Stutes of Baton Rouge and Elizabeth Mooney and husband Mike of Rayne; six grandchildren, Vivian, M.J., Jack-Thomas, Eleanor, William and Mary-Cynthia; and numerous nieces and nephews. He was preceded in death by his father, Dr. James R. Bush, Sr.; a brother, Jerome Bush; two nephews, Ben Stutes and Derek Bush; and a brother-in-law, Darrell Stutes.

Dr. Bush was born April 8, 1949, in Church Point to Dr. and Mrs. James R. Bush, Sr. A 1967 graduate of Rayne High School he earned his bachelor of science degree from USL in Lafayette. He went on to complete studies at the LSU School of Dentistry in New Orleans in 1975. He practiced dentistry in Baton Rouge between 1975 and 1985, after which, he returned home and served the Rayne community from 1986 until 2009.

Dr. Bush was a member of the Rayne Lions Club and the 6th District Dental Association. He will be remembered not only as a kind and loving person, always willing to help in any way possible; but, also as a compassionate dentist and caregiver who cared for all his patients.

PERSONAL EXPLANATION

HON. KYRSTEN SINEMA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Ms. SINEMA. Mr. Speaker, had I been present, I would have voted yea on rollcall No. 61; yea on rollcall No. 62; and nay on rollcall No. 63.

HONORING NATHANIEL "NATE" ADAMS, JR.

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Mr. ENGEL. Mr. Speaker, I want to take a moment to honor a community leader, Nathaniel "Nate" Adams, Jr., a man who has left an indelible mark on both the Bronx and Westchester counties which I represent. Nate has lived a full and active life, one that has taken many interesting turns over the years. Born on November 9th, 1941 Nate was raised and educated in Cleveland, and went on to Purdue University, where he was awarded a full track and field scholarship, and graduated with a bachelor of science degree in 1965.

In his professional life, Nate was a teacher-coach at Woodlands High School in Hartsdale, New York and later became the cofounder of RAN Associates in 1970. Then in 1972, Nate began a star-studded entertainment career, first as an associate producer for the movie "Super Fly" and then as an actor and clothing designer for the movie "Classic." Nate then worked as a special events organizer for Don

King Productions, where he produced a musical concert in Zaire ahead of the Muhammed Ali Vs. George Foreman prize fight. In 1980, he was a producer for the United Negro College Fund (UNCF) where he created the UNCF Walkathon, "Walk a Mile, to Save a Mind"; in 1985 he became Director of Special Events of CARE International; in 1986 he became producer for International Tours for KOOL & the Gang; and in 1990 he became Tour Manager for the Lloyd Price Group, the Four Kings of R&B, and other greats. Nate was also the cofounder of the Black National Sports and Entertainment Foundation.

Incredibly, Nate was just as active outside of work, too. He has been a member of Shiloh Baptist Church in New Rochelle since 1978, and became a Deacon himself in 1982. In 2002, Nate became chairman of the Shiloh Community Development Corporation, which led to the construction of a 40-unit senior housing facility in New Rochelle. In 2006, he became chairman of the Deacon Ministry of Shiloh Baptist Church, then just two years later, became President of Tilden Towers II Board of Directors in the Bronx.

Of course for all his great accomplishments, Nate would always point to family as his greatest. He and his wife Audrey have been married since 1967, and they have been blessed with 3 children, Nichole, Nathaniel III, and Alisha, and 10 grandchildren.

Nate's motto, "I can do all things through Christ who strengthens me" couldn't be more appropriate for a man who truly has done it all. He is most deserving of this recognition today.

PERSONAL EXPLANATION

HON. SETH MOULTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Mr. MOULTON. Mr. Speaker, I was unavoidably absent in the House Chamber for votes on Wednesday, February 7th. Had I been present, I would have voted YEA on Roll Call No. 61; YEA on Roll Call No. 62; and YEA on Roll Call No. 63.

HONORING JIM JOHNSTON

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Mr. DeFAZIO. Mr. Speaker, I rise today to honor the memory of Mr. Jim Johnston, president and CEO of the Owner-Operator Independent Drivers Association (OIDA). Jim passed away on January 8, 2018.

Jim was born in 1939 in Summerfield, MA, but was raised in the Midwest after his family moved to Iowa when he was a child. In 1956, he enlisted in the U.S. Navy and after completing his military service he entered the trucking industry as an owner-operator in 1960.

In 1969, Jim moved to Grain Valley, MO, during a turbulent time in the trucking industry. At that time—as it is now—trucking was dominated by small businesses. Recognizing the

need to form an association that could effectively communicate the concerns of small-business truckers to lawmakers, OOIDA was established in 1973.

Most of the founding members had returned to trucking full-time shortly after OOIDA was established. Jim was elected president and CEO of OOIDA in 1975, the Association's third president since its founding two years earlier. As Jim put it, he was the "only one left and too dumb or stubborn to know when to quit."

From its humble beginning in an office trailer chained to a light pole in Grain Valley, he grew OOIDA into the largest national organization fighting for the rights of all professional truckers. Under his leadership, OOIDA has grown to more than 160,000 members nationwide, increased its relentless advocacy efforts in Washington, DC, and offers a robust collection of unique services and programs for drivers.

Jim was OOIDA's leader for more than 42 years. OOIDA was his life's work and fighting for the rights of all truckers was his life's mission. Up until only days before his passing, he remained dedicated to both.

Jim leaves behind family, friends, and colleagues, but his contributions to the trucking industry will live forever.

AMERICA CAN AND SHOULD HELP THE CAUSE OF FREEDOM IN IRAN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Mr. POE of Texas. Mr. Speaker, cracks are forming in the iron grip of the Iranian regime. The latest wave of protests sweeping Iran demonstrates yet again that dictatorial regimes are inherently doomed because they lack the enduring consent of the people they rule.

Yet just as our forefathers required foreign assistance to finally shed the chains of tyranny, we too must stand with the Iranian people as they defy their oppressors. Utilizing our economic, political, and technological might, rather than armed intervention, the United States should rectify past inaction and amplify the voices of Iranians.

For nearly four decades, the mullahs in Tehran have used brutality and religious zeal to cling to power and steal from the Iranian people. When they seized power in 1979, they were part of a larger, ideologically diverse movement opposed to the monarchical rule of the Shah. The Islamist clerics led by Ayatollah Ruhollah Khomeini, however, turned on their revolutionary comrades and imposed theocratic rule once the monarchy fell. Thousands of Iranians of different political stripes were executed without trial while many more, such as members of the People's Mujahideen of Iran, were forced into exile. Whatever promise many Iranians thought would come in 1979 proved to be a mirage that replaced one corrupt dictator with another.

Since then, the theocrats in Tehran have wasted their nation's vast resources on their violent regional ambitions, sponsoring terrorism and militancy from Lebanon to Yemen. However, it is the Iranian people more than any that have endured the persistent brutality of the supreme leader and his Islamic Revolutionary Guard Corps thugs. We witnessed this

in 2009, when thousands of Iranians took to the street to reject the rigged election of President Mahmoud Ahmadinejad. The subsequent crackdown by the regime killed dozens and imprisoned thousands more in an attempt to silence an emerging opposition.

In spite of the blatant savagery by Iran's rulers, the Obama Administration said little. Upon coming to office, President Obama and his national security staff had softened America's tone towards the extremist government in Tehran as part of broader policy of appeasement that culminated in the Iran nuclear deal. The shameful response by the Obama Administration in the face of such savagery was all too reminiscent of American inaction during the Hungarian uprising in 1956 against the Soviet Union. That sad chapter in American leadership crushed the hopes of millions living behind the Iron Curtain. Succeeding Cold War presidents pointedly saw that America could not remain silent to Soviet oppression. Today we must echo the bold leadership of Presidents John F. Kennedy and Ronald Reagan, who are forever immortalized by their outspoken criticism of the evil empire. Their words emboldened fledgling democratic movements throughout Eastern Europe and ultimately contributed to the peaceful demise of the Soviet empire.

America still holds a unique duty as leader of the free world. For more than two centuries, the United States has been a symbol and protector of liberty around the globe. Our shining example of government of the people, by the people, and for the people has inspired generations to demand more from their rulers. When the American government heeds the call of those in bondage, it provides an immeasurable assurance of hope that they do not suffer in silence.

My congressional colleagues and I are watching the current protests in Iran closely. What started as a protest of the poor economic conditions inside Iran quickly sharpened its focus toward the regime that is responsible for the country's ills. If there is any silver lining to the misguided nuclear agreement the Obama Administration struck with Tehran, it is that the billions of dollars delivered to the mullahs has exposed their corruption. The Iranian people have rightly seen that despite the removal of sanctions, they are no better off because the wealth of their nation is being hoarded by the ayatollah and his IRGC goons to spread terror externally.

Our support can be more than just encouraging words. We can harness the innovation of the U.S. tech industry to allow Iranians the ability to securely communicate with each other and the outside world. Through their bravery, they can document the atrocities of the regime which we can then use to prosecute on the world stage. I welcome President Trump's leadership on the cause of the Iranian people and urge my colleagues that now is the time that we must act.

HONORING THE SAINT PAUL CHAMBER ORCHESTRA

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Ms. MCCOLLUM. Mr. Speaker, I rise today to recognize and congratulate the Saint Paul

Chamber Orchestra on winning a 2018 Grammy Award for Best Chamber Music/Small Ensemble Performance for their recording of Schubert's Death & the Maiden with violinist and artistic partner Patricia Kopatchinskaja.

Founded in 1959, the SPCO is the only full-time chamber orchestra in the United States. Although they call the Ordway Concert Hall home, they present more than 130 concerts and educational programs throughout the Twin Cities each year. In addition, the Orchestra undertakes extensive international tours, and all while continuing to produce highly regarded musical recordings year after year. This is not the first Grammy for the SPCO having won Best Chamber Music Performance for their recording of Aaron Copland's "Appalachian Spring" in 1980.

In 2016 the SPCO broke new ground and announced that violinist Kyu-Young Kim would become its artistic director, the first time a player took that role in a major U.S. orchestra. This role is generally performed by a conductor. Since then, the orchestra has worked to become an "unconducted" ensemble, frequently performing without a conductor.

2017 was a banner season for the SPCO, one in which a new organizational attendance record was set. Nearly 116,000 people attended their concerts last season, up 5 percent from the previous year. The number of young people in attendance has more than quadrupled from previous years in a stark and important reversal of national trends.

The importance of an institution like the SPCO to our community cannot be emphasized enough. They are an invaluable asset that will continue to provide entertainment and musical education to Minnesotans for many years to come.

Mr. Speaker, I honor the St. Paul Chamber Orchestra.

HONORING THE LIFE OF VONI B. GRIMES OF PENNSYLVANIA FOR A LIFETIME OF SERVICE TO OUR COMMUNITIES AND NATION

HON. SCOTT PERRY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Mr. PERRY. Mr. Speaker, today I extend my sincere condolences to the family and friends of Voni B. Grimes, who passed away on Friday, January 26, 2018.

Mr. Grimes was an amazing man who's left a legacy of service that won't soon be matched. He served our Nation in the U.S. Army during World War II, worked at Cole Steel in York, Pennsylvania, and later served as an administrator at Penn State York.

Voni was deeply involved in the York community. He was a founding member of several local organizations, including the York County Department of Parks and Recreation and Access-York, and was involved in countless other volunteer activities, including the Lions Club. He was passionate about personal fitness and healthy living—even up to his passing at age 95—and the College Avenue Gym at 125 East College Avenue in the City of York was famously re-named as the Voni B. Grimes Gym.

Despite the fact that he grew up in segregated schools and challenged by racism,

Voni became one of the most recognizable and influential citizens in York's history—a testament to his strength, character and faith.

Voni was one of the most uplifting, positive and life affirming people you'd ever have the privilege to meet. His infectious smile and his ever-present harmonica brought joy and inspiration to countless people.

On behalf of Pennsylvania's Fourth Congressional District, I offer my prayers and God's blessings to the family, friends and admirers of Mr. Voni B. Grimes. Godspeed Voni—we're all better people for having known him.

IN RECOGNITION OF STAN JUDGE,
FORMER PRESIDENT OF WILDCAT
SKI AREA

HON. ANN M. KUSTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Ms. KUSTER of New Hampshire. Mr. Speaker, I rise today to honor Stan Judge for his decades of service to Wildcat ski area and skiing across New England.

In 2007 Stan was presented the Sherman Adams award, which is given to a person from an Eastern ski area who has significantly influenced the ski industry. This award, named after former New Hampshire governor and Loon ski area founder Sherman Adams, recognizes Stan's lifelong commitment to Wildcat and the ski industry at large. Stan also played a vital role in developing the American Standards Association Tramway Safety Code, and his leadership here brought standardized safety codes for all ski areas to use. This year as Wildcat Ski Area celebrates its sixtieth year in operation, I wanted to take the time to thank Stan for all of his work making Wildcat a safe and family-friendly place for winter recreation.

On behalf of New Hampshire's Second Congressional District and all those who have benefited from Stan's work, I thank him for all his passion and dedication, and I wish him the best of luck in his next step.

HONORING LIVES LOST IN
AZERBAIJAN

HON. DONALD M. PAYNE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Mr. PAYNE. Mr. Speaker, I rise today to honor the lives lost in January 1990 when interethnic violence broke out in Baku, the capital of Azerbaijan. Dozens of people died. The flailing Soviet government ultimately sent troops into the city, killing more than a hundred people. Less than two years later, Azerbaijan would declare its independence, then the Soviet Union fell in December of 1991.

Sadly, independence would not bring peace in former Soviet Republics. Violence and war broke out in Eastern Europe. Men and women died alongside soldiers in places like Khojaly. But when the dust settled, democracy emerged victorious in many countries.

Mr. Speaker, Congress must not forget the cost of freedom. Across the planet, countless people died in fights for freedom. The men

and women who died in post-Soviet wars should be memorialized. They paid the ultimate price for peace.

As we enter a new era when it seems as if democracy is on the slide, the United States Congress must stand for freedom here at home and everywhere across our planet. The people who died in Azerbaijan, in Armenia, in the Balkans, and throughout the region should be honored and memorialized. Let us not forget that peace is preferable to war.

HONORING SANTO ANTHONY
SERGE OF RICHLAND TOWNSHIP

HON. BRIAN K. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Mr. FITZPATRICK. Mr. Speaker, today, I lift up the legacy of Mr. Santo Anthony Serge of Richland Township and join his friends and family in celebrating his life.

Mr. Serge was born in Carbondale, Pennsylvania and graduated Carbondale High School in 1940. Shortly after, he was drafted by the Boston Red Sox minor league baseball system, but was discouraged from carrying out his dream due to his mother's wishes that he "get a real job."

With the outbreak of World War II, Mr. Serge joined General Patton's Third Army, the 86th Black Hawk Division. He went on to serve as a Sergeant under Generals Patton, MacArthur and Bradley in both the European and Pacific theaters, and completed his service in 1946. Upon his return home, Mr. Serge enlisted as a Pennsylvania State Trooper and was stationed at the Butler, Quakertown, and Bethlehem Barracks. He finished his career as a detective in 1980 after more than three decades of service to his community.

His family notes that he had a natural athleticism, participating in softball and bowling leagues throughout his adult life. He enjoyed watching his children participate in sports and music during their school years, and many hours were spent in his vegetable garden surrounded by beautiful roses that he looked forward to cultivating each summer. Most of all, he shared a love of music with his wife and children.

My thoughts and prayers are with his wife of 67 years, Althea, their children, Larry (Leslie, wife) Serge of Quakertown, Dennis Serge of Philadelphia, Diane Felicetti (Paul, husband) of Boyertown, and Anita Serge of Pennsylvania; their two grandchildren, Tony Serge of Quakertown and Nikki Mayette (Andrew, husband) of Sellersville; and step-grandchildren, Paul J. Felicetti of Bensalem and Nicole Felicetti of Philadelphia, Pa.

HONORING JOSEPH R. O'BRIEN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Mr. ENGEL. Mr. Speaker, it is with a heavy heart that I today say goodbye to a dear friend, Joseph R. "Joe" O'Brien, who passed away on February 7th, 2018 at the age of 79. Joe served as my Director of Public Affairs for

many years, and in that time, I came to know him as a warm, caring human being with a razor-sharp wit and tremendous sense of humor. I am going to miss him dearly.

A longtime resident of the Bronx, Joe was a newsman who later served as Deputy Press Secretary to Mayor Edward Koch from 1979 to 1985. For the next 11 years, he continued directing public relations for city and state government with the Special Services for Children agency of the Human Resources Administration, the city Department of Transportation, and the Triborough Bridge and Tunnel Authority. He also served as Deputy Press Secretary for Yonkers Mayor Terrance Zaleski for two years before joining my office in May of 1996, where he worked until his retirement in 2013. Later he joined Bronx Community Board 8, where he served until September 2017.

Born May 26, 1938, Joe was the youngest of four children of Irish immigrants, Thomas and Margaret O'Brien (nee Coffey), and grew up in the Inwood section of upper Manhattan. He served in the Army Reserve and graduated from New York University in 1966. He worked for several newspapers in New Jersey and upstate New York. In 1967, he joined the United Press International wire service in New York as a reporter on the Local desk, and then as an editor on the International and General desks. Joe married New York Daily News reporter Cass Vanzi in 1975. The couple had two children together whom he is survived by; his daughter, Casey O'Brien Schwarz and son Scott O'Brien. Joe is also survived by his three beautiful grandchildren, Kaleb and Kaia O'Brien, and Leopold (O'Brien) Schwarz, and his brother Kenneth O'Brien of Crestwood, NY.

Everyone, who ever met Joe knew he was one of a kind. Though he was a tremendously talented writer and gifted communicator, it was his wonderful personality that really shined brightest. Nobody could light up the room with a joke or quick comment like Joe. My condolences go out to the entire O'Brien family. Joe will be greatly missed.

PROVIDING FOR CONSIDERATION
OF SENATE AMENDMENT TO H.R.
1892, HONORING HOMETOWN HEROES ACT

SPEECH OF

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 2018

Ms. MCCOLLUM. Mr. Speaker, I will vote no on H. Res. 727 because of my strong objections to the Republican majority's refusal to do Congress' work on time and their rejection of regular order for debate on critical national priorities.

H. Res. 727 makes in order H.R. 1892. This bill is entitled the Honoring Hometown Heroes Act, but in its current form this legislation has nothing to do with recognizing our first responders. I voted along with 410 of my colleagues for the original version of H.R. 1892 when it passed the House of Representatives on May 18, 2017. In fact, the version of H.R. 1892 the House will consider under H. Res. 727 denies our first responders the certainty they deserve by providing them just 43 days of federal funding.

Discord and delay is no way to run our government. Instead of playing political games, it is time that Republicans join Democrats to reach a bipartisan budget agreement that keeps our government open, protects our national security, and meets our commitments to hardworking families.

HONORING ANDREW J. NICKS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Dr. Andrew J. Nicks upon the occasion of being named Napa and Solano County Medical Society's Physician of the Year. Dr. Nicks is a renowned radiologist who has dedicated his life to the study of medicine and community service.

Dr. Andrew J. Nicks grew up in the state of Wisconsin where he attended the University of Wisconsin and received a bachelor's degree in zoology. He then graduated from the Medical College of Wisconsin and began an internship at the Army Medical Center in Honolulu, Hawaii, where he met his wife, Nancy. There he began an impressive medical career in the military, serving as a U.S. Navy flight surgeon, a medical resident and later Chief of Diagnostic Radiology at Letterman Army Hospital in San Francisco, California.

After retiring from the military, Dr. Nicks was Chief of Radiology at the Queen of the Valley Medical Center in Napa, California. He introduced several technologies that increased the quality of care, including CT, MRI, Nuclear Cardiac Scans, Radiation Oncology, and other forms of digital imaging. He also sat on the Board of Trustees and chaired several committees.

Throughout his career, Dr. Nicks has been repeatedly recognized for his outstanding work in the medical field. He was named as a Fellow of the American College of Radiology, an honor that is given to only 10 percent of radiologists based on service to profession, teaching and the community. He served as the President of the Radiology Medical Group and co-founded Radiation Oncology Centers throughout Northern California. His commitment to service extends beyond hospital walls. He served on the Boards of Directors of the Napa Valley Country Club, Collabria Hospice and Adult Day Care, Vintage Bank and Napa Valley Bancorp.

Dr. Nicks believes in the importance of dedication and diligence. His consistent application of these principles throughout his life, accompanied by his quick wit, sense of humor, loyalty, high level of professionalism and exemplary leadership has resulted in nearly 50 years of professional excellence.

Mr. Speaker, Dr. Andrew J. Nicks is well deserving of the honor of Physician of the Year.

It is therefore fitting and proper that we honor him here today.

AVIATION SAFETY IN THE CROSS-STRAIT BETWEEN CHINA AND TAIWAN

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to bring to your attention that China's civil aviation authority unilaterally announced on January 4, 2018 that it would activate four air routes along its southeast coast near the midline between Taiwan and China without prior consultation with the Taiwanese authorities. These routes, which are critically close to the median line of the Taiwan Strait, are very likely to endanger aviation safety and security and to interfere with flight services in the Taipei Flight Information Region.

This unilateral move by China without any prior consultation with the Taiwanese government is an irresponsible act that not only seriously affects aviation safety but is also a violation of longstanding cross-strait status quo. Moreover, with this irresponsible act, the potential of military crisis could emerge in the Taiwan Strait, becoming a major threat to the peace and security of the East Asia region.

As ensuring aviation safety and maintaining peace and stability in the region remain the common concern of all relevant parties, I urge my colleagues and the House as a body to exhort China to give priority to restoring negotiations with Taiwan on the flight paths as soon as possible. The safety, security and stability of the region are at stake and the United States shall not turn a blind eye against Chinese coercion.

TRIBUTE TO RUTH ELMA CUMMINGS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Mr. CLYBURN. Mr. Speaker, I rise to pay tribute to Mrs. Ruth Elma Cummings, mother of our colleague, Congressman Elijah Cummings, who passed on Monday, February 5th in Baltimore, Maryland.

Mrs. Cummings was born on July 7, 1926 in Manning, South Carolina, in the Sixth Congressional District, to the late Willie Cochran and Gussie Johnson Cochran. She was one of seventeen children.

She was educated in the public schools of Clarendon County, South Carolina. She and Robert Cummings were married on June 23, 1945. After the birth of their first child, Robert

Cummings, Jr., Mr. and Mrs. Cummings made the decision to follow other family members and move to Baltimore in search of a better life for their growing family. There, they were blessed with six additional children, Cherethia "Retha," Elijah, James, Diane, Cernel, and Yvonne.

In Baltimore, both Robert and Ruth were called to the ministry and led worship services, prayer meetings and "Second Sunday" family dinners. Their church created a food pantry, clothing drives, a prison ministry and a nursing home ministry. Robert passed away in 2000, and the church established the Elder Robert Cummings Sr. Scholarship Fund at Victory Prayer Chapel, which has allowed a number of church youth to attend and earn their college degrees, including one with a PhD.

The personification of the life and legacy of Mrs. Ruth Elma Cummings is encapsulated in the fourth chapter of II Timothy, verses seven and eight, "I have fought the good fight, I have finished the course, I have kept the faith; henceforth there is laid up for me the crown of righteousness, which the Lord, the righteous judge, shall give to me at that day . . ."

Mr. Speaker, Mrs. Cummings was beloved by her extended family, many of whom still reside in the Sixth Congressional District of South Carolina which I proudly represent in this august body. I ask the House to join me in celebrating this life well lived.

WISHING SUCCESS OF THE 2018 PYEONGCHANG WINTER OLYMPIC GAMES

HON. BRENDAN F. BOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 2018

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, from February 9–25, 2018, the 23rd Winter Olympic Games will be held in PyeongChang of the Republic of Korea. The motto for these Games is, "Passion. Connected.", which is expected to be a new horizon for Asian winter sports as a compact Olympic team. The Games will be held roughly thirty miles south of the demilitarized zone, which separates North and South Korea. Due to a number of recent nuclear missile tests by the Kim regime, tensions on the Korean Peninsula are very high. However, the PyeongChang Winter Olympics could be a first step towards a solution to relax these tensions. It is encouraging that delegations from the two Koreas will march together under a single flag and athletes will compete as a single team in some events at the Winter Games. I hope this step forward will result in positive momentum toward achieving peace and prosperity on the peninsula. I wish the Republic of Korea all the best in hosting the PyeongChang Winter Olympic Games.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S793–S846

Measures Introduced: Thirteen bills were introduced, as follows: S. 2402–2414. **Page S840**

Measures Reported:

Special Report entitled “Report on the Activities of the Committee on Armed Services, 114th Congress, First and Second Sessions”. (S. Rept. No. 115–207) **Page S840**

Measures Passed:

Authorizing the Use of Emancipation Hall: Senate agreed to H. Con. Res. 102, authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the 200th anniversary of the birth of Frederick Douglass. **Pages S843–44**

House Messages:

Department of Defense Appropriations Act: Senate continued consideration of the amendment of the House to the amendment of the Senate to H.R. 695, to amend the National Child Protection Act of 1993 to establish a voluntary national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, taking action of the following motions and amendments proposed thereto:

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill. **Pages S794–99**

McConnell motion to refer the message of the House on the bill to the Committee on the Appropriations, with instructions, McConnell Amendment No. 1922, to change the enactment date. **Page S794**

McConnell Amendment No. 1923 (to (the instructions) Amendment No. 1922), of a perfecting nature. **Page S794**

McConnell Amendment No. 1924 (to Amendment No. 1923), of a perfecting nature. **Page S794**

During consideration of this measure today, Senate also took the following action:

By 55 yeas to 44 nays (Vote No. 29), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill. **Pages S798–99**

Honoring Hometown Heroes Act: Senate continued consideration of the amendment of the House to the amendment of the Senate to H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty, taking action of the following motions and amendments proposed thereto:

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Amendment No. 1930, in the nature of a substitute. **Pages S799–S838**

McConnell Amendment No. 1931 (to Amendment No. 1930), to change the enactment date. **Page S799**

McConnell motion to refer the message of the House on the bill to the Committee on the Appropriations, with instructions, McConnell Amendment No. 1932, to change the enactment date. **Page S799**

McConnell Amendment No. 1933 (to (the instructions) Amendment No. 1932), of a perfecting nature. **Page S799**

McConnell Amendment No. 1934 (to Amendment No. 1933), of a perfecting nature. **Page S799**

Nominations Received: Senate received the following nominations:

1 Air Force nomination in the rank of general.

2 Army nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Army, and Marine Corps. **Pages S844–46**

Messages from the House: **Page S839**

Measures Referred: **Pages S839–40**

Executive Reports of Committees: **Page S840**

Additional Cosponsors: **Pages S840–41**

Statements on Introduced Bills/Resolutions:

Additional Statements: Page S839
Amendments Submitted: Pages S841–43
Authorities for Committees to Meet: Page S843
Privileges of the Floor: Page S843
Record Votes: One record vote was taken today. (Total—29) Page S799
Recess: Senate convened at 10:30 a.m. and recessed at 10:54 p.m., until 12:01 a.m. on Friday, February 9, 2018. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S844.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of Paul C. Ney, Jr., of Tennessee, to be General Counsel, who was introduced by Senator Corker, Kevin Fahey, of Massachusetts, to be an Assistant Secretary, and Thomas E. Ayres, of Pennsylvania, to be General Counsel of the Department of the Air Force, all of the Department of Defense, and Lisa Gordon-Hagerty, of Virginia, to be Under Secretary for Nuclear Security, Department of Energy, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Jelena McWilliams, of Ohio, to be Chairperson of the Board of Directors, and to be a Member of the Board of Directors, Federal Deposit Insurance Corporation, Marvin Goodfriend, of Pennsylvania, to be a Member of the Board of Governors of the Federal Reserve System, and Thomas E. Workman, of New York, to be a Member of the Financial Stability Oversight Council.

Also, Committee announced the following subcommittee assignments:

Subcommittee on Housing, Transportation, and Community Development: Senators Scott (Chair), Shelby, Heller, Rounds, Tillis, Kennedy, Moran, Menendez, Reed, Heitkamp, Schatz, Van Hollen, and Jones.

Subcommittee on Financial Institutions and Consumer Protection: Senators Toomey (Chair), Shelby, Corker, Heller, Scott, Sasse, Cotton, Perdue, Kennedy, Warren, Reed, Tester, Warner, Donnelly, Schatz, Van Hollen, and Cortez Masto.

Subcommittee on Securities, Insurance, and Investment: Senators Heller (Chair), Shelby, Corker, Toomey, Scott, Sasse, Rounds, Tillis, Moran, Warner, Reed,

Menendez, Tester, Warren, Van Hollen, Cortez Masto, and Jones.

Subcommittee on National Security and International Trade and Finance: Senators Sasse (Chair), Corker, Cotton, Rounds, Perdue, Donnelly, Warner, Heitkamp, and Schatz.

Subcommittee on Economic Policy: Senators Cotton (Chair), Toomey, Perdue, Tillis, Kennedy, Moran, Heitkamp, Menendez, Warren, Donnelly, and Jones.

Senators Crapo and Brown are ex officio members of each subcommittee.

U.S. ENERGY INFRASTRUCTURE

Committee on Energy and Natural Resources: Committee concluded an oversight hearing to examine the evolution of energy infrastructure in the United States and how lessons learned from the past can inform future opportunities, after receiving testimony from David Allen, McKinstry Company, Seattle, Washington; John Di Stasio, Large Public Power Council, Philip D. Moeller, Edison Electric Institute, and Donald F. Santa, Interstate Natural Gas Association of America, all of Washington, D.C.; Kenneth B. Medlock III, Rice University James A. Baker III Institute for Public Policy Center for Energy Studies, Houston, Texas; and Philip Mezey, Itron, Inc., Liberty Lake, Washington.

BUSINESS MEETING

Committee on Foreign Relations: Committee announced the following subcommittee assignments:

Subcommittee on Near East, South Asia, Central Asia, and Counterterrorism: Senators Risch (Chair), Rubio, Johnson, Young, Portman, Kaine, Cardin, Murphy, and Booker.

Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues: Senators Rubio (Chair), Johnson, Flake, Gardner, Isakson, Cardin, Udall, Shaheen, and Kaine.

Subcommittee on Europe and Regional Security Cooperation: Senators Johnson (Chair), Risch, Barrasso, Portman, Paul, Murphy, Markey, Cardin, and Shaheen.

Subcommittee on Africa and Global Health Policy: Senators Flake (Chair), Young, Barrasso, Isakson, Paul, Booker, Coons, Udall, and Merkley.

Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy: Senators Gardner (Chair), Risch, Rubio, Barrasso, Isakson, Markey, Merkley, Murphy, and Kaine.

Subcommittee on Multilateral International Development, Multilateral Institutions, and International Economic, Energy, and Environmental Policy: Senators Young (Chair), Flake, Gardner, Barrasso, Portman, Merkley, Udall, Coons, and Markey.

Subcommittee on State Department and USAID Management, International Operations, and Bilateral International Development: Senators Isakson (Chair), Risch, Rubio, Portman, Paul, Shaheen, Coons, Booker, and Udall.

Senators Corker and Menendez are ex officio members of each subcommittee.

THE OPIOID CRISIS

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine the opioid crisis, focusing on the impact on children and families, after receiving testimony from Becky Savage, 525 Foundation, Granger, Indiana; Stephen W. Patrick, Vanderbilt University School of Medicine, Nashville, Tennessee; and William C. Bell, Casey Family Programs, Seattle, Washington.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of Kurt D. Engelhardt, of Louisiana, to be United States Circuit Judge for the Fifth Circuit, Barry W. Ashe, to be

United States District Judge for the Eastern District of Louisiana, Howard C. Nielson, Jr., to be United States District Judge for the District of Utah, James R. Sweeney II, to be United States District Judge for the Southern District of Indiana, and John C. Anderson, to be United States Attorney for the District of New Mexico, Brandon J. Fremin, to be United States Attorney for the Middle District of Louisiana, Joseph P. Kelly, to be United States Attorney for the District of Nebraska, Scott W. Murray, to be United States Attorney for the District of New Hampshire, David C. Weiss, to be United States Attorney for the District of Delaware, David G. Jolley, to be United States Marshal for the Eastern District of Tennessee, and Thomas M. Griffin, Jr., to be United States Marshal for the District of South Carolina, all of the Department of Justice.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 21 public bills, H.R. 4964, 4977–4996; and 1 resolution, H. Res. 735 were introduced. **Pages H1074–75**

Additional Cosponsors: **Pages H1075–76**

Reports Filed: Reports were filed today as follows:

H.R. 1417, to amend the National Law Enforcement Museum Act to allow the Museum to acquire, receive, possess, collect, ship, transport, import, and display firearms, and for other purposes (H. Rept. 115–548);

H.R. 3948, to prohibit the Securities and Exchange Commission from compelling a person to produce or furnish algorithmic trading source code or similar intellectual property to the Commission unless the Commission first issues a subpoena, and for other purposes, with amendments (H. Rept. 115–549);

H.R. 4508, to support students in completing an affordable postsecondary education that will prepare them to enter the workforce with the skills they need for lifelong success, with an amendment (H. Rept. 115–550); and

H. Res. 734, providing for consideration of the Senate amendment to the House amendment to the

Senate amendment to the bill (H.R. 1892) to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty (H. Rept. 115–551). **Page H1074**

Speaker: Read a letter from the Speaker wherein he appointed Representative Rodney Davis (IL) to act as Speaker pro tempore for today. **Page H977**

Recess: The House recessed at 9:19 a.m. and reconvened at 10 a.m. **Page H979**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 208 yeas to 194 nays with two answering "present", Roll No. 65. **Pages H979, H982–83**

Recess: The House recessed at 10:13 a.m. and reconvened at 10:27 a.m. **Page H981**

Mortgage Choice Act: The House passed H.R. 1153, to amend the Truth in Lending Act to improve upon the definitions provided for points and fees in connection with a mortgage transaction, by a yea-and-nay vote of 280 yeas to 131 nays, Roll No. 64. Consideration began yesterday, February 7th. **Pages H981–83**

H. Res. 725, the rule providing for consideration of the bills (H.R. 772), (H.R. 1153), and (H.R. 4771) was agreed to Tuesday, February 6th.

Recess: The House recessed at 12:53 p.m. and reconvened at 4:15 p.m. **Page H994**

Small Bank Holding Company Relief Act of 2018: The House passed H.R. 4771, to raise the consolidated assets threshold under the small bank holding company policy statement, by a yea-and-nay vote of 280 yeas to 139 nays, Roll No. 66.

Pages H983–90, H995

Pursuant to the Rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115–57 shall be considered as adopted. **Page H983**

H. Res. 725, the rule providing for consideration of the bills (H.R. 772), (H.R. 1153), and (H.R. 4771) was agreed to Tuesday, February 6th.

Recess: The House recessed at 4:45 p.m. and reconvened at 3:20 a.m. on Friday, February 9, 2018.

Page H995

Honoring Hometown Heroes Act: The House agreed to the motion to concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty, by a recorded vote of 240 yeas to 186 noes, Roll No. 69. **Pages H1002–71**

H. Res. 734, the rule providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 1892) was agreed to by a yea-and-nay vote of 224 yeas to 193 nays, Roll No. 68, after the previous question was ordered by a yea-and-nay vote of 224 yeas to 186 nays, Roll No. 67. **Pages H996–H1002**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Improving Rural Call Quality and Reliability Act: S. 96, to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications; and **Pages H990–92**

Kari's Law Act: Concur in the Senate amendment to H.R. 582, to amend the Communications Act of 1934 to require multi-line telephone systems to have

a configuration that permits users to directly initiate a call to 9–1–1 without dialing any additional digit, code, prefix, or post-fix. **Pages H992–94**

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 12 noon on Tuesday, February 13th for Morning Hour debate. **Page H1071**

Department of Defense Appropriations Act, 2017: The House agreed to take from the Speaker's table and concur in the Senate amendment to H.R. 1301, making appropriations for the Department of Defense for the fiscal year ending September 30, 2017. **Pages H1071–72**

Providing for a correction in the enrollment of H.R. 1892: The House agreed to take from the Speaker's table and concur in the Senate amendment to H. Con. Res. 104, providing for a correction in the enrollment of H.R. 1892. **Page H1072**

Senate Messages: Message received from the Senate and messages received from the Senate by the Clerk and subsequently presented to the House today appear on pages H990 and H995.

Quorum Calls—Votes: Five yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H981–82, H982–83, H995, H1001, H1002, and H1071. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 5:36 a.m. on Friday, February 9, 2018.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 9, 2018

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No hearings are scheduled.

Next Meeting of the SENATE

12:01 a.m., Friday, February 9

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Tuesday, February 13

Senate Chamber

Program for Friday: Senate will vote on the motion to invoke cloture on McConnell motion to concur in the amendment of the House to the amendment of the Senate to H.R. 1892, Honoring Hometown Heroes Act, with Amendment No. 1930, in the nature of a substitute, at approximately 1 a.m.

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Boyle, Brendan F., Pa., E165
Brady, Robert A., Pa., E165
Clyburn, James E., S.C., E165
DeFazio, Peter A., Ore., E162
Engel, Eliot L., N.Y., E162, E164

Fitzpatrick, Brian K., Pa., E164
Katko, John, N.Y., E161
Kuster, Ann M., N.H., E164
Luetkemeyer, Blaine, Mo., E161
McCollum, Betty, Minn., E163, E164
Moulton, Seth, Mass., E162
Payne, Donald M., Jr., N.J., E164

Perry, Scott, Pa., E163
Poe, Ted, Tex., E161, E163
Rosen, Jacky, Nev., E161
Sinema, Kyrsten, Ariz., E162
Stefanik, Elise M., N.Y., E162
Thompson, Mike, Calif., E165
Wilson, Joe, S.C., E162



Congressional Record

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