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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, You are our help in ages past and our hope for years to come. We find consolation from the knowledge that our times are in Your hands. Forgive us when we doubt Your power, mercy, and love.

Bless our lawmakers. Help them to remember that You love them so much that You want what is best for them. You are so wise that You know what is best for them and so powerful that You can bring about what is for their ultimate good. Give each of our Senators a fresh burst of enthusiasm for the next stage in the unfolding scene of the American Dream.

We pray in Your great 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, November 15, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi, to perform the duties of the Chair.

ORRIN G. HATCH,  
President pro tempore.

Mrs. HYDE-SMITH thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

### DEMOCRACY IN AMERICA

Mr. SCHUMER. Madam President, the President of the United States swears an oath to protect and defend the Constitution, including bedrock principles like the rule of law and the sanctity of our elections. But nearly every day, President Trump ignores this fundamental responsibility and tramples on the values that have made our country the light of the world. No President has come close to defaming and trying to destroy the democratic values of this country. No President has come close—none.

This morning, for what seemed like the millionth time, the President angrily, wildly, and baselessly ranted about the special counsel's investigation. It doesn't matter to him that his

claims have no basis. It doesn't matter to him that his words may degrade faith in our independent law enforcement agencies and the rule of law. He proceeds only according to self-interest. He is offended that someone might look into the fact that he did something wrong—this happens with every President—and he lashes out in ways that hurt our democracy permanently.

Just look at how over the past few weeks President Trump has tried to intimidate and bully election officials in Florida and Arizona with fantastical claims of voter fraud. It doesn't matter to him that there is no evidence to the charges. It doesn't matter to him that in both States—Arizona and Florida—Republican officials have said there is no fraud, debunking the President's claims. It doesn't matter to him that his claims erode faith in the integrity of our elections among a segment of his supporters. If the President thinks it will help him personally, he will say it.

One of the most recent examples of this just happened yesterday. The President keeps getting more and more absurd. He makes things up. He most recently claimed in an interview with the Daily Caller that "illegal" voters "go to their car, put on a different hat, put on a different shirt, and vote again."

Name one. Name a few. When did it happen and when? Or did you just read this on some rightwing, nasty, dishonest blog and just repeat it? Donald Trump, you are the President of the United States. Because you read something in a blog that has no basis in fact, you don't have the right to repeat it, if you are President and behaving Presidentially, and yet he does it over and over. It is the height of irresponsibility.

Since his first day in office, President Trump has made these ridiculous claims about voter fraud that even his sham voting commission, led by Kris Kobach, couldn't prove. The real disgrace is how low the President and

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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some Republicans will stoop to prevent American citizens from exercising their right to vote and how far they will go to undermine faith in our democracy, even to the point of disenfranchising military voters—people who may be overseas defending our freedom, risking their lives, who want to vote—and if their ballots don't come in at exactly the right moment, they shouldn't be counted—disgraceful.

The tendency is to treat the President's words as an extension of our modern, partisan politics. Well, we have too much partisan politics, but the truth is that the President's blatant disregard for basic norms, constitutional constraints, and truth is unique to him. No President has come close to going as far to destroy democratic norms. He is doing severe and possibly irreparable damage to our democracy all to suit his goal and often, it seems, just his ego.

Democrats condemn this behavior, but where are our Republican friends? They should know better. They do know better. I hear the private chatter. The silence of the Republican majority as the President takes an ax to democratic norms will go down as one of the least bright moments in the history of the Republican Party. It will go down as one of the bad marks in the history of the Senate, and we don't hear a peep. Are our Republican colleagues afraid? Are they just being mercenary? After this last election, I wouldn't think that would be the case. Trump didn't lead them to overwhelming victory. When are we going to hear from them?

This is not an issue of partisanship. When a President, Democrat or Republican, does so much to destroy democratic norms and does so much to just make up things—like that people went into a car and put on a different hat to vote—where are our colleagues decrying this, at least saying that the President shouldn't do it? They are embracing a President whom they know has done so many bad things. I am not talking ideologically. I am talking about honor and respect for democracy. It is something they should not be proud of.

#### RUSSIA INVESTIGATION

Mr. SCHUMER. Madam President, now, on the Russia investigation itself. There is this idea out there on the Republican side that the President doesn't intend to interfere with the Russia investigation. Republicans, including my friend the Republican leader, say President Trump has not threatened the special counsel investigation, and so there is no need to protect it. That is a laugh. He threatens the investigation almost every day. He did this morning in his tweets. To say that the President hasn't threatened the special counsel is not only logically dubious, but it is just dead wrong and untrue.

A few weeks ago, President Trump said the investigation "should end."

This morning, again, President Trump made clear that he does not want the Mueller investigation to reach a fair and impartial conclusion. Last week, President Trump went around the traditional line of succession in the Justice Department—what many believe to be a violation of the Constitution—to install an Acting Attorney General whose only qualification for the job seems to be that he has publicly criticized the Russia probe.

My friends—particularly my friends, again, on the Republican side—the writing is on the wall. Let's avoid this constitutional crisis. Let's at least stand up for the rule of law. We should pass legislation now, in the lameduck, to protect the special counsel's investigation from the President and from his woefully unqualified henchman, Mr. Whitaker.

Senators FLAKE and COONS tried yesterday—bipartisan—but the Republican leader objected. They are going to keep trying, as they should, and Democrats will try to add this proposal to the must-pass spending bill because we believe it is so important for our democracy. There is too much at stake to sit around and wait until the President crosses the line, creating the constitutional crisis we all abhor.

But waiting until that happens would be too late. We need to act on legislation to protect the special counsel, to protect the rule of law, and to protect democracy, accountability, and the fundamental checks and balances that is the hallmark of our great Nation.

#### CHISHOLM RESOLUTION

Mr. SCHUMER. Finally, last Tuesday's election was historic for not only the number of ballots cast by Americans in the midterms but also for whom those ballots were cast. Americans sent to our Nation's Capital the most diverse Congress in the history of the country. In several States, the first Native American women, the first African-American women, and the first Muslim women were elected in the history of those States. Finally, the men and women walking the corridors of power are beginning to look more like the Nation they represent, at least on our side of the aisle, I am proud to say. We are not there yet, but we are a lot closer.

In light of this progress, it is perhaps fitting that exactly half a century ago, a fellow Brooklynite, Shirley Chisolm, became the first African-American woman elected to Congress and eventually the first African-American woman to run for a major party's nomination for President, breaking that glass ceiling and paving the way for so many others to follow. Whether they know Shirley Chisolm or not, so many who are elected on the other side in the House of Representatives owe a lot to her, as do all Americans.

So I have introduced a resolution in the Senate, along with my friends in the House—Representative YVETTE

CLARKE, my Congresswoman whom I was proud to vote for in November, and BARBARA LEE of California—to honor Shirley Chisolm's achievements and her legacy of public service.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. KYLE. Madam 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.

#### NATIONAL DEFENSE STRATEGY COMMISSION REPORT

Mr. KYLE. Madam President, yesterday the National Defense Strategy Commission released its report after about a year of study for the defense needs of the United States and our future requirements for defense strategy and funding of that strategy. I had the honor of serving on that commission during the time that preceded my current presence in the U.S. Senate.

The Commission was appointed by the chairmen and ranking members of the House and Senate Armed Services Committee. There were six appointed from each of the two bodies, so a total of 12, and it was a division equally between Republicans and Democrats. I was privileged to have been appointed by my predecessor, Senator John McCain.

The commission is chaired by Ambassador Eric Edelman and Admiral Gary Roughead, Retired, and it included defense experts who had served in Congress, who had served in the intelligence community, the diplomatic community, and the military. There was one former political person—myself. As I said, we were tasked with the job of studying our National Defense Strategy and providing recommendations to the Secretary of Defense and to the Congress about our future courses of action.

The Commission worked very hard to review all of the pertinent information related to the formation of the Trump administration National Defense Strategy, which had been issued earlier in the year. This effort included examining the assumptions, the missions, the force posture, the structure, as well as strategic and military risks associated with the execution of that National Defense Strategy.

The Commission particularly focused on threats to the United States and the size and shape of the force required to deter and, if necessary, defeat these threats. It focused on the readiness of our force, the posture and capabilities of the force, and the allocation of resources. It also examined the strategic and military risks that informed the development of both the National Defense Strategy and the National Security Strategy.

This Commission has demonstrated that, even in Washington, DC, it is possible to get a genuinely bipartisan consensus on something—in this case, our

consensus on United States' national security. We agreed that, for example, budget-driven strategies that assume too much risk will cost us more in the long run than properly funded strategies based on the realistic assessment of the current strategic environment. That is kind of a long way of saying that what this bipartisan commission concluded, on a consensus basis—no dissenting views at all—was that we risk more by proceeding with the rebuilding of our military constrained by budget requirements than if we were to increase the budget for defense spending and eliminate the impediments to sensible acquisition, such as the continuing resolution and the sequestration requirements that Congress has been engaged in over the past several years.

What this Commission said, in stark headlines, is that the United States faces a national emergency. It concluded, in very stark terms, that we might lose a war with China or Russia, and that the only way to avoid this is to adequately fund the strategy that the Secretary of Defense has set out. His prioritization, the Commission concluded, is exactly right: We have to change from focusing solely or primarily on fighting a war in the Middle East or conflicts with terrorists, and instead change to focusing on the threats that are posed by potential adversaries—Russia and China. If we have the capability of dealing with those threats by deterring them or, if necessary, defeating them, then we should also have the ability to deal with terrorism, to deal with North Korea and deal with Iran, but our first priority needs to be to focus on China and on Russia.

The NDS Commission report argues:

The U.S. military could suffer unacceptably high casualties and loss of major capital assets in its next conflict. It might struggle to win, or perhaps lose a war against China or Russia. The United States is particularly at risk of being overwhelmed should its military forces be required to fight on two or more fronts simultaneously.

Some might oppose such strong wording, but the Commission believed we had to be able to talk honestly about the state of our military preparedness and our national security.

As Ambassador Edelman, Chairman of the Commission, stated, "It is probably more dangerous to tell ourselves and other people that we're going to be able to do these things when, in fact, we aren't able to do them because we're not paying for them."

The object of a strong military is to deter conflict from ever occurring. You do that by demonstrating you are able to prevail in a conflict if necessary. You have to have the capability of defeating any adversary you might face. If you have that capability, those adversaries are less likely to miscalculate, to assume they might be able to advance their parochial interests without a pushback from the United States, NATO, or our other allies, and they

come to this belief if they examine their capabilities against ours and determine we are lacking in the ability to stop them.

What this report says is that we have to get serious about rebuilding our military, or we run the risk of bad actors in the world deciding they can take a chance that we will not respond.

Let me summarize what this report says. Again, I can't emphasize this too much. I know it is Washington, DC. I know we are talking about difficult issues here, but these 12 Democrats and Republicans, equally divided, reached a conclusion, a consensus, about what we need to do, and we are willing to speak very strongly about it. It is possible for Democrats and Republicans to get together on something in this city, and I am hoping my colleagues in the House and in the Senate will approach the issues in the same bipartisan spirit that characterized the deliberations of the Commission.

Here is the summary:

First, we are in a state of national emergency. For the first time since the end of the Cold War, the United States is at risk of losing a war against these peer competitors—that is a euphemism for China and Russia.

Second, there is a bipartisan consensus that Congress must provide predictable and sufficient funding for the Department of Defense to execute the strategy it has developed—the National Defense Strategy. This means Congress must undo sequestration, which is the provision in law that says that if we don't meet certain budget requirements, all Departments of the government, including the Department of Defense, have to cut right off the top an equal percentage of funding in order to get back to those budget levels. For the Defense Department, it is impossible to both provide for our national security and comply with that requirement, so sequestration has to end.

We have to return to the regular order of appropriating funding for the Department of Defense on an annual basis at the beginning of each fiscal year so the Pentagon can do the planning necessary and the people who provide the weaponry and other products to the Defense Department can plan adequately for the development and production of these items on a sensible basis, on a basis that enables them to calculate in the future how much money they will have over the period of time they need. We can't do that if, instead, we continue to operate on what are called continuing resolutions, where Congress throws up its hands sometime in the late summer and says: We are never going to agree on how much to fund the various Departments of government, including the Department of Defense. Let's just agree to continue to do the same amount of spending we did last year on the same things.

Think about that in your family budget. Each year, instead of trying to figure out what you are going to need

this year—and it is going to be a little different from last year—you say: We will just spend the same amount we spent last year on the same things. It is a very illogical way and it is a very detrimental way for us to provide for our national defense.

The third thing the Commission recommended is that we have to increase the top line or the total amount of money spent on defense over the next several years if we are going to truly rebuild our military. Last year, a deal was struck in which we agreed to a 2-year funding for the Department of Defense that staunched the flow of blood from the inadequate funding of years previous. All it did was to temporarily provide funds, primarily to increase our readiness. It did not provide enough to rebuild our military. It provided enough to start the journey, which may take us 15 or 20 years, but that is how long, with increased funding, it will take to do the job.

We concluded that we ignore the issues at our peril, that today our adversaries undermine U.S. goals on a daily basis and that continued neglect of our defense capabilities puts our Nation at risk.

What are the specific conclusions? This report reports that America's military superiority has "eroded to a dangerous degree" and that the United States is in a "crisis of national security." It says that "the United States is particularly at risk of being overwhelmed should its military be forced to fight on two or more fronts simultaneously."

In other words, we are in a state of national emergency, and this country is at risk of actually being defeated by Russia or China should we find ourselves in conflict with them. Nobody is predicting a war today or even tomorrow, but we have seen the nationalistic designs that China has in its region of the world, and we have seen repeated efforts by Vladimir Putin's Russia to advance its sphere of influence, particularly in Eastern Europe—the taking of Crimea, the invasion of Ukraine, the shooting down of a civilian airliner, the use of chemical agents—prohibited by treaties, by the way—on foreign soil to deal with people with whom it disagrees. Somebody has likened Vladimir Putin to the burglar in a hotel who walks down the hallway pushing on each door until he finds one that is not locked so he can go in and burglarize. He is an opportunist who takes advantage of weakness. The last thing we want to do is to suggest to him that we would not or could not respond to actions he takes. In other words, to prevent him from miscalculating, we have to deter conduct that could lead to conflict.

The way the Russian military doctrine works these days is, it starts with a hybrid war. It is not a fighting war to begin with. It is done through cyber attacks, through propaganda, through actions that perhaps utilize contractors rather than the Russian military

to go into another country so that they have plausible deniability until they have achieved their initial goals and then have the Russian military move into the area and even potentially, according to Russian doctrine, use nuclear weapons. They would do this on a tactical basis to do what they call escalate to deescalate—in other words, to suggest to NATO, the United States, and other allies that our responding to that attack could lead to a nuclear conflagration.

The Russians have the tactical weapons. They have 10 times more than we do, so they can use them on a battlefield and then say: Look, we have taken the territory we want to take. We are done for now, and you just need to leave us alone rather than getting involved in this conflict.

That is the kind of way we could be drawn into a conflict even though there is not a big army attack or air attack to begin such a conflict. It is the escalation ladder where tactical nuclear weapons might be used, and then it is up to the United States to decide what to do next.

This is the kind of thing in which miscalculation can occur. The United States has to persuade countries like Russia and China that they shouldn't begin the process of calculating whether they could defeat us with the assumption that we wouldn't or couldn't respond. That is what deterrence is all about. Nobody wants war, but you prevent war by demonstrating to the aggressor that it is not worth it for that aggressor to start the conflict, that he is going to lose more than he can potentially gain.

We don't get to define whether we have adequate deterrence; that is defined by our potential adversary. What do they think we can do? In the past several years, both the Chinese and Russians have gone to school on the United States and the way we conduct our military activities, for example, in the Middle East, in Afghanistan. They understand our strengths and weaknesses. They have been spending a lot of money on research and development and readiness and weapon acquisition and doctrine to take advantage of our weaknesses in an asymmetrical way in order to defeat us if there should ever be a conflict between us.

The Chinese have put a lot, for example, into their space-based capabilities, trying to knock the United States out of space so that our satellites can't tell our weapons where to fire or tell our troops how to get where they need to go.

The Russians are very good in cyber activity. They would like to be able to deny us the ability to communicate with each other and to do the other things we rely upon through cyber space. They have developed very capable modern technology and weaponry that in some cases is much better than ours. They have the ability to deny us access to battlefields through their long-range air defenses, for example.

The United States no longer has superiority in all military fields. We can expect not to have air superiority, for example, in a conflict with Russia.

These are problems that have to be remedied, and they can't be remedied overnight. What our Commission concluded is that we have to recognize the potential threat. The reason our adversaries have developed the kinds of weapons and doctrine they have is because they want to be prepared in the event of conflict between us. We are not going to start a conflict, but we want to make sure they don't miscalculate and start one, and that starts with having a military that they understand is sufficient to defeat them. That is what real deterrence is all about.

This report should not be understood as a criticism of the Secretary of Defense or of the Defense Department. It is true that we say there are areas that need improvement, but Secretary Mattis knows as well as anyone what the nature of this threat is. He is able to say "I will make do with what the Congress gives us," but I don't think he is able to say "I know in my heart that will be sufficient." In fact, earlier this year, he warned us that "our competitive edge has eroded in every domain of warfare—air, land, sea, space, and cyber. The combination of rapidly changing technology, the negative impact on military readiness resulting from the longest continuous period of combat in our Nation's history, and a prolonged period of unpredictable and insufficient funding, created an overstretched and under-resourced military." He has recognized the problem.

I think it is up to the Congress to respond to his recognition of the problem and to the report of this bipartisan Commission. We have all heard plenty about the results of this underfunding. We have seen aircraft that aren't able to fly or they crash. We have seen Navy ships that collide with each other and other kinds of catastrophes that have befallen our military. Today, our military is the smallest it has been since 1940, since before World War II. We face munition shortages. We obviously need to refresh our wornout troops and equipment. There are urgent requirements to modernize our nuclear deterrent—the deterrent that says to the Russians or the Chinese, for example, and in the future North Korea and perhaps Iran: Don't even think about a nuclear conflict with us. We have the ability to destroy you. We are in the process of modernizing that, and it is going to take a long time and a lot of money to do that.

Defense spending is near historic lows. We think that because last year we made a deal to slightly increase it for a 2-year period of time that we solved the problem. That is not true. As a share of the Federal budget and the national economy, we are spending at near historic lows on defense. We now have enough evidence to know that mindless spending cuts, as would

be required by sequestration, for example, don't make the Department of Defense more efficient. There are always savings to be had in the Department of Defense, but that is not the way to achieve them. In fact, informing the larger drivers of the Pentagon's budget would actually require legislative changes that the Congress has been unwilling to make. So let's put the burden where it lies, and that is on Congress, to fix a lot of these problems.

Between the fiscal years 2012 and 2019, the Department of Defense will have sustained \$539 billion in cuts over the budget plan proposed by Secretary Gates in the year 2010. So Secretary Gates said: Here is our 20-year plan, and we are almost half way through that plan, and we have already suffered almost half a trillion dollars in cuts over what he said we would need. If defense spending continues at the planned rate through 2021, it will take another 19 years to reverse all of the Budget Act cuts that occurred as a result of sequestration. Obviously, we have work to do.

I have talked about the threat. Let me just mention a couple of other points that we made in the report. We commented on the Defense Department's national security report—the National Defense Strategy, which was published in 2017—and it actually helped to make this case for us. It argued that we face "an extraordinarily dangerous world," and that threats "have intensified in recent years." We face a world where "China and Russia challenge American power," where "the Democratic People's Republic of Korea and the Islamic Republic of Iran are determined to destabilize regions," and where transnational threat groups "are actively trying to harm Americans."

So when I speak to China and Russia, I don't mean to demean the threats posed by other actors like North Korea and Iran or the terrorists who continue to threaten us. I am simply noting the most serious threat should conflict arise. This focus on China and Russia, I think, is prudent because both countries, as I said, have extensively modernized their forces, including their nuclear weapons arsenals, and they have routinely taken actions that threaten, coerce, and intimidate others in the region.

For the last 17 years most of our forces have been organized, manned, trained, and equipped to fight smaller scale wars in Iraq and Afghanistan. I think in the meantime some of our planners have forgotten how to plan and operationalize large-scale military conflicts. This we have to relearn while we still have time.

Our adversaries are not waiting, as I said. They don't face similar fiscal constraints as we do. I was asked the other evening: Well, isn't it true that we spend a lot more in our military than Russia and China do? The answer is that this isn't even an apples-and-oranges comparison. We are honest about

our budget and transparent. We put out in the public what our intelligence community topline budget is. The Russians and Chinese don't do that. They hide as much as they can. They don't pay their forces the way we do, and 70 percent of our defense budget is for our forces—our manpower—in the pay and benefits and healthcare they need. We don't have the combined industrial base with the military that the Chinese do, for example, and that the Russians do. What we spend is all out there. They can hide a lot of their spending in the activities of their industrial companies that are doing the work of the Chinese army, for example. So that is not a valid comparison.

I will just conclude this way. I was in the Congress for 26 years. I served on the House Armed Services Committee. I came to the Senate and served on numerous commissions and task forces—in the Intelligence Committee, for example, for 8 years, which looked into the threats that we face and what we need to do about those threats. I led efforts dealing with our strategic deterrent, our nuclear modernization effort, and I was sobered by the evidence that we received as a member of the National Defense Strategy Commission. I was taken aback. I had not been in the Senate for 5 years. I hadn't had the advantage of classified briefings on the status of our adversaries' efforts and our own, and I was shocked at the degree to which we have lost the advantage that we used to have. I shared the concerns with my colleagues that this could lead potential adversaries to miscalculate, to think that they could make moves that wouldn't be resisted by the United States because we don't have the capability any more to do that. That has to change if we are to avoid war.

Therefore, I urge my colleagues in the days and weeks to come to review this Commission report, to think about it in terms of a consensus document between Republicans and Democrats, who unanimously agreed that it was critical to tell the American people the truth—that we have a severe crisis in this country—and to recognize that we, the Congress—the House and the Senate—have the first obligation to do something about this by setting the policy through our National Defense Authorization Acts and then funding those policies adequately through a series of eliminating sequestration, funding through the regular order appropriation process, rather than continuing resolutions, and increasing the topline budget for the military enough to make up the gap that we discuss in this report here.

That effort will begin with an administration in the development of its budget, which is underway right now and will be submitted to the Congress in the early spring. I urge the administration, as well, to recognize that its leadership in this effort will have a lot to do with the success of Congress stepping up to do its job to fund that budget adequately.

So to my colleagues who are concerned about our national security—and who isn't—and to those who said during the last campaign that we want to work across the aisle to solve problems that confront the American people, well, I can't think of a more serious problem than this. This is a great opportunity to roll up our sleeves and work together. I pledge to work with my colleagues to do exactly that and commend to them this report of the National Defense Strategy Commission to review during the Thanksgiving break we are going to have here and to come back ready to do work.

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. McCONNELL. Madam 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 MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

#### AMENDING THE WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT OF 2010

Mr. McCONNELL. Madam President, I ask unanimous consent that notwithstanding adoption of the motion to concur in the House amendment to S. 140 with further amendment No. 4054, as modified, that amendment No. 4054, as modified, be further modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4054), as further modified, is as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the “Frank LoBiondo Coast Guard Authorization Act of 2018”.

##### SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

##### TITLE I—REORGANIZATION OF TITLE 14, UNITED STATES CODE

Sec. 101. Initial matter.

Sec. 102. Subtitle I.

Sec. 103. Chapter 1.

Sec. 104. Chapter 3.

Sec. 105. Chapter 5.

Sec. 106. Chapter 7.

Sec. 107. Chapter 9.

Sec. 108. Chapter 11.

Sec. 109. Subtitle II.

Sec. 110. Chapter 19.

Sec. 111. Part II.

Sec. 112. Chapter 21.

Sec. 113. Chapter 23.

Sec. 114. Chapter 25.

Sec. 115. Part III.

Sec. 116. Chapter 27.

Sec. 117. Chapter 29.

Sec. 118. Subtitle III and chapter 37.

Sec. 119. Chapter 39.

Sec. 120. Chapter 41.

Sec. 121. Subtitle IV and chapter 49.

Sec. 122. Chapter 51.

Sec. 123. References.

Sec. 124. Rule of construction.

##### TITLE II—AUTHORIZATIONS

Sec. 201. Amendments to title 14, United States Code, as amended by title I of this Act.

Sec. 202. Authorizations of appropriations.

Sec. 203. Authorized levels of military strength and training.

Sec. 204. Authorization of amounts for Fast Response Cutters.

Sec. 205. Authorization of amounts for shoreside infrastructure.

Sec. 206. Authorization of amounts for aircraft improvements.

##### TITLE III—COAST GUARD

Sec. 301. Amendments to title 14, United States Code, as amended by title I of this Act.

Sec. 302. Primary duties.

Sec. 303. National Coast Guard Museum.

Sec. 304. Unmanned aircraft.

Sec. 305. Coast Guard health-care professionals; licensure portability.

Sec. 306. Training; emergency response providers.

Sec. 307. Incentive contracts for Coast Guard yard and industrial establishments.

Sec. 308. Confidential investigative expenses.

Sec. 309. Regular captains; retirement.

Sec. 310. Conversion, alteration, and repair projects.

Sec. 311. Contracting for major acquisitions programs.

Sec. 312. Officer promotion zones.

Sec. 313. Cross reference.

Sec. 314. Commissioned service retirement.

Sec. 315. Leave for birth or adoption of child.

Sec. 316. Clothing at time of discharge.

Sec. 317. Unfunded priorities list.

Sec. 318. Safety of vessels of the Armed Forces.

Sec. 319. Air facilities.

##### TITLE IV—PORTS AND WATERWAYS SAFETY

Sec. 401. Codification of Ports and Waterways Safety Act.

Sec. 402. Conforming amendments.

Sec. 403. Transitional and savings provisions.

Sec. 404. Rule of construction.

Sec. 405. Advisory committee: repeal.

Sec. 406. Regattas and marine parades.

Sec. 407. Regulation of vessels in territorial waters of United States.

Sec. 408. Port, harbor, and coastal facility security.

##### TITLE V—MARITIME TRANSPORTATION SAFETY

Sec. 501. Consistency in marine inspections.

Sec. 502. Uninspected passenger vessels in St. Louis County, Minnesota.

Sec. 503. Engine cut-off switch requirements.

Sec. 504. Exception from survival craft requirements.

Sec. 505. Safety standards.

Sec. 506. Fishing safety grants.

Sec. 507. Fishing, fish tender, and fish processing vessel certification.

Sec. 508. Deadline for compliance with alternate safety compliance program.

Sec. 509. Termination of unsafe operations; technical correction.

Sec. 510. Technical corrections: Licenses, certificates of registry, and merchant mariner documents.  
 Sec. 511. Clarification of logbook entries.  
 Sec. 512. Certificates of documentation for recreational vessels.  
 Sec. 513. Numbering for undocumented barges.  
 Sec. 514. Backup national timing system.  
 Sec. 515. Scientific personnel.  
 Sec. 516. Transparency.

#### TITLE VI—ADVISORY COMMITTEES

Sec. 601. National maritime transportation advisory committees.  
 Sec. 602. Maritime Security Advisory Committees.

#### TITLE VII—FEDERAL MARITIME COMMISSION

Sec. 701. Short title.  
 Sec. 702. Authorization of appropriations.  
 Sec. 703. Reporting on impact of alliances on competition.  
 Sec. 704. Definition of certain covered services.  
 Sec. 705. Reports filed with the Commission.  
 Sec. 706. Public participation.  
 Sec. 707. Ocean transportation intermediaries.  
 Sec. 708. Common carriers.  
 Sec. 709. Negotiations.  
 Sec. 710. Injunctive relief sought by the Commission.  
 Sec. 711. Discussions.  
 Sec. 712. Transparency.  
 Sec. 713. Study of bankruptcy preparation and response.  
 Sec. 714. Agreements unaffected.

#### TITLE VIII—MISCELLANEOUS

Sec. 801. Repeal of obsolete reporting requirement.  
 Sec. 802. Corrections to provisions enacted by Coast Guard Authorization Acts.  
 Sec. 803. Officer evaluation report.  
 Sec. 804. Extension of authority.  
 Sec. 805. Coast Guard ROTC program.  
 Sec. 806. Currency detection canine team program.  
 Sec. 807. Center of expertise for Great Lakes oil spill search and response.  
 Sec. 808. Public safety answering points and maritime search and rescue coordination.  
 Sec. 809. Ship shoal lighthouse transfer: repeal.  
 Sec. 810. Land exchange, Ayakulik Island, Alaska.  
 Sec. 811. Use of Tract 43.  
 Sec. 812. Coast Guard maritime domain awareness.  
 Sec. 813. Monitoring.  
 Sec. 814. Reimbursements for non-Federal construction costs of certain aids to navigation.  
 Sec. 815. Towing safety management system fees.  
 Sec. 816. Oil spill disbursements auditing and report.  
 Sec. 817. Fleet requirements assessment and strategy.  
 Sec. 818. National Security Cutter.  
 Sec. 819. Acquisition plan for inland waterway and river tenders and bay-class icebreakers.  
 Sec. 820. Great Lakes icebreaker acquisition.  
 Sec. 821. Polar icebreakers.  
 Sec. 822. Strategic assets in the Arctic.  
 Sec. 823. Arctic planning criteria.  
 Sec. 824. Vessel response plan audit.  
 Sec. 825. Waters deemed not navigable waters of the United States for certain purposes.  
 Sec. 826. Documentation of recreational vessels.  
 Sec. 827. Equipment requirements; exemption from throwable personal flotation devices requirement.

Sec. 828. Visual distress signals and alternative use.  
 Sec. 829. Radar refresher training.  
 Sec. 830. Commercial fishing vessel safety national communications plan.  
 Sec. 831. Atlantic Coast port access route study recommendations.  
 Sec. 832. Drawbridges.  
 Sec. 833. Waiver.  
 Sec. 834. Fire-retardant materials.  
 Sec. 835. Vessel waiver.  
 Sec. 836. Temporary limitations.  
 Sec. 837. Transfer of Coast Guard property in Jupiter Island, Florida, for inclusion in Hobe Sound National Wildlife Refuge.  
 Sec. 838. Emergency response.  
 Sec. 839. Drawbridges consultation.

#### TITLE IX—VESSEL INCIDENTAL DISCHARGE ACT

Sec. 901. Short title.  
 Sec. 902. Purposes; findings.  
 Sec. 903. Standards for discharges incidental to normal operation of vessels.

#### TITLE X—HYDROGRAPHIC SERVICES AND OTHER MATTERS

Sec. 1001. Reauthorization of Hydrographic Services Improvement Act of 1998.  
 Sec. 1002. System for tracking and reporting all-inclusive cost of hydrographic surveys.  
 Sec. 1003. Homeport of certain research vessels.

#### TITLE I—REORGANIZATION OF TITLE 14, UNITED STATES CODE

##### SEC. 101. INITIAL MATTER.

Title 14, United States Code, is amended by striking the title designation, the title heading, and the table of parts at the beginning and inserting the following:

##### “TITLE 14—COAST GUARD

“Subtitle	Sec.
“I. Establishment, Powers, Duties, and Administration .....	101
“II. Personnel .....	1901
“III. Coast Guard Reserve and Auxiliary .....	3701
“IV. Coast Guard Authorizations and Reports to Congress .....	4901”.
SEC. 102. SUBTITLE I.	
Part I of title 14, United States Code, is amended by striking the part designation, the part heading, and the table of chapters at the beginning and inserting the following:	
“Subtitle I—Establishment, Powers, Duties, and Administration	
“Chap.	Sec.
“1. Establishment and Duties .....	101
“3. Composition and Organization .....	301
“5. Functions and Powers .....	501
“7. Cooperation .....	701
“9. Administration .....	901
“11. Acquisitions .....	1101”.

##### SEC. 103. CHAPTER 1.

(a) INITIAL MATTER.—Chapter 1 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

##### “CHAPTER 1—ESTABLISHMENT AND DUTIES

“Sec.	
“101. Establishment of Coast Guard.	
“102. Primary duties.	
“103. Department in which the Coast Guard operates.	
“104. Removing restrictions.	
“105. Secretary defined.	
“106. Commandant defined.”.	
(b) REDESIGNATIONS AND TRANSFERS.—	
(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—	

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 1 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before re-designation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after re-designation
1	Establishment of Coast Guard	101
2	Primary duties	102
3	Department in which the Coast Guard operates	103
652	Removing restrictions	104
4	Secretary defined	105
5	Commandant defined	106

##### SEC. 104. CHAPTER 3.

(a) INITIAL MATTER.—Chapter 3 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

##### “CHAPTER 3—COMPOSITION AND ORGANIZATION

“Sec.	
“301. Grades and ratings.	
“302. Commandant; appointment.	
“303. Retirement of Commandant or Vice Commandant.	
“304. Vice Commandant; appointment.	
“305. Vice admirals.	
“306. Retirement.	
“307. Vice admirals and admiral, continuity of grade.	
“308. Chief Acquisition Officer.	
“309. Office of the Coast Guard Reserve; Director.	
“310. Chief of Staff to President; appointment.	
“311. Captains of the port.	
“312. Prevention and response workforces.	
“313. Centers of expertise for Coast Guard prevention and response.	
“314. Marine industry training program.	
“315. Training course on workings of Congress.	
“316. National Coast Guard Museum.	
“317. United States Coast Guard Band; composition; director.	
“318. Environmental Compliance and Restoration Program.”.	
(b) REDESIGNATIONS AND TRANSFERS.—	
(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—	
(A) by redesignating the sections as described in the table; and	
(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 3 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.	
(2) TABLE.—The table referred to in paragraph (1) is the following:	

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
41	Grades and ratings	301
44	Commandant; appointment	302
46	Retirement of Commandant or Vice Commandant	303
47	Vice Commandant; appointment	304
50	Vice admirals	305
51	Retirement	306
52	Vice admirals and admiral, continuity of grade	307
56	Chief Acquisition Officer	308
53	Office of the Coast Guard Reserve; Director	309
54	Chief of Staff to President; appointment	310
57	Prevention and response workforces	312
58	Centers of expertise for Coast Guard prevention and response	313
59	Marine industry training program	314
60	Training course on workings of Congress	315
98	National Coast Guard Museum	316
336	United States Coast Guard Band; composition; director	317

## (c) ADDITIONAL CHANGES.—

(1) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended—

(A) by inserting after section 310 (as so redesignated and transferred under subsection (b)) the following:

**“§ 311. Captains of the port**

“Any officer, including any petty officer, may be designated by the Commandant as captain of the port or ports or adjacent high seas or waters over which the United States has jurisdiction, as the Commandant deems necessary to facilitate execution of Coast Guard duties.”; and

(B) by inserting after section 317 (as so redesignated and transferred under subsection (b)) the following:

**“§ 318. Environmental Compliance and Restoration Program**

“(a) DEFINITIONS.—For the purposes of this section—

“(1) ‘environment’, ‘facility’, ‘person’, ‘release’, ‘removal’, ‘remedial’, and ‘response’ have the same meaning they have in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601);

“(2) ‘hazardous substance’ has the same meaning it has in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), except that it also includes the meaning given ‘oil’ in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); and

“(3) ‘pollutant’ has the same meaning it has in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

**“(b) PROGRAM.—**

“(1) The Secretary shall carry out a program of environmental compliance and restoration at current and former Coast Guard facilities.

“(2) Program goals include:

“(A) Identifying, investigating, and cleaning up contamination from hazardous substances and pollutants.

“(B) Correcting other environmental damage that poses an imminent and substantial danger to the public health or welfare or to the environment.

“(C) Demolishing and removing unsafe buildings and structures, including buildings and structures at former Coast Guard facilities.

“(D) Preventing contamination from hazardous substances and pollutants at current Coast Guard facilities.

“(3)(A) The Secretary shall respond to releases of hazardous substances and pollutants—

“(i) at each Coast Guard facility the United States owns, leases, or otherwise possesses;

“(ii) at each Coast Guard facility the United States owned, leased, or otherwise possessed when the actions leading to contamination from hazardous substances or pollutants occurred; and

“(iii) on each vessel the Coast Guard owns or operates.

“(B) Subparagraph (A) of this paragraph does not apply to a removal or remedial action when a potentially responsible person responds under section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9622).

“(C) The Secretary shall pay a fee or charge imposed by a State authority for permit services for disposing of hazardous substances or pollutants from Coast Guard facilities to the same extent that nongovernmental entities are required to pay for permit services. This subparagraph does not apply to a payment that is the responsibility of a lessee, contractor, or other private person.

“(4) The Secretary may agree with another Federal agency for that agency to assist in carrying out the Secretary’s responsibilities under this section. The Secretary may enter into contracts, cooperative agreements, and grant agreements with State and local governments to assist in carrying out the Secretary’s responsibilities under this section. Services that may be obtained under this paragraph include identifying, investigating, and cleaning up off-site contamination that may have resulted from the release of a hazardous substance or pollutant at a Coast Guard facility.

“(5) Section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9619) applies to response action contractors that carry out response actions under this section. The Coast Guard shall indemnify response action contractors to the extent that adequate insurance is not generally available at a fair price at the time the contractor enters into the contract to cover the contractor’s reasonable, potential, long-term liability.

**“(c) AMOUNTS RECOVERED FOR RESPONSE ACTIONS.—**

“(1) All sums appropriated to carry out the Coast Guard’s environmental compliance

and restoration functions under this section or another law shall be credited or transferred to an appropriate Coast Guard account, as determined by the Commandant and remain available until expended.

“(2) Funds may be obligated or expended from such account to carry out the Coast Guard’s environmental compliance and restoration functions under this section or another law.

“(3) In proposing the budget for any fiscal year under section 1105 of title 31, the President shall set forth separately the amount requested for the Coast Guard’s environmental compliance and restoration activities under this section or another law.

“(4) Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607) for the Secretary’s response actions at current and former Coast Guard facilities shall be credited to an appropriate Coast Guard account, as determined by the Commandant.

“(d) ANNUAL LIST OF PROJECTS TO CONGRESS.—The Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a prioritized list of projects eligible for environmental compliance and restoration funding for each fiscal year concurrent with the President’s budget submission for that fiscal year.”.

(2) CONFORMING REPEALS.—Sections 634, 690, 691, 692, and 693 of title 14, United States Code, are repealed.

**SEC. 105. CHAPTER 5.**

(a) INITIAL MATTER.—Chapter 5 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

**“CHAPTER 5—FUNCTIONS AND POWERS****“SUBCHAPTER I—GENERAL POWERS**

“Sec.

“501. Secretary; general powers.

“502. Delegation of powers by the Secretary.

“503. Regulations.

“504. Commandant; general powers.

“505. Functions and powers vested in the Commandant.

“506. Prospective payment of funds necessary to provide medical care.

“507. Appointment of judges.

**“SUBCHAPTER II—LIFE SAVING AND LAW ENFORCEMENT AUTHORITIES**

“521. Saving life and property.

“522. Law enforcement.

“523. Enforcement authority.

“524. Enforcement of coastwise trade laws.

“525. Special agents of the Coast Guard Investigative Service law enforcement authority.

“526. Stopping vessels; indemnity for firing at or into vessel.

“527. Safety of naval vessels.

“528. Protecting against unmanned aircraft.

**“SUBCHAPTER III—AIDS TO NAVIGATION**

“541. Aids to navigation authorized.

“542. Unauthorized aids to maritime navigation; penalty.

“543. Interference with aids to navigation; penalty.

“544. Aids to maritime navigation; penalty.

“545. Marking of obstructions.

“546. Deposit of damage payments.

“547. Rewards for apprehension of persons interfering with aids to navigation.

**“SUBCHAPTER IV—MISCELLANEOUS**

“561. Icebreaking in polar regions.

“562. Appeals and waivers.

“563. Notification of certain determinations.”.



(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 5 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before re-designation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after re-designation
92	Secretary; general powers	501
631	Delegation of powers by the Secretary	502
633	Regulations	503
93	Commandant; general powers	504
632	Functions and powers vested in the Commandant	505
520	Prospective payment of funds necessary to provide medical care	506
153	Appointment of judges	507
88	Saving life and property	521
89	Law enforcement	522
99	Enforcement authority	523
100	Enforcement of coastwise trade laws	524
95	Special agents of the Coast Guard Investigative Service law enforcement authority	525
637	Stopping vessels; indemnity for firing at or into vessel	526
91	Safety of naval vessels	527
104	Protecting against unmanned aircraft	528
81	Aids to navigation authorized	541
83	Unauthorized aids to maritime navigation; penalty	542
84	Interference with aids to navigation; penalty	543
85	Aids to maritime navigation; penalty	544

Title 14 section number before re-designation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after re-designation
86	Marking of obstructions	545
642	Deposit of damage payments	546
643	Rewards for apprehension of persons interfering with aids to navigation	547
87	Icebreaking in polar regions	561
101	Appeals and waivers	562
103	Notification of certain determinations	563

(c) ADDITIONAL CHANGES.—Chapter 5 of title 14, United States Code, is further amended—

(1) by inserting before section 501 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—GENERAL POWERS”;

(2) by inserting before section 521 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—LIFE SAVING AND LAW ENFORCEMENT AUTHORITIES”;

(3) by inserting before section 541 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER III—AIDS TO NAVIGATION”;

and

(4) by inserting before section 561 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER IV—MISCELLANEOUS”.

#### SEC. 106. CHAPTER 7.

(a) INITIAL MATTER.—Chapter 7 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

#### “CHAPTER 7—COOPERATION

“Sec.

“701. Cooperation with other agencies, States, territories, and political subdivisions.

“702. State Department.

“703. Treasury Department.

“704. Department of the Army and Department of the Air Force.

“705. Navy Department.

“706. United States Postal Service.

“707. Department of Commerce.

“708. Department of Health and Human Services.

“709. Maritime instruction.

“710. Assistance to foreign governments and maritime authorities.

“711. Coast Guard officers as attachés to missions.

“712. Contracts with Government-owned establishments for work and material.

“713. Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services.

“714. Arctic maritime domain awareness.

“715. Oceanographic research.

“716. Arctic maritime transportation.

“717. Agreements.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 7 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before re-designation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after re-designation
141	Cooperation with other agencies, States, territories, and political subdivisions	701
142	State Department	702
143	Treasury Department	703
144	Department of the Army and Department of the Air Force	704
145	Navy Department	705
146	United States Postal Service	706
147	Department of Commerce	707
147a	Department of Health and Human Services	708
148	Maritime instruction	709
149	Assistance to foreign governments and maritime authorities	710
150	Coast Guard officers as attachés to missions	711
151	Contracts with Government-owned establishments for work and material	712
152	Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services	713
154	Arctic maritime domain awareness	714
94	Oceanographic research	715
90	Arctic maritime transportation	716
102	Agreements	717



**SEC. 107. CHAPTER 9.**

(a) INITIAL MATTER.—Chapter 9 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

**“CHAPTER 9—ADMINISTRATION****“SUBCHAPTER I—REAL AND PERSONAL PROPERTY**

“Sec.

“901. Disposal of certain material.

“902. Employment of draftsmen and engineers.

“903. Use of certain appropriated funds.

“904. Local hire.

“905. Procurement authority for family housing.

“906. Air Station Cape Cod Improvements.

“907. Long-term lease of special purpose facilities.

“908. Long-term lease authority for light-house property.

“909. Small boat station rescue capability.

“910. Small boat station closures.

“911. Search and rescue center standards.

“912. Air facility closures.

“913. Turnkey selection procedures.

“914. Disposition of infrastructure related to E-LORAN.

**“SUBCHAPTER II—MISCELLANEOUS**

“931. Oaths required for boards.

“932. Administration of oaths.

“933. Coast Guard ensigns and pennants.

“934. Penalty for unauthorized use of words ‘Coast Guard’.

“935. Coast Guard band recordings for commercial sale.

“936. Confidentiality of medical quality assurance records; qualified immunity for participants.

“937. Admiralty claims against the United States.

“938. Claims for damage to property of the United States.

“939. Accounting for industrial work.

“940. Supplies and equipment from stock.

“941. Coast Guard Supply Fund.

“942. Public and commercial vessels and other watercraft; sale of fuel, supplies, and services.

“943. Arms and ammunition; immunity from taxation.

“944. Confidential investigative expenses.

“945. Assistance to film producers.

“946. User fees.

“947. Vessel construction bonding requirements.

“948. Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care.

“949. Telephone installation and charges.

“950. Designation, powers, and accountability of deputy disbursing officials.

“951. Aircraft accident investigations.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 9 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
641	Disposal of certain material	901
653	Employment of draftsmen and engineers	902
656	Use of certain appropriated funds	903
666	Local hire	904
670	Procurement authority for family housing	905
671	Air Station Cape Cod Improvements	906
672	Long-term lease of special purpose facilities	907
672a	Long-term lease authority for light-house property	908
674	Small boat station rescue capability	909
675	Small boat station closures	910
676	Search and rescue center standards	911
676a	Air facility closures	912
677	Turnkey selection procedures	913
681	Disposition of infrastructure related to E-LORAN	914
635	Oaths required for boards	931
636	Administration of oaths	932
638	Coast Guard ensigns and pennants	933
639	Penalty for unauthorized use of words “Coast Guard”	934
640	Coast Guard band recordings for commercial sale	935
645	Confidentiality of medical quality assurance records; qualified immunity for participants	936
646	Admiralty claims against the United States	937
647	Claims for damage to property of the United States	938
648	Accounting for industrial work	939

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
649	Supplies and equipment from stock	940
650	Coast Guard Supply Fund	941
654	Public and commercial vessels and other watercraft; sale of fuel, supplies, and services	942
655	Arms and ammunition; immunity from taxation	943
658	Confidential investigative expenses	944
659	Assistance to film producers	945
664	User fees	946
667	Vessel construction bonding requirements	947
668	Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care	948
669	Telephone installation and charges	949
673	Designation, powers, and accountability of deputy disbursing officials	950
678	Aircraft accident investigations	951

(c) ADDITIONAL CHANGES.—Chapter 9 of title 14, United States Code, is further amended—

(1) by inserting before section 901 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—REAL AND PERSONAL PROPERTY”;

and

(2) by inserting before section 931 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—MISCELLANEOUS”.

**SEC. 108. CHAPTER 11.**

(a) INITIAL MATTER.—Chapter 11 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

**“CHAPTER 11—ACQUISITIONS****“SUBCHAPTER I—GENERAL PROVISIONS**

“Sec.

“1101. Acquisition directorate.

“1102. Improvements in Coast Guard acquisition management.

“1103. Role of Vice Commandant in major acquisition programs.

“1104. Recognition of Coast Guard personnel for excellence in acquisition.

“1105. Prohibition on use of lead systems integrators.

“1106. Required contract terms.

“1107. Extension of major acquisition program contracts.

“1108. Department of Defense consultation.  
 “1109. Undefined contractual actions.  
 “1110. Mission need statement.

“SUBCHAPTER II—IMPROVED ACQUISITION  
 PROCESS AND PROCEDURES

“1131. Identification of major system acquisitions.  
 “1132. Acquisition.  
 “1133. Preliminary development and demonstration.  
 “1134. Acquisition, production, deployment, and support.  
 “1135. Acquisition program baseline breach.  
 “1136. Acquisition approval authority.  
 “SUBCHAPTER III—PROCUREMENT  
 “1151. Restriction on construction of vessels in foreign shipyards.  
 “1152. Advance procurement funding.  
 “1153. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.  
 “1154. Procurement of buoy chain.  
 “1155. Contract termination.

“SUBCHAPTER IV—DEFINITIONS

“1171. Definitions.”.  
 (b) REDESIGNATIONS AND TRANSFERS.—  
 (1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—  
 (A) by redesignating the sections as described in the table; and  
 (B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 11 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.  
 (2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
561	Acquisition directorate	1101
562	Improvements in Coast Guard acquisition management	1102
578	Role of Vice Commandant in major acquisition programs	1103
563	Recognition of Coast Guard personnel for excellence in acquisition	1104
564	Prohibition on use of lead systems integrators	1105
565	Required contract terms	1106
579	Extension of major acquisition program contracts	1107
566	Department of Defense consultation	1108
567	Undefined contractual actions	1109
569	Mission need statement	1110
571	Identification of major system acquisitions	1131

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
572	Acquisition	1132
573	Preliminary development and demonstration	1133
574	Acquisition, production, deployment, and support	1134
575	Acquisition program baseline breach	1135
576	Acquisition approval authority	1136
665	Restriction on construction of vessels in foreign shipyards	1151
577	Advance procurement funding	1152
96	Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards	1153
97	Procurement of buoy chain	1154
657	Contract termination	1155
581	Definitions	1171

(c) ADDITIONAL CHANGES.—Chapter 11 of title 14, United States Code, is further amended—

(1) by striking all subdivision designations and headings in such chapter, except for—  
 (A) the chapter designation and heading added by subsection (a);  
 (B) the subchapter designations and headings added by this subsection; and  
 (C) any designation or heading of a section or a subdivision of a section;  
 (2) by inserting before section 1101 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—GENERAL  
 PROVISIONS”;

(3) by inserting before section 1131 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES”;

(4) by inserting before section 1151 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER III—PROCUREMENT”;

and

(5) by inserting before section 1171 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER IV—DEFINITIONS”.

**SEC. 109. SUBTITLE II.**

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by inserting after chapter 11 (as amended by section 108) the following:

“Subtitle II—Personnel

“Chap. Sec.  
 “19. Coast Guard Academy ..... 1901  
 “21. Personnel; Officers ..... 2101  
 “23. Personnel; Enlisted ..... 2301  
 “25. Personnel; General Provisions ... 2501

“27. Pay, Allowances, Awards, and Other Rights and Benefits ..... 2701  
 “29. Coast Guard Family Support, Child Care, and Housing ..... 2901”.

(b) RESERVED CHAPTER NUMBERS.—

(1) CHAPTER 13.—Chapter 13 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning.

(2) CHAPTER 14.—Chapter 14 of title 14, United States Code, is amended—

(A) by striking the chapter designation, the chapter heading, and the table of sections at the beginning; and

(B) by striking the subchapter designation and the subchapter heading for each of the subchapters of such chapter.

(3) CHAPTER 15.—Chapter 15 of title 14, United States Code, is amended—

(A) by striking the chapter designation, the chapter heading, and the table of sections at the beginning; and

(B) by striking the subchapter designation and the subchapter heading for each of the subchapters of such chapter.

(4) CHAPTER 17.—Chapter 17 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning.

(5) CHAPTER 18.—Chapter 18 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning.

**SEC. 110. CHAPTER 19.**

(a) INITIAL MATTER.—Chapter 19 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

“CHAPTER 19—COAST GUARD ACADEMY

“SUBCHAPTER I—ADMINISTRATION

“Sec.

“1901. Administration of Academy.

“1902. Policy on sexual harassment and sexual violence.

“1903. Annual Board of Visitors.

“1904. Participation in Federal, State, or other educational research grants.

“SUBCHAPTER II—CADETS

“1921. Corps of Cadets authorized strength.

“1922. Appointments.

“1923. Admission of foreign nationals for instruction; restrictions; conditions.

“1924. Conduct.

“1925. Agreement.

“1926. Cadet applicants; preappointment travel to Academy.

“1927. Cadets; initial clothing allowance.

“1928. Cadets; degree of bachelor of science.

“1929. Cadets; appointment as ensign.

“1930. Cadets; charges and fees for attendance; limitation.

“SUBCHAPTER III—FACULTY

“1941. Civilian teaching staff.

“1942. Permanent commissioned teaching staff; composition.

“1943. Appointment of permanent commissioned teaching staff.

“1944. Grade of permanent commissioned teaching staff.

“1945. Retirement of permanent commissioned teaching staff.

“1946. Credit for service as member of civilian teaching staff.

“1947. Assignment of personnel as instructors.

“1948. Marine safety curriculum.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 19 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before re-designation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after re-designation
181	Administration of Academy	1901
200	Policy on sexual harassment and sexual violence	1902
194	Annual Board of Visitors	1903
196	Participation in Federal, State, or other educational research grants	1904
195	Admission of foreign nationals for instruction; restrictions; conditions	1923
181a	Cadet applicants; preappointment travel to Academy	1926
183	Cadets; initial clothing allowance	1927
184	Cadets; degree of bachelor of science	1928
185	Cadets; appointment as ensign	1929
197	Cadets; charges and fees for attendance; limitation	1930
186	Civilian teaching staff	1941
187	Permanent commissioned teaching staff; composition	1942
188	Appointment of permanent commissioned teaching staff	1943
189	Grade of permanent commissioned teaching staff	1944
190	Retirement of permanent commissioned teaching staff	1945
191	Credit for service as member of civilian teaching staff	1946
192	Assignment of personnel as instructors	1947
199	Marine safety curriculum	1948

(c) ADDITIONAL CHANGES.—

(1) IN GENERAL.—Chapter 19 of title 14, United States Code, is further amended—

(A) by inserting before section 1901 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—ADMINISTRATION”;

(B) by inserting before section 1923 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—CADETS

“§ 1921. Corps of Cadets authorized strength

“The number of cadets appointed annually to the Academy shall be as determined by the Secretary but the number appointed in any one year shall not exceed six hundred.

“§ 1922. Appointments

“Appointments to cadetships shall be made under regulations prescribed by the Secretary, who shall determine age limits, methods of selection of applicants, term of service as a cadet before graduation, and all other matters affecting such appointments. In the administration of this section, the Secretary shall take such action as may be necessary and appropriate to insure that female individuals shall be eligible for appointment and admission to the Coast Guard Academy, and that the relevant standards required for appointment, admission, training, graduation, and commissioning of female individuals shall be the same as those required for male individuals, except for those minimum essential adjustments in such standards required because of physiological differences between male and female individuals.”;

(C) by inserting before section 1926 (as so redesignated and transferred under subsection (b)) the following:

“§ 1924. Conduct

“The Secretary may summarily dismiss from the Coast Guard any cadet who, during his cadetship, is found unsatisfactory in either studies or conduct, or may be deemed not adapted for a career in the Coast Guard. Cadets shall be subject to rules governing discipline prescribed by the Commandant.

“§ 1925. Agreement

“(a) Each cadet shall sign an agreement with respect to the cadet’s length of service in the Coast Guard. The agreement shall provide that the cadet agrees to the following:

“(1) That the cadet will complete the course of instruction at the Coast Guard Academy.

“(2) That upon graduation from the Coast Guard Academy the cadet—

“(A) will accept an appointment, if tendered, as a commissioned officer of the Coast Guard; and

“(B) will serve on active duty for at least five years immediately after such appointment.

“(3) That if an appointment described in paragraph (2) is not tendered or if the cadet is permitted to resign as a regular officer before the completion of the commissioned service obligation of the cadet, the cadet—

“(A) will accept an appointment as a commissioned officer in the Coast Guard Reserve; and

“(B) will remain in that reserve component until completion of the commissioned service obligation of the cadet.

“(b)(1) The Secretary may transfer to the Coast Guard Reserve, and may order to active duty for such period of time as the Secretary prescribes (but not to exceed four years), a cadet who breaches an agreement under subsection (a). The period of time for which a cadet is ordered to active duty under this paragraph may be determined without regard to section 651(a) of title 10.

“(2) A cadet who is transferred to the Coast Guard Reserve under paragraph (1) shall be

transferred in an appropriate enlisted grade or rating, as determined by the Secretary.

“(3) For the purposes of paragraph (1), a cadet shall be considered to have breached an agreement under subsection (a) if the cadet is separated from the Coast Guard Academy under circumstances which the Secretary determines constitute a breach by the cadet of the cadet’s agreement to complete the course of instruction at the Coast Guard Academy and accept an appointment as a commissioned officer upon graduation from the Coast Guard Academy.

“(c) The Secretary shall prescribe regulations to carry out this section. Those regulations shall include—

“(1) standards for determining what constitutes, for the purpose of subsection (b), a breach of an agreement under subsection (a);

“(2) procedures for determining whether such a breach has occurred; and

“(3) standards for determining the period of time for which a person may be ordered to serve on active duty under subsection (b).

“(d) In this section, ‘commissioned service obligation’, with respect to an officer who is a graduate of the Academy, means the period beginning on the date of the officer’s appointment as a commissioned officer and ending on the sixth anniversary of such appointment or, at the discretion of the Secretary, any later date up to the eighth anniversary of such appointment.

“(e)(1) This section does not apply to a cadet who is not a citizen or national of the United States.

“(2) In the case of a cadet who is a minor and who has parents or a guardian, the cadet may sign the agreement required by subsection (a) only with the consent of the parent or guardian.

“(f) A cadet or former cadet who does not fulfill the terms of the obligation to serve as specified under section (a), or the alternative obligation imposed under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37.”; and

(D) by inserting before section 1941 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER III—FACULTY”.

(2) CONFORMING REPEAL.—Section 182 of title 14, United States Code, is repealed.

SEC. 111. PART II.

Part II of title 14, United States Code, is amended by striking the part designation, the part heading, and the table of chapters at the beginning.

SEC. 112. CHAPTER 21.

(a) INITIAL MATTER.—Chapter 21 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

“CHAPTER 21—PERSONNEL; OFFICERS

“SUBCHAPTER I—APPOINTMENT AND PROMOTION

“Sec.

“2101. Original appointment of permanent commissioned officers.

“2102. Active duty promotion list.

“2103. Number and distribution of commissioned officers on active duty promotion list.

“2104. Appointment of temporary officers.

“2105. Rank of warrant officers.

“2106. Selection boards; convening of boards.

“2107. Selection boards; composition of boards.

“2108. Selection boards; notice of convening; communication with board.

“2109. Selection boards; oath of members.

“2110. Number of officers to be selected for promotion.

“2111. Promotion zones.

“2112. Promotion year; defined.

“2113. Eligibility of officers for consideration for promotion.

“2114. United States Deputy Marshals in Alaska.

“2115. Selection boards; information to be furnished boards.

“2116. Officers to be recommended for promotion.

“2117. Selection boards; reports.

“2118. Selection boards; submission of reports.

“2119. Failure of selection for promotion.

“2120. Special selection boards; correction of errors.

“2121. Promotions; appointments.

“2122. Removal of officer from list of selectees for promotion.

“2123. Promotions; acceptance; oath of office.

“2124. Promotions; pay and allowances.

“2125. Wartime temporary service promotions.

“2126. Promotion of officers not included on active duty promotion list.

“2127. Recall to active duty during war or national emergency.

“2128. Recall to active duty with consent of officer.

“2129. Aviation cadets; appointment as Reserve officers.

“SUBCHAPTER II—DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS; SEPARATION FOR CAUSE

“2141. Revocation of commissions during first five years of commissioned service.

“2142. Regular lieutenants (junior grade); separation for failure of selection for promotion.

“2143. Regular lieutenants; separation for failure of selection for promotion; continuation.

“2144. Regular Coast Guard; officers serving under temporary appointments.

“2145. Regular lieutenant commanders and commanders; retirement for failure of selection for promotion.

“2146. Discharge in lieu of retirement; separation pay.

“2147. Regular warrant officers; separation pay.

“2148. Separation for failure of selection for promotion or continuation; time of.

“2149. Regular captains; retirement.

“2150. Captains; continuation on active duty; involuntary retirement.

“2151. Rear admirals and rear admirals (lower half); continuation on active duty; involuntary retirement.

“2152. Voluntary retirement after twenty years' service.

“2153. Voluntary retirement after thirty years' service.

“2154. Compulsory retirement.

“2155. Retirement for physical disability after selection for promotion; grade in which retired.

“2156. Deferment of retirement or separation for medical reasons.

“2157. Flag officers.

“2158. Review of records of officers.

“2159. Boards of inquiry.

“2160. Boards of review.

“2161. Composition of boards.

“2162. Rights and procedures.

“2163. Removal of officer from active duty; action by Secretary.

“2164. Officers considered for removal; retirement or discharge; separation benefits.

“2165. Relief of retired officer promoted while on active duty.

“SUBCHAPTER III—GENERAL PROVISIONS

“2181. Physical fitness of officers.

“2182. Multirater assessment of certain personnel.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 21 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
211	Original appointment of permanent commissioned officers	2101
41a	Active duty promotion list	2102
42	Number and distribution of commissioned officers on active duty promotion list	2103
214	Appointment of temporary officers	2104
215	Rank of warrant officers	2105
251	Selection boards; convening of boards	2106
252	Selection boards; composition of boards	2107
253	Selection boards; notice of convening; communication with board	2108
254	Selection boards; oath of members	2109
255	Number of officers to be selected for promotion	2110
256	Promotion zones	2111
256a	Promotion year; defined	2112
257	Eligibility of officers for consideration for promotion	2113
258	Selection boards; information to be furnished boards	2115
259	Officers to be recommended for promotion	2116
260	Selection boards; reports	2117
261	Selection boards; submission of reports	2118
262	Failure of selection for promotion	2119

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
263	Special selection boards; correction of errors	2120
271	Promotions; appointments	2121
272	Removal of officer from list of selectees for promotion	2122
273	Promotions; acceptance; oath of office	2123
274	Promotions; pay and allowances	2124
275	Wartime temporary service promotions	2125
276	Promotion of officers not included on active duty promotion list	2126
331	Recall to active duty during war or national emergency	2127
332	Recall to active duty with consent of officer	2128
373	Aviation cadets; appointment as Reserve officers	2129
281	Revocation of commissions during first five years of commissioned service	2141
282	Regular lieutenants (junior grade); separation for failure of selection for promotion	2142
283	Regular lieutenants; separation for failure of selection for promotion; continuation	2143
284	Regular Coast Guard; officers serving under temporary appointments	2144
285	Regular lieutenant commanders and commanders; retirement for failure of selection for promotion	2145
286	Discharge in lieu of retirement; separation pay	2146
286a	Regular warrant officers; separation pay	2147

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
287	Separation for failure of selection for promotion or continuation; time of	2148
288	Regular captains; retirement	2149
289	Captains; continuation on active duty; involuntary retirement	2150
290	Rear admirals and rear admirals (lower half); continuation on active duty; involuntary retirement	2151
291	Voluntary retirement after twenty years' service	2152
292	Voluntary retirement after thirty years' service	2153
293	Compulsory retirement	2154
294	Retirement for physical disability after selection for promotion; grade in which retired	2155
295	Deferment of retirement or separation for medical reasons	2156
296	Flag officers	2157
321	Review of records of officers	2158
322	Boards of inquiry	2159
323	Boards of review	2160
324	Composition of boards	2161
325	Rights and procedures	2162
326	Removal of officer from active duty; action by Secretary	2163
327	Officers considered for removal; retirement or discharge; separation benefits	2164
333	Relief of retired officer promoted while on active duty	2165
335	Physical fitness of officers	2181
429	Multirater assessment of certain personnel	2182

(c) ADDITIONAL CHANGES.—Chapter 21 of title 14, United States Code, is further amended—

(1) by striking all subchapter designations and headings in such chapter, except for the subchapter designations and headings added by this subsection;

(2) by inserting before section 2101 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—APPOINTMENT AND PROMOTION”;

(3) by inserting before section 2115 (as so redesignated and transferred under subsection (b)) the following:

“§ 2114. United States Deputy Marshals in Alaska

“Commissioned officers may be appointed as United States Deputy Marshals in Alaska.”;

(4) by inserting before section 2141 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS; SEPARATION FOR CAUSE”;

and

(5) by inserting before section 2181 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER III—GENERAL PROVISIONS”.

**SEC. 113. CHAPTER 23.**

(a) INITIAL MATTER.—Chapter 23 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

“CHAPTER 23—PERSONNEL; ENLISTED

“Sec.

“2301. Recruiting campaigns.

“2302. Enlistments; term, grade.

“2303. Promotion.

“2304. Compulsory retirement at age of sixty-two.

“2305. Voluntary retirement after thirty years' service.

“2306. Voluntary retirement after twenty years' service.

“2307. Retirement of enlisted members: increase in retired pay.

“2308. Recall to active duty during war or national emergency.

“2309. Recall to active duty with consent of member.

“2310. Relief of retired enlisted member promoted while on active duty.

“2311. Retirement in cases where higher grade or rating has been held.

“2312. Extension of enlistments.

“2313. Retention beyond term of enlistment in case of disability.

“2314. Detention beyond term of enlistment.

“2315. Inclusion of certain conditions in enlistment contract.

“2316. Discharge within three months before expiration of enlistment.

“2317. Aviation cadets; procurement; transfer.

“2318. Aviation cadets; benefits.

“2319. Critical skill training bonus.”.

(b) REDESIGNATIONS AND TRANSFERS.—(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 23 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
350	Recruiting campaigns	2301
351	Enlistments; term, grade	2302
352	Promotion	2303
353	Compulsory retirement at age of sixty-two	2304
354	Voluntary retirement after thirty years' service	2305
355	Voluntary retirement after twenty years' service	2306
357	Retirement of enlisted members: increase in retired pay	2307
359	Recall to active duty during war or national emergency	2308
360	Recall to active duty with consent of member	2309
361	Relief of retired enlisted member promoted while on active duty	2310
362	Retirement in cases where higher grade or rating has been held	2311
365	Extension of enlistments	2312
366	Retention beyond term of enlistment in case of disability	2313
367	Detention beyond term of enlistment	2314
369	Inclusion of certain conditions in enlistment contract	2315
370	Discharge within three months before expiration of enlistment	2316
371	Aviation cadets; procurement; transfer	2317
372	Aviation cadets; benefits	2318
374	Critical skill training bonus	2319

**SEC. 114. CHAPTER 25.**

(a) INITIAL MATTER.—Chapter 25 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

**“CHAPTER 25—PERSONNEL; GENERAL PROVISIONS****“SUBCHAPTER I—GENERAL PROVISIONS**

- “Sec.  
 “2501. Grade on retirement.  
 “2502. Retirement.  
 “2503. Status of recalled personnel.  
 “2504. Computation of retired pay.  
 “2505. Limitations on retirement and retired pay.  
 “2506. Suspension of payment of retired pay of members who are absent from the United States to avoid prosecution.  
 “2507. Board for Correction of Military Records deadline.  
 “2508. Emergency leave retention authority.  
 “2509. Prohibition of certain involuntary administrative separations.  
 “2510. Sea service letters.  
 “2511. Investigations of flag officers and Senior Executive Service employees.  
 “2512. Leave policies for the Coast Guard.  
 “2513. Computation of length of service.

**“SUBCHAPTER II—LIGHTHOUSE SERVICE**

- “2531. Personnel of former Lighthouse Service.”.

**(b) REDESIGNATIONS AND TRANSFERS.—**

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 25 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
334	Grade on retirement	2501
421	Retirement	2502
422	Status of recalled personnel	2503
423	Computation of retired pay	2504
424	Limitations on retirement and retired pay	2505
424a	Suspension of payment of retired pay of members who are absent from the United States to avoid prosecution	2506
425	Board for Correction of Military Records deadline	2507
426	Emergency leave retention authority	2508
427	Prohibition of certain involuntary administrative separations	2509
428	Sea service letters	2510

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
430	Investigations of flag officers and Senior Executive Service employees	2511
431	Leave policies for the Coast Guard	2512
467	Computation of length of service	2513
432	Personnel of former Lighthouse Service	2531

(c) ADDITIONAL CHANGES.—Chapter 25 of title 14, United States Code, is further amended—

(1) by inserting before section 2501 (as so redesignated and transferred under subsection (b)) the following:

**“SUBCHAPTER I—GENERAL PROVISIONS”;**

and

(2) by inserting before section 2531 (as so redesignated and transferred under subsection (b)) the following:

**“SUBCHAPTER II—LIGHTHOUSE SERVICE”.****SEC. 115. PART III.**

Part III of title 14, United States Code, is amended by striking the part designation, the part heading, and the table of chapters at the beginning.

**SEC. 116. CHAPTER 27.**

(a) INITIAL MATTER.—Chapter 27 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

**“CHAPTER 27—PAY, ALLOWANCES, AWARDS, AND OTHER RIGHTS AND BENEFITS****“SUBCHAPTER I—PERSONNEL RIGHTS AND BENEFITS**

- “Sec.  
 “2701. Procurement of personnel.  
 “2702. Training.  
 “2703. Contingent expenses.  
 “2704. Equipment to prevent accidents.  
 “2705. Clothing at time of discharge for good of service.  
 “2706. Right to wear uniform.  
 “2707. Protection of uniform.  
 “2708. Clothing for officers and enlisted personnel.  
 “2709. Procurement and sale of stores to members and civilian employees.  
 “2710. Disposition of effects of decedents.  
 “2711. Deserters; payment of expenses incident to apprehension and delivery; penalties.  
 “2712. Payment for the apprehension of stragglers.  
 “SUBCHAPTER II—AWARDS  
 “2731. Delegation of powers to make awards; rules and regulations.  
 “2732. Medal of honor.  
 “2733. Medal of honor: duplicate medal.  
 “2734. Medal of honor: presentation of Medal of Honor Flag.  
 “2735. Coast Guard cross.  
 “2736. Distinguished service medal.  
 “2737. Silver star medal.  
 “2738. Distinguished flying cross.  
 “2739. Coast Guard medal.  
 “2740. Insignia for additional awards.  
 “2741. Time limit on award; report concerning deed.

- “2742. Honorable subsequent service as condition to award.  
 “2743. Posthumous awards.  
 “2744. Life-saving medals.  
 “2745. Replacement of medals.  
 “2746. Award of other medals.  
 “2747. Awards and insignia for excellence in service or conduct.  
 “2748. Presentation of United States flag upon retirement.  
 “SUBCHAPTER III—PAYMENTS  
 “2761. Persons discharged as result of court-martial; allowances to.  
 “2762. Shore patrol duty; payment of expenses.  
 “2763. Compensatory absence from duty for military personnel at isolated duty stations.  
 “2764. Monetary allowance for transportation of household effects.  
 “2765. Retroactive payment of pay and allowances delayed by administrative error or oversight.  
 “2766. Travel card management.  
 “2767. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.  
 “2768. Annual audit of pay and allowances of members undergoing permanent change of station.  
 “2769. Remission of indebtedness.  
 “2770. Special instruction at universities.  
 “2771. Attendance at professional meetings.  
 “2772. Education loan repayment program.  
 “2773. Rations or commutation therefor in money.

- “2774. Sales of ration supplies to messes.  
 “2775. Flight rations.  
 “2776. Payments at time of discharge for good of service.  
 “2777. Clothing for destitute shipwrecked persons.  
 “2778. Advancement of public funds to personnel.  
 “2779. Transportation to and from certain places of employment.”.

**(b) REDESIGNATIONS AND TRANSFERS.—**

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 27 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
468	Procurement of personnel	2701
469	Training	2702
476	Contingent expenses	2703
477	Equipment to prevent accidents	2704
482	Clothing at time of discharge for good of service	2705
483	Right to wear uniform	2706
484	Protection of uniform	2707

Title 14 section number before re-designation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after re-designation
485	Clothing for officers and enlisted personnel	2708
487	Procurement and sale of stores to members and civilian employees	2709
507	Disposition of effects of decedents	2710
508	Deserters; payment of expenses incident to apprehension and delivery; penalties	2711
644	Payment for the apprehension of stragglers	2712
499	Delegation of powers to make awards; rules and regulations	2731
491	Medal of honor	2732
504	Medal of honor: duplicate medal	2733
505	Medal of honor: presentation of Medal of Honor Flag	2734
491a	Coast Guard cross	2735
492	Distinguished service medal	2736
492a	Silver star medal	2737
492b	Distinguished flying cross	2738
493	Coast Guard medal	2739
494	Insignia for additional awards	2740
496	Time limit on award; report concerning deed	2741
497	Honorable subsequent service as condition to award	2742
498	Posthumous awards	2743
500	Life-saving medals	2744
501	Replacement of medals	2745
502	Award of other medals	2746
503	Awards and insignia for excellence in service or conduct	2747
516	Presentation of United States flag upon retirement	2748

Title 14 section number before re-designation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after re-designation
509	Persons discharged as result of court-martial; allowances to	2761
510	Shore patrol duty; payment of expenses	2762
511	Compensatory absence from duty for military personnel at isolated duty stations	2763
512	Monetary allowance for transportation of household effects	2764
513	Retroactive payment of pay and allowances delayed by administrative error or oversight	2765
517	Travel card management	2766
518	Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States	2767
519	Annual audit of pay and allowances of members undergoing permanent change of station	2768
461	Remission of indebtedness	2769
470	Special instruction at universities	2770
471	Attendance at professional meetings	2771
472	Education loan repayment program	2772
478	Rations or commutation therefor in money	2773
479	Sales of ration supplies to messes	2774
480	Flight rations	2775
481	Payments at time of discharge for good of service	2776
486	Clothing for destitute shipwrecked persons	2777
488	Advancement of public funds to personnel	2778
660	Transportation to and from certain places of employment	2779

(c) ADDITIONAL CHANGES.—Chapter 27 of title 14, United States Code, is further amended—

(1) by inserting before section 2701 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—PERSONNEL RIGHTS AND BENEFITS”;

(2) by inserting before section 2731 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—AWARDS”;

and

(3) by inserting before section 2761 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER III—PAYMENTS”.

#### SEC. 117. CHAPTER 29.

(a) INITIAL MATTER.—Chapter 29 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

#### “CHAPTER 29—COAST GUARD FAMILY SUPPORT, CHILD CARE, AND HOUSING

“SUBCHAPTER I—COAST GUARD FAMILIES

“Sec.

“2901. Work-life policies and programs.

“2902. Surveys of Coast Guard families.

“2903. Reimbursement for adoption expenses.

“2904. Education and training opportunities for Coast Guard spouses.

“2905. Youth sponsorship initiatives.

“2906. Dependent school children.

“SUBCHAPTER II—COAST GUARD CHILD CARE

“2921. Definitions.

“2922. Child development services.

“2923. Child development center standards and inspections.

“2924. Child development center employees.

“2925. Parent partnerships with child development centers.

“SUBCHAPTER III—HOUSING

“2941. Definitions.

“2942. General authority.

“2943. Leasing and hiring of quarters; rental of inadequate housing.

“2944. Retired service members and dependents serving on advisory committees.

“2945. Conveyance of real property.

“2946. Coast Guard Housing Fund.

“2947. Reports.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 29 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before re-designation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after re-designation
531	Work-life policies and programs	2901
532	Surveys of Coast Guard families	2902
541	Reimbursement for adoption expenses	2903



Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
542	Education and training opportunities for Coast Guard spouses	2904
543	Youth sponsorship initiatives	2905
544	Dependent school children	2906
551	Definitions	2921
552	Child development services	2922
553	Child development center standards and inspections	2923
554	Child development center employees	2924
555	Parent partnerships with child development centers	2925
680	Definitions	2941
681	General authority	2942
475	Leasing and hiring of quarters; rental of inadequate housing	2943
680	Retired service members and dependents serving on advisory committees	2944
685	Conveyance of real property	2945
687	Coast Guard Housing Fund	2946
688	Reports	2947

(c) ADDITIONAL CHANGES.—Chapter 29 of title 14, United States Code, is further amended—

(1) by inserting before section 2901 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—COAST GUARD FAMILIES”;

(2) by inserting before section 2921 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—COAST GUARD CHILD CARE”;

and

(3) by inserting before section 2941 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER III—HOUSING”.

**SEC. 118. SUBTITLE III AND CHAPTER 37.**

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 29 (as amended by section 117) the following:

“Subtitle III—Coast Guard Reserve and Auxiliary

“Chap.	Sec.
“37. Coast Guard Reserve .....	3701
“39. Coast Guard Auxiliary .....	3901
“41. General Provisions for Coast Guard Reserve and Auxiliary .....	4101

“CHAPTER 1—COAST GUARD RESERVE

“SUBCHAPTER I—ADMINISTRATION

“Sec.  
 “3701. Organization.  
 “3702. Authorized strength.  
 “3703. Coast Guard Reserve Boards.  
 “3704. Grades and ratings; military authority.  
 “3705. Benefits.  
 “3706. Temporary members of the Reserve; eligibility and compensation.  
 “3707. Temporary members of the Reserve; disability or death benefits.  
 “3708. Temporary members of the Reserve; certificate of honorable service.  
 “3709. Reserve student aviation pilots; Reserve aviation pilots; appointments in commissioned grade.  
 “3710. Reserve student pre-commissioning assistance program.  
 “3711. Appointment or wartime promotion; retention of grade upon release from active duty.  
 “3712. Exclusiveness of service.  
 “3713. Active duty for emergency augmentation of regular forces.  
 “3714. Enlistment of members engaged in schooling.

“SUBCHAPTER II—PERSONNEL

“3731. Definitions.  
 “3732. Applicability of this subchapter.  
 “3733. Suspension of this subchapter in time of war or national emergency.  
 “3734. Effect of this subchapter on retirement and retired pay.  
 “3735. Authorized number of officers.  
 “3736. Precedence.  
 “3737. Running mates.  
 “3738. Constructive credit upon initial appointment.  
 “3739. Promotion of Reserve officers on active duty.  
 “3740. Promotion; recommendations of selection boards.  
 “3741. Selection boards; appointment.  
 “3742. Establishment of promotion zones under running mate system.  
 “3743. Eligibility for promotion.  
 “3744. Recommendation for promotion of an officer previously removed from an active status.  
 “3745. Qualifications for promotion.  
 “3746. Promotion; acceptance; oath of office.  
 “3747. Date of rank upon promotion; entitlement to pay.  
 “3748. Type of promotion; temporary.  
 “3749. Effect of removal by the President or failure of consent of the Senate.  
 “3750. Failure of selection for promotion.  
 “3751. Failure of selection and removal from an active status.  
 “3752. Retention boards; removal from an active status to provide a flow of promotion.  
 “3753. Maximum ages for retention in an active status.  
 “3754. Rear admiral and rear admiral (lower half); maximum service in grade.  
 “3755. Appointment of a former Navy or Coast Guard officer.  
 “3756. Grade on entry upon active duty.  
 “3757. Recall of a retired officer; grade upon release.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 37 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
701	Organization	3701
702	Authorized strength	3702
703	Coast Guard Reserve Boards	3703
704	Grades and ratings; military authority	3704
705	Benefits	3705
706	Temporary members of the Reserve; eligibility and compensation	3706
707	Temporary members of the Reserve; disability or death benefits	3707
708	Temporary members of the Reserve; certificate of honorable service	3708
709	Reserve student aviation pilots; Reserve aviation pilots; appointments in commissioned grade	3709
709a	Reserve student pre-commissioning assistance program	3710
710	Appointment or wartime promotion; retention of grade upon release from active duty	3711
711	Exclusiveness of service	3712
712	Active duty for emergency augmentation of regular forces	3713
713	Enlistment of members engaged in schooling	3714
720	Definitions	3731
721	Applicability of this subchapter	3732
722	Suspension of this subchapter in time of war or national emergency	3733
723	Effect of this subchapter on retirement and retired pay	3734
724	Authorized number of officers	3735
725	Precedence	3736
726	Running mates	3737

Title 14 section number before re-designation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after re-designation
727	Constructive credit upon initial appointment	3738
728	Promotion of Reserve officers on active duty	3739
729	Promotion; recommendations of selection boards	3740
730	Selection boards; appointment	3741
731	Establishment of promotion zones under running mate system	3742
732	Eligibility for promotion	3743
733	Recommendation for promotion of an officer previously removed from an active status	3744
734	Qualifications for promotion	3745
735	Promotion; acceptance; oath of office	3746
736	Date of rank upon promotion; entitlement to pay	3747
737	Type of promotion; temporary	3748
738	Effect of removal by the President or failure of consent of the Senate	3749
739	Failure of selection for promotion	3750
740	Failure of selection and removal from an active status	3751
741	Retention boards; removal from an active status to provide a flow of promotion	3752
742	Maximum ages for retention in an active status	3753
743	Rear admiral and rear admiral (lower half); maximum service in grade	3754
744	Appointment of a former Navy or Coast Guard officer	3755
745	Grade on entry upon active duty	3756
746	Recall of a retired officer; grade upon release	3757

(c) ADDITIONAL CHANGES.—Chapter 37 of title 14, United States Code, is further amended—

(1) by inserting before section 3701 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—ADMINISTRATION”;

and

(2) by inserting before section 3731 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—PERSONNEL”.

#### SEC. 119. CHAPTER 39.

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 37 (as added by section 118) the following:

#### “CHAPTER 39—COAST GUARD AUXILIARY

“Sec.

“3901. Administration of the Coast Guard Auxiliary.

“3902. Purpose of the Coast Guard Auxiliary.

“3903. Eligibility; enrollments.

“3904. Members of the Auxiliary; status.

“3905. Disenrollment.

“3906. Membership in other organizations.

“3907. Use of member's facilities.

“3908. Vessel deemed public vessel.

“3909. Aircraft deemed public aircraft.

“3910. Radio station deemed government station.

“3911. Availability of appropriations.

“3912. Assignment and performance of duties.

“3913. Injury or death in line of duty.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 39 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before re-designation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after re-designation
821	Administration of the Coast Guard Auxiliary	3901
822	Purpose of the Coast Guard Auxiliary	3902
823	Eligibility; enrollments	3903
823a	Members of the Auxiliary; status	3904
824	Disenrollment	3905
825	Membership in other organizations	3906
826	Use of member's facilities	3907
827	Vessel deemed public vessel	3908
828	Aircraft deemed public aircraft	3909
829	Radio station deemed government station	3910

Title 14 section number before re-designation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after re-designation
830	Availability of appropriations	3911
831	Assignment and performance of duties	3912
832	Injury or death in line of duty	3913

#### SEC. 120. CHAPTER 41.

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 39 (as added by section 119) the following:

#### “CHAPTER 41—GENERAL PROVISIONS FOR COAST GUARD RESERVE AND AUXILIARY

“Sec.

“4101. Flags; pennants; uniforms and insignia.

“4102. Penalty.

“4103. Limitation on rights of members of the Auxiliary and temporary members of the Reserve.

“4104. Availability of facilities and appropriations.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 41 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before re-designation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after re-designation
891	Flags; pennants; uniforms and insignia	4101
892	Penalty	4102
893	Limitation on rights of members of the Auxiliary and temporary members of the Reserve	4103
894	Availability of facilities and appropriations	4104

#### SEC. 121. SUBTITLE IV AND CHAPTER 49.

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 41 (as added by section 120) the following:

#### “Subtitle IV—Coast Guard Authorizations and Reports to Congress

“Chap. Sec.

“49. Authorizations ..... 4901

“51. Reports ..... 5101

#### “CHAPTER 49—AUTHORIZATIONS

“Sec.

“4901. Requirement for prior authorization of appropriations.

“4902. Authorization of appropriations.

“4903. Authorization of personnel end strengths.

“4904. Authorized levels of military strength and training.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 49 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
2701	Requirement for prior authorization of appropriations	4901
2702	Authorization of appropriations	4902
2703	Authorization of personnel end strengths	4903
2704	Authorized levels of military strength and training	4904

#### SEC. 122. CHAPTER 51.

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 49 (as added by section 121) the following:

#### “CHAPTER 51—REPORTS

“Sec.

“5101. Transmission of annual Coast Guard authorization request.

“5102. Capital investment plan.

“5103. Major acquisitions.

“5104. Manpower requirements plan.

“5105. Inventory of real property.

“5106. Annual performance report.

“5107. Major acquisition risk assessment.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 51 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
2901	Transmission of annual Coast Guard authorization request	5101
2902	Capital investment plan	5102
2903	Major acquisitions	5103

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
2904	Manpower requirements plan	5104
679	Inventory of real property	5105
2905	Annual performance report	5106
2906	Major acquisition risk assessment	5107

#### SEC. 123. REFERENCES.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) REDESIGNATED SECTION.—The term “re-designated section” means a section of title 14, United States Code, that is redesignated by this title, as that section is so redesignated.

(2) SOURCE SECTION.—The term “source section” means a section of title 14, United States Code, that is redesignated by this title, as that section was in effect before the redesignation.

(b) REFERENCE TO SOURCE SECTION.—

(1) TREATMENT OF REFERENCE.—A reference to a source section, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding redesignated section.

(2) TITLE 14.—In title 14, United States Code, each reference in the text of such title to a source section is amended by striking such reference and inserting a reference to the appropriate, as determined using the tables located in this title, redesignated section.

(c) OTHER CONFORMING AMENDMENTS.—

(1) REFERENCE TO SECTION 182.—Section 1923(c) of title 14, United States Code, as so redesignated by this title, is further amended by striking “section 182” and inserting “section 1922”.

(2) REFERENCES TO CHAPTER 11.—Title 14, United States Code, is further amended—

(A) in section 2146(d), as so redesignated by this title, by striking “chapter 11 of this title” and inserting “this chapter”; and

(B) in section 3739, as so redesignated by this title, by striking “chapter 11” each place that it appears and inserting “chapter 21”.

(3) REFERENCE TO CHAPTER 13.—Section 3705(b) of title 14, United States Code, as so redesignated by this title, is further amended by striking “chapter 13” and inserting “chapter 27”.

(4) REFERENCE TO CHAPTER 15.—Section 308(b)(3) of title 14, United States Code, as so redesignated by this title, is further amended by striking “chapter 15” and inserting “chapter 11”.

(5) REFERENCES TO CHAPTER 19.—Title 14, United States Code, is further amended—

(A) in section 4901(4), as so redesignated by this title, by striking “chapter 19” and inserting “section 318”; and

(B) in section 4902(4), as so redesignated by this title, by striking “chapter 19” and inserting “section 318”.

(6) REFERENCE TO CHAPTER 23.—Section 701(a) of title 14, United States Code, as so redesignated by this title, is further amended by striking “chapter 23” and inserting “chapter 39”.

#### SEC. 124. RULE OF CONSTRUCTION.

This title, including the amendments made by this title, is intended only to reorganize title 14, United States Code, and may not be construed to alter—

(1) the effect of a provision of title 14, United States Code, including any authority or requirement therein;

(2) a department or agency interpretation with respect to title 14, United States Code; or

(3) a judicial interpretation with respect to title 14, United States Code.

#### TITLE II—AUTHORIZATIONS

#### SEC. 201. AMENDMENTS TO TITLE 14, UNITED STATES CODE, AS AMENDED BY TITLE I OF THIS ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision of title 14, United States Code, the reference shall be considered to be made to title 14, United States Code, as amended by title I of this Act.

#### SEC. 202. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Section 4902 of title 14, United States Code, is amended to read as follows:

#### “§ 4902. Authorizations of appropriations

“(a) FISCAL YEAR 2018.—Funds are authorized to be appropriated for fiscal year 2018 for necessary expenses of the Coast Guard as follows:

“(1) For the operation and maintenance of the Coast Guard, not otherwise provided for, \$7,210,313,000 for fiscal year 2018.

“(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, aircraft, and systems, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities and equipment, \$2,694,745,000 for fiscal year 2018.

“(3) For the Coast Guard Reserve program, including operations and maintenance of the program, personnel and training costs, equipment, and services, \$114,875,000 for fiscal year 2018.

“(4) For the environmental compliance and restoration functions of the Coast Guard under chapter 3 of this title, \$13,397,000 for fiscal year 2018.

“(5) To the Commandant for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard’s mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, and for maintenance, rehabilitation, lease, and operation of facilities and equipment, \$29,141,000 for fiscal year 2018.

“(b) FISCAL YEAR 2019.—Funds are authorized to be appropriated for fiscal year 2019 for necessary expenses of the Coast Guard as follows:

“(1)(A) For the operation and maintenance of the Coast Guard, not otherwise provided for, \$7,914,195,000 for fiscal year 2019.

“(B) Of the amount authorized under subparagraph (A)—

“(i) \$16,701,000 shall be for environmental compliance and restoration; and

“(ii) \$199,360,000 shall be for the Coast Guard’s Medicare-eligible retiree health care fund contribution to the Department of Defense.

“(2) For the procurement, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, aircraft, and systems, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities and equipment, \$2,694,745,000 for fiscal year 2019.

“(3) To the Commandant for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance

of the Coast Guard's mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, and for maintenance, rehabilitation, lease, and operation of facilities and equipment, \$29,141,000 for fiscal year 2019.”.

(b) REPEAL.—On October 1, 2018—

(1) section 4902(a) of title 14, United States Code, as amended by subsection (a), shall be repealed; and

(2) subsection 4902(b) of title 14, United States Code, as amended by subsection (a), shall be amended by striking “(b) FISCAL YEAR 2019.”.

#### SEC. 203. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

Section 4904 of title 14, United States Code, is amended—

(1) in subsection (a), by striking “for each of fiscal years 2016 and 2017” and inserting “for fiscal year 2018 and 44,500 for fiscal year 2019”; and

(2) in subsection (b), by striking “fiscal years 2016 and 2017” and inserting “fiscal years 2018 and 2019”.

#### SEC. 204. AUTHORIZATION OF AMOUNTS FOR FAST RESPONSE CUTTERS.

(a) IN GENERAL.—Of the amounts authorized under section 4902 of title 14, United States Code, as amended by this Act, for each of fiscal years 2018 and 2019 up to \$167,500,000 is authorized for the acquisition of 3 Fast Response Cutters.

(b) TREATMENT OF ACQUIRED CUTTERS.—Any cutters acquired pursuant to subsection (a) shall be in addition to the 58 cutters approved under the existing acquisition baseline.

#### SEC. 205. AUTHORIZATION OF AMOUNTS FOR SHORESIDE INFRASTRUCTURE.

Of the amounts authorized under section 4902 of title 14, United States Code, as amended by this Act, for each of fiscal years 2018 and 2019 up to \$167,500,000 is authorized for the Secretary of the department in which the Coast Guard is operating to fund the acquisition, construction, rebuilding, or improvement of Coast Guard shoreside infrastructure and facilities necessary to support Coast Guard operations and readiness.

#### SEC. 206. AUTHORIZATION OF AMOUNTS FOR AIRCRAFT IMPROVEMENTS.

Of the amounts authorized under section 4902 of title 14, United States Code, as amended by this Act, for each of fiscal years 2018 and 2019 up to \$3,500,000 is authorized for the Secretary of the department in which the Coast Guard is operating to fund analysis and program development for improvements to or the replacement of rotary-wing aircraft.

### TITLE III—COAST GUARD

#### SEC. 301. AMENDMENTS TO TITLE 14, UNITED STATES CODE, AS AMENDED BY TITLE I OF THIS ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision of title 14, United States Code, the reference shall be considered to be made to title 14, United States Code, as amended by title I of this Act.

#### SEC. 302. PRIMARY DUTIES.

Section 102(7) of title 14, United States Code, is amended to read as follows:

“(7) maintain a state of readiness to assist in the defense of the United States, including when functioning as a specialized service in the Navy pursuant to section 103.”.

#### SEC. 303. NATIONAL COAST GUARD MUSEUM.

Section 316 of title 14, United States Code, is amended to read as follows:

##### “§ 316. National Coast Guard Museum

“(a) ESTABLISHMENT.—The Commandant may establish a National Coast Guard Mu-

seum, on lands which will be federally owned and administered by the Coast Guard, and are located in New London, Connecticut, at, or in close proximity to, the Coast Guard Academy.

“(b) LIMITATION ON EXPENDITURES.—

“(1) The Secretary shall not expend any funds appropriated to the Coast Guard on the construction of any museum established under this section.

“(2) The Secretary shall fund the National Coast Guard Museum with nonappropriated and non-Federal funds to the maximum extent practicable. The priority use of Federal funds should be to preserve and protect historic Coast Guard artifacts, including the design, fabrication, and installation of exhibits or displays in which such artifacts are included.

“(3) The Secretary may expend funds appropriated to the Coast Guard on the engineering and design of a National Coast Guard Museum.

“(c) FUNDING PLAN.—Before the date on which the Commandant establishes a National Coast Guard Museum under subsection (a), the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for constructing, operating, and maintaining such a museum, including—

“(1) estimated planning, engineering, design, construction, operation, and maintenance costs;

“(2) the extent to which appropriated, non-appropriated, and non-Federal funds will be used for such purposes, including the extent to which there is any shortfall in funding for engineering, design, or construction; and

“(3) a certification by the Inspector General of the department in which the Coast Guard is operating that the estimates provided pursuant to paragraphs (1) and (2) are reasonable and realistic.

“(d) AUTHORITY.—The Commandant may not establish a National Coast Guard museum except as set forth in this section.”.

#### SEC. 304. UNMANNED AIRCRAFT.

(a) LAND-BASED UNMANNED AIRCRAFT SYSTEM PROGRAM.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

##### “§ 319. Land-based unmanned aircraft system program

“(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a land-based unmanned aircraft system program under the control of the Commandant.

“(b) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term ‘unmanned aircraft system’ has the meaning given that term in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).”.

(b) LIMITATION ON UNMANNED AIRCRAFT SYSTEMS.—Chapter 11 of title 14, United States Code, is amended by inserting after section 1155 the following:

##### “§ 1156. Limitation on unmanned aircraft systems

“(a) IN GENERAL.—During any fiscal year for which funds are appropriated for the design or construction of an Offshore Patrol Cutter, the Commandant—

“(1) may not award a contract for design of an unmanned aircraft system for use by the Coast Guard; and

“(2) may lease, acquire, or acquire the services of an unmanned aircraft system only if such system—

“(A) has been part of a program of record of, procured by, or used by a Federal entity (or funds for research, development, test, and

evaluation have been received from a Federal entity with regard to such system) before the date on which the Commandant leases, acquires, or acquires the services of the system; and

“(B) is leased, acquired, or utilized by the Commandant through an agreement with a Federal entity, unless such an agreement is not practicable or would be less cost-effective than an independent contract action by the Coast Guard.

“(b) SMALL UNMANNED AIRCRAFT EXEMPTION.—Subsection (a)(2) does not apply to small unmanned aircraft.

“(c) DEFINITIONS.—In this section, the terms ‘small unmanned aircraft’ and ‘unmanned aircraft system’ have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).”.

(c) CLERICAL AMENDMENTS.—

(1) CHAPTER 3.—The analysis for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

“319. Land-based unmanned aircraft system program.”.

(2) CHAPTER 11.—The analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 1155 the following:

“1156. Limitation on unmanned aircraft systems.”.

(d) CONFORMING AMENDMENT.—Subsection (c) of section 1105 of title 14, United States Code, is repealed.

#### SEC. 305. COAST GUARD HEALTH-CARE PROFESSIONALS; LICENSURE PORTABILITY.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by inserting after section 507 the following:

##### “§ 508. Coast Guard health-care professionals; licensure portability

“(a) IN GENERAL.—Notwithstanding any other provision of law regarding the licensure of health-care providers, a health-care professional described in subsection (b) may practice the health profession or professions of the health-care professional at any location in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States, regardless of where such health-care professional or the patient is located, if the practice is within the scope of the authorized Federal duties of such health-care professional.

“(b) DESCRIBED INDIVIDUALS.—A health-care professional described in this subsection is an individual—

“(1) who is—

“(A) a member of the Coast Guard;

“(B) a civilian employee of the Coast Guard;

“(C) a member of the Public Health Service who is assigned to the Coast Guard; or

“(D) any other health-care professional credentialed and privileged at a Federal health-care institution or location specially designated by the Secretary; and

“(2) who—

“(A) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

“(B) is performing authorized duties for the Coast Guard.

“(c) DEFINITIONS.—In this section, the terms ‘license’ and ‘health-care professional’ have the meanings given those terms in section 1094(e) of title 10.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 507 the following:

“508. Coast Guard health-care professionals; licensure portability.”.

(c) ELECTRONIC HEALTH RECORDS.—

(1) SYSTEM.—The Commandant of the Coast Guard is authorized to procure for the

Coast Guard an electronic health record system that—

(A) has been competitively awarded by the Department of Defense; and

(B) ensures full integration with the Department of Defense electronic health record systems.

**(2) SUPPORT SERVICES.—**

(A) **IN GENERAL.**—The Commandant is authorized to procure support services for the electronic health record system procured under paragraph (1) necessary to ensure full integration with the Department of Defense electronic health record systems.

(B) **SCOPE.**—Support services procured pursuant to this paragraph may include services for the following:

- (i) System integration support.
- (ii) Hosting support.
- (iii) Training, testing, technical, and data migration support.
- (iv) Hardware support.
- (v) Any other support the Commandant considers appropriate.

(3) **AUTHORIZED PROCUREMENT ACTIONS.**—The Commandant is authorized to procure an electronic health record system under this subsection through the following:

(A) A task order under the Department of Defense electronic health record contract.

(B) A sole source contract award.

(C) An agreement made pursuant to sections 1535 and 1536 of title 31, United States Code.

(D) A contract or other procurement vehicle otherwise authorized.

(4) **COMPETITION IN CONTRACTING; EXEMPTION.**—Procurement of an electronic health record system and support services pursuant to this subsection shall be exempt from the competition requirements of section 2304 of title 10, United States Code.

**SEC. 306. TRAINING; EMERGENCY RESPONSE PROVIDERS.**

(a) **IN GENERAL.**—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

**“§ 718. Training; emergency response providers**

“(a) **IN GENERAL.**—The Commandant may, on a reimbursable or a non-reimbursable basis, make a training available to emergency response providers whenever the Commandant determines that—

“(1) a member of the Coast Guard, who is scheduled to participate in such training, is unable or unavailable to participate in such training;

“(2) no other member of the Coast Guard, who is assigned to the unit to which the member of the Coast Guard who is unable or unavailable to participate in such training is assigned, is able or available to participate in such training; and

“(3) such training, if made available to such emergency response providers, would further the goal of interoperability among Federal agencies, non-Federal governmental agencies, or both.

“(b) **EMERGENCY RESPONSE PROVIDERS DEFINED.**—In this section, the term ‘emergency response providers’ has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

“(c) **TREATMENT OF REIMBURSEMENT.**—Any reimbursements for a training that the Coast Guard receives under this section shall be credited to the appropriation used to pay the costs for such training.

“(d) **STATUS; LIMITATION ON LIABILITY.**—

“(1) **STATUS.**—Any individual to whom, as an emergency response provider, training is made available under this section, who is not otherwise a Federal employee, shall not, because of that training, be considered a Federal employee for any purpose (including the purposes of chapter 81 of title 5 (relating to

compensation for injury) and sections 2671 through 2680 of title 28 (relating to tort claims)).

“(2) **LIMITATION ON LIABILITY.**—The United States shall not be liable for actions taken by an individual in the course of training made available under this section.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 7 of title 14, United States Code, is amended by adding at the end the following:

“718. Training; emergency response providers.”.

**SEC. 307. INCENTIVE CONTRACTS FOR COAST GUARD YARD AND INDUSTRIAL ESTABLISHMENTS.**

Section 939 of title 14, United States Code, is amended—

(1) by inserting before “The Secretary may” the following: “(a) **IN GENERAL.**—”;

(2) in subsection (a), as so designated by paragraph (1) of this section, by striking the period at the end of the last sentence and inserting “or in accordance with subsection (b).”;

(3) by adding at the end the following:

“(b) **INCENTIVE CONTRACTS.**—

“(1) The parties to an order for industrial work to be performed by the Coast Guard Yard or a Coast Guard industrial establishment designated under subsection (a) may enter into an order or a cost-plus-incentive-fee order in accordance with this subsection.

“(2) If such parties enter into such an order or a cost-plus-incentive-fee order, an agreed-upon amount of any adjustment described in subsection (a) may be distributed as an incentive to the wage-grade industrial employees who complete the order.

“(3) Before entering into such an order or cost-plus-incentive-fee order such parties must agree that the wage-grade employees of the Coast Guard Yard or Coast Guard industrial establishment will take action to improve the delivery schedule or technical performance agreed to in the order for industrial work to which such parties initially agreed.

“(4) Notwithstanding any other provision of law, if the industrial workforce of the Coast Guard Yard or Coast Guard industrial establishment satisfies the performance target established in such an order or cost-plus-incentive-fee order—

“(A) the adjustment to be made pursuant to subsection (a) shall be reduced by an agreed-upon amount and distributed to such wage-grade industrial employees; and

“(B) the remainder of the adjustment shall be credited to the appropriation for such order current at that time.”.

**SEC. 308. CONFIDENTIAL INVESTIGATIVE EXPENSES.**

Section 944 of title 14, United States Code, is amended by striking “\$45,000” and inserting “\$250,000”.

**SEC. 309. REGULAR CAPTAINS; RETIREMENT.**

Section 2149(a) of title 14, United States Code, is amended—

(1) by striking “zone is” and inserting “zone, or from being placed at the top of the list of selectees promulgated by the Secretary under section 2121(a) of this title, is”;

(2) by striking the period at the end and inserting “or placed at the top of the list of selectees, as applicable.”.

**SEC. 310. CONVERSION, ALTERATION, AND REPAIR PROJECTS.**

(a) **IN GENERAL.**—Chapter 9 of title 14, United States Code, as amended by this Act, is further amended by inserting after section 951 the following:

**“§ 952. Construction of Coast Guard vessels and assignment of vessel projects**

“The assignment of Coast Guard vessel conversion, alteration, and repair projects

shall be based on economic and military considerations and may not be restricted by a requirement that certain parts of Coast Guard shipwork be assigned to a particular type of shipyard or geographical area or by a similar requirement.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 9 of title 14, United States Code, is amended by inserting after the item relating to section 951 the following:

“952. Construction of Coast Guard vessels and assignment of vessel projects.”.

**SEC. 311. CONTRACTING FOR MAJOR ACQUISITIONS PROGRAMS.**

(a) **GENERAL ACQUISITION AUTHORITY.**—Section 501(d) of title 14, United States Code, is amended by inserting “aircraft, and systems,” after “vessels,”.

(b) **CONTRACTING AUTHORITY.**—Chapter 11 of title 14, United States Code, as amended by this Act, is further amended by inserting after section 1136 the following:

**“§ 1137. Contracting for major acquisitions programs**

“(a) **IN GENERAL.**—In carrying out authorities provided to the Secretary to design, construct, accept, or otherwise acquire assets and systems under section 501(d), the Secretary, acting through the Commandant or the head of an integrated program office established for a major acquisition program, may enter into contracts for a major acquisition program.

“(b) **AUTHORIZED METHODS.**—Contracts entered into under subsection (a)—

“(1) may be block buy contracts;

“(2) may be incrementally funded;

“(3) may include combined purchases, also known as economic order quantity purchases, of—

“(A) materials and components; and

“(B) long lead time materials; and

“(4) as provided in section 2306b of title 10, may be multiyear contracts.

“(c) **SUBJECT TO APPROPRIATIONS.**—Any contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of amounts specifically provided in advance for that purpose in subsequent appropriations Acts.”.

(c) **CLERICAL AMENDMENT.**—The analysis for chapter 11 of title 14, United States Code, as amended by this Act, is further amended by inserting after the item relating to section 1136 the following:

“1137. Contracting for major acquisitions programs.”.

(d) **CONFORMING AMENDMENTS.**—The following provisions are repealed:

(1) Section 223 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (14 U.S.C. 1152 note), and the item relating to that section in the table of contents in section 2 of such Act.

(2) Section 221(a) of the Coast Guard and Maritime Transportation Act of 2012 (14 U.S.C. 1133 note).

(3) Section 207(a) of the Coast Guard Authorization Act of 2016 (14 U.S.C. 561 note).

(e) **INTERNAL REGULATIONS AND POLICY.**—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall establish the internal regulations and policies necessary to exercise the authorities provided under this section, including the amendments made in this section.

(f) **MULTIYEAR CONTRACTS.**—The Secretary of the department in which the Coast Guard is operating is authorized to enter into a multiyear contract for the procurement of a tenth, eleventh, and twelfth National Security Cutter and associated government-furnished equipment.

**SEC. 312. OFFICER PROMOTION ZONES.**

Section 2111(a) of title 14, United States Code, is amended by striking “six-tenths.” and inserting “one-half.”.

**SEC. 313. CROSS REFERENCE.**

Section 2129(a) of title 14, United States Code, is amended by inserting “designated under section 2317” after “cadet”.

**SEC. 314. COMMISSIONED SERVICE RETIREMENT.**

For Coast Guard officers who retire in fiscal year 2018 or 2019, the President may reduce the period of active commissioned service required under section 2152 of title 14, United States Code, to a period of not less than 8 years.

**SEC. 315. LEAVE FOR BIRTH OR ADOPTION OF CHILD.**

(a) **POLICY.**—Section 2512 of title 14, United States Code, is amended—

(1) by striking “Not later than 1 year” and inserting the following:

“(a) **IN GENERAL.**—Except as provided in subsection (b), not later than 1 year”; and

(2) by adding at the end the following:

“(b) **LEAVE ASSOCIATED WITH BIRTH OR ADOPTION OF CHILD.**—Notwithstanding subsection (a), sections 701 and 704 of title 10, or any other provision of law, all officers and enlisted members of the Coast Guard shall be authorized leave associated with the birth or adoption of a child during the 1-year period immediately following such birth or adoption and, at the discretion of the Commanding Officer, such officer or enlisted member shall be permitted—

“(1) to take such leave in increments; and

“(2) to use flexible work schedules (pursuant to a program established by the Secretary in accordance with chapter 61 of title 5).”.

(b) **FLEXIBLE WORK SCHEDULES.**—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall ensure that a flexible work schedule program under chapter 61 of title 5, United States Code, is in place for officers and enlisted members of the Coast Guard.

**SEC. 316. CLOTHING AT TIME OF DISCHARGE.**

Section 2705 of title 14, United States Code, and the item relating to that section in the analysis for chapter 27 of that title, are repealed.

**SEC. 317. UNFUNDED PRIORITIES LIST.**

(a) **IN GENERAL.**—Section 5102 of title 14, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **IN GENERAL.**—Not later than 60 days after the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a capital investment plan for the Coast Guard that identifies for each capital asset for which appropriations are proposed in that budget—

“(1) the proposed appropriations included in the budget;

“(2) the total estimated cost of completion based on the proposed appropriations included in the budget;

“(3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

“(4) an estimated completion date based on the proposed appropriations included in the budget;

“(5) an acquisition program baseline, as applicable; and

“(6) projected commissioning and decommissioning dates for each asset.”; and

(2) by striking subsection (c) and inserting the following:

“(c) **DEFINITIONS.**—In this section, the term ‘new capital asset’ means—

“(1) an acquisition program that does not have an approved acquisition program baseline; or

“(2) the acquisition of a capital asset in excess of the number included in the approved acquisition program baseline.”.

(b) **UNFUNDED PRIORITIES.**—Chapter 51 of title 14, United States Code, is amended by adding at the end the following:

**“§5108. Unfunded priorities list**

“(a) **IN GENERAL.**—Not later than 60 days after the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a list of each unfunded priority for the Coast Guard.

“(b) **PRIORITIZATION.**—The list required under subsection (a) shall present the unfunded priorities in order from the highest priority to the lowest, as determined by the Commandant.

“(c) **UNFUNDED PRIORITY DEFINED.**—In this section, the term ‘unfunded priority’ means a program or mission requirement that—

“(1) has not been selected for funding in the applicable proposed budget;

“(2) is necessary to fulfill a requirement associated with an operational need; and

“(3) the Commandant would have recommended for inclusion in the applicable proposed budget had additional resources been available or had the requirement emerged before the budget was submitted.”.

(c) **CLERICAL AMENDMENT.**—The analysis for chapter 51 of title 14, United States Code, is amended by adding at the end the following:

“§5108. Unfunded priorities list.”.

**SEC. 318. SAFETY OF VESSELS OF THE ARMED FORCES.**

(a) **IN GENERAL.**—Section 527 of title 14, United States Code, is amended—

(1) in the heading, by striking “naval vessels” and inserting “vessels of the Armed Forces”; and

(2) in subsection (a), by striking “United States naval vessel” and inserting “vessel of the Armed Forces”; and

(3) in subsection (b)—

(A) by striking “senior naval officer present in command” and inserting “senior officer present in command”; and

(B) by striking “United States naval vessel” and inserting “vessel of the Armed Forces”; and

(4) by adding at the end the following:

“(e) For purposes of this title, the term ‘vessel of the Armed Forces’ means—

“(1) any vessel owned or operated by the Department of Defense or the Coast Guard, other than a time- or voyage-chartered vessel; and

“(2) any vessel owned and operated by the Department of Transportation that is designated by the Secretary of the department in which the Coast Guard is operating as a vessel equivalent to a vessel described in paragraph (1).”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 5 of title 14, United States Code, is further amended by striking the item relating to section 527 and inserting the following:

“527. Safety of vessels of the Armed Forces.”.

(c) **CONFORMING AMENDMENTS.**—Section 2510(a)(1) of title 14, United States Code, is amended—

(1) by striking “armed forces” and inserting “Armed Forces”; and

(2) by striking “section 101(a) of title 10” and inserting “section 527(e)”.

**SEC. 319. AIR FACILITIES.**

Section 912 of title 14, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(3) in subsection (a) as redesignated—

(A) by amending paragraph (3) to read as follows:

“(3) **PUBLIC NOTICE AND COMMENT.**—

“(A) **IN GENERAL.**—Prior to closing an air facility, the Secretary shall provide opportunities for public comment, including the convening of public meetings in communities in the area of responsibility of the air facility with regard to the proposed closure or cessation of operations at the air facility.

“(B) **PUBLIC MEETINGS.**—Prior to convening a public meeting under subparagraph (A), the Secretary shall notify each congressional office representing any portion of the area of responsibility of the air station that is the subject to such public meeting of the schedule and location of such public meeting.”;

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A) by striking “2015” and inserting “2017”; and

(ii) by amending subparagraph (A) to read as follows:

“(A) submit to the Congress a proposal for such closure, cessation, or reduction in operations along with the budget of the President submitted to Congress under section 1105(a) of title 31 that includes—

“(i) a discussion of the determination made by the Secretary pursuant to paragraph (2); and

“(ii) a report summarizing the public comments received by the Secretary under paragraph (3);”;

(C) by adding at the end the following:

“(5) **CONGRESSIONAL REVIEW.**—The Secretary may not close, cease operations, or significantly reduce personnel and use of a Coast Guard air facility for which a written notice is provided under paragraph (4)(A) until a period of 18 months beginning on the date on which such notice is provided has elapsed.”.

**TITLE IV—PORTS AND WATERWAYS SAFETY****SEC. 401. CODIFICATION OF PORTS AND WATERWAYS SAFETY ACT.**

(a) **CODIFICATION.**—Subtitle VII of title 46, United States Code, is amended by inserting before chapter 701 the following:

**“CHAPTER 700—PORTS AND WATERWAYS SAFETY****“SUBCHAPTER A—VESSEL OPERATIONS**

“70001. Vessel traffic services.

“70002. Special powers.

“70003. Port access routes.

“70004. Considerations by Secretary.

“70005. International agreements.

**“SUBCHAPTER B—PORTS AND WATERWAYS SAFETY**

“70011. Waterfront safety.

“70012. Navigational hazards.

“70013. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States.

**“SUBCHAPTER C—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES**

“70021. Conditions for entry to ports in the United States.

**“SUBCHAPTER D—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY**

“70031. Definitions.

“70032. Saint Lawrence Seaway.

“70033. Limitation on application to foreign vessels.

“70034. Regulations.

“70035. Investigatory powers.

“70036. Enforcement.

## “SUBCHAPTER I—VESSEL OPERATIONS

### “§ 70001. Vessel traffic services

“(a) Subject to the requirements of section 70004, the Secretary—

“(1) in any port or place under the jurisdiction of the United States, in the navigable waters of the United States, or in any area covered by an international agreement negotiated pursuant to section 70005, may construct, operate, maintain, improve, or expand vessel traffic services, that consist of measures for controlling or supervising vessel traffic or for protecting navigation and the marine environment and that may include one or more of reporting and operating requirements, surveillance and communications systems, routing systems, and fairways;

“(2) shall require appropriate vessels that operate in an area of a vessel traffic service to utilize or comply with that service;

“(3)(A) may require vessels to install and use specified navigation equipment, communications equipment, electronic relative motion analyzer equipment, or any electronic or other device necessary to comply with a vessel traffic service or that is necessary in the interests of vessel safety.

“(B) Notwithstanding subparagraph (A), the Secretary shall not require fishing vessels under 300 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, or recreational vessels 65 feet or less to possess or use the equipment or devices required by this subsection solely under the authority of this chapter;

“(4) may control vessel traffic in areas subject to the jurisdiction of the United States that the Secretary determines to be hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances, by—

“(A) specifying times of entry, movement, or departure;

“(B) establishing vessel traffic routing schemes;

“(C) establishing vessel size, speed, or draft limitations and vessel operating conditions; and

“(D) restricting operation, in any hazardous area or under hazardous conditions, to vessels that have particular operating characteristics or capabilities that the Secretary considers necessary for safe operation under the circumstances;

“(5) may require the receipt of prearrival messages from any vessel, destined for a port or place subject to the jurisdiction of the United States, in sufficient time to permit advance vessel traffic planning before port entry, which shall include any information that is not already a matter of record and that the Secretary determines necessary for the control of the vessel and the safety of the port or the marine environment; and

“(6) may prohibit the use on vessels of electronic or other devices that interfere with communication and navigation equipment, except that such authority shall not apply to electronic or other devices certified to transmit in the maritime services by the Federal Communications Commission and used within the frequency bands 157.1875–157.4375 MHz and 161.7875–162.0375 MHz.

“(b) COOPERATIVE AGREEMENTS.—

“(1) IN GENERAL.—The Secretary may enter into cooperative agreements with public or private agencies, authorities, associations, institutions, corporations, organizations, or other persons to carry out the functions under subsection (a)(1).

“(2) LIMITATION.—

“(A) A nongovernmental entity may not under this subsection carry out an inherently governmental function.

“(B) As used in this paragraph, the term ‘inherently governmental function’ means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government.

“(c) LIMITATION OF LIABILITY FOR COAST GUARD VESSEL TRAFFIC SERVICE PILOTS AND NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—

“(1) COAST GUARD VESSEL TRAFFIC SERVICE PILOTS.—Any pilot, acting in the course and scope of his or her duties while at a Coast Guard Vessel Traffic Service, who provides information, advice, or communication assistance while under the supervision of a Coast Guard officer, member, or employee shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct.

“(2) NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—An entity operating a non-Federal vessel traffic information service or advisory service pursuant to a duly executed written agreement with the Coast Guard, and any pilot acting on behalf of such entity, is not liable for damages caused by or related to information, advice, or communication assistance provided by such entity or pilot while so operating or acting unless the acts or omissions of such entity or pilot constitute gross negligence or willful misconduct.

### “§ 70002. Special powers

“The Secretary may order any vessel, in a port or place subject to the jurisdiction of the United States or in the navigable waters of the United States, to operate or anchor in a manner the Secretary directs if—

“(1) the Secretary has reasonable cause to believe such vessel does not comply with any regulation issued under section 70034 or any other applicable law or treaty;

“(2) the Secretary determines such vessel does not satisfy the conditions for port entry set forth in section 70021 of this title; or

“(3) by reason of weather, visibility, sea conditions, port congestion, other hazardous circumstances, or the condition of such vessel, the Secretary is satisfied such direction is justified in the interest of safety.

### “§ 70003. Port access routes

“(a) AUTHORITY TO DESIGNATE.—Except as provided in subsection (b) and subject to the requirements of subsection (c), in order to provide safe access routes for the movement of vessel traffic proceeding to or from ports or places subject to the jurisdiction of the United States, the Secretary shall designate necessary fairways and traffic separation schemes for vessels operating in the territorial sea of the United States and in high seas approaches, outside the territorial sea, to such ports or places. Such a designation shall recognize, within the designated area, the paramount right of navigation over all other uses.

“(b) LIMITATION.—

“(1) IN GENERAL.—No designation may be made by the Secretary under this section if—

“(A) the Secretary determines such a designation, as implemented, would deprive any person of the effective exercise of a right granted by a lease or permit executed or issued under other applicable provisions of law; and

“(B) such right has become vested before the time of publication of the notice required by paragraph (1) of subsection (c).

“(2) CONSULTATION REQUIRED.—The Secretary shall make the determination under paragraph (1)(A) after consultation with the head of the agency responsible for executing the lease or issuing the permit.

“(c) CONSIDERATION OF OTHER USES.—Before making a designation under subsection (a), and in accordance with the requirements of section 70004, the Secretary shall—

“(1) undertake a study of the potential traffic density and the need for safe access routes for vessels in any area for which fairways or traffic separation schemes are proposed or that may otherwise be considered and publish notice of such undertaking in the Federal Register;

“(2) in consultation with the Secretary of State, the Secretary of the Interior, the Secretary of Commerce, the Secretary of the Army, and the Governors of affected States, as their responsibilities may require, take into account all other uses of the area under consideration, including, as appropriate, the exploration for, or exploitation of, oil, gas, or other mineral resources, the construction or operation of deepwater ports or other structures on or above the seabed or subsoil of the submerged lands or the Outer Continental Shelf of the United States, the establishment or operation of marine or estuarine sanctuaries, and activities involving recreational or commercial fishing; and

“(3) to the extent practicable, reconcile the need for safe access routes with the needs of all other reasonable uses of the area involved.

“(d) STUDY.—In carrying out the Secretary’s responsibilities under subsection (c), the Secretary shall—

“(1) proceed expeditiously to complete any study undertaken; and

“(2) after completion of such a study, promptly—

“(A) issue a notice of proposed rulemaking for the designation contemplated; or

“(B) publish in the Federal Register a notice that no designation is contemplated as a result of the study and the reason for such determination.

“(e) IMPLEMENTATION OF DESIGNATION.—In connection with a designation made under this section, the Secretary—

“(1) shall issue reasonable rules and regulations governing the use of such designated areas, including rules and regulations regarding the applicability of rules 9 and 10 of the International Regulations for Preventing Collisions at Sea, 1972, relating to narrow channels and traffic separation schemes, respectively, in waters where such regulations apply;

“(2) to the extent that the Secretary finds reasonable and necessary to effectuate the purposes of the designation, make the use of designated fairways and traffic separation schemes mandatory for specific types and sizes of vessels, foreign and domestic, operating in the territorial sea of the United States and for specific types and sizes of vessels of the United States operating on the high seas beyond the territorial sea of the United States;

“(3) may, from time to time, as necessary, adjust the location or limits of designated fairways or traffic separation schemes in order to accommodate the needs of other uses that cannot be reasonably accommodated otherwise, except that such an adjustment may not, in the judgment of the Secretary, unacceptably adversely affect the purpose for which the existing designation was made and the need for which continues; and

“(4) shall, through appropriate channels—

“(A) notify cognizant international organizations of any designation, or adjustment thereof; and



“(B) take action to seek the cooperation of foreign States in making it mandatory for vessels under their control to use, to the same extent as required by the Secretary for vessels of the United States, any fairway or traffic separation scheme designated under this section in any area of the high seas.

#### “§ 70004. Considerations by Secretary

“In carrying out the duties of the Secretary under sections 70001, 70002, and 70003, the Secretary shall—

“(1) take into account all relevant factors concerning navigation and vessel safety, protection of the marine environment, and the safety and security of United States ports and waterways, including—

“(A) the scope and degree of the risk or hazard involved;

“(B) vessel traffic characteristics and trends, including traffic volume, the sizes and types of vessels involved, potential interference with the flow of commercial traffic, the presence of any unusual cargoes, and other similar factors;

“(C) port and waterway configurations and variations in local conditions of geography, climate, and other similar factors;

“(D) the need for granting exemptions for the installation and use of equipment or devices for use with vessel traffic services for certain classes of small vessels, such as self-propelled fishing vessels and recreational vessels;

“(E) the proximity of fishing grounds, oil and gas drilling and production operations, or any other potential or actual conflicting activity;

“(F) environmental factors;

“(G) economic impact and effects;

“(H) existing vessel traffic services; and

“(I) local practices and customs, including voluntary arrangements and agreements within the maritime community; and

“(2) at the earliest possible time, consult with and receive and consider the views of representatives of the maritime community, ports and harbor authorities or associations, environmental groups, and other persons who may be affected by the proposed actions.

#### “§ 70005. International agreements

“(a) TRANSMITTAL OF REGULATIONS.—The Secretary shall transmit, via the Secretary of State, to appropriate international bodies or forums, any regulations issued under this subchapter, for consideration as international standards.

“(b) AGREEMENTS.—The President is authorized and encouraged to—

“(1) enter into negotiations and conclude and execute agreements with neighboring nations, to establish compatible vessel standards and vessel traffic services, and to establish, operate, and maintain international vessel traffic services, in areas and under circumstances of mutual concern; and

“(2) enter into negotiations, through appropriate international bodies, and conclude and execute agreements to establish vessel traffic services in appropriate areas of the high seas.

“(c) OPERATIONS.—The Secretary, pursuant to any agreement negotiated under subsection (b) that is binding upon the United States in accordance with constitutional requirements, may—

“(1) require vessels operating in an area of a vessel traffic service to utilize or to comply with the vessel traffic service, including the carrying or installation of equipment and devices as necessary for the use of the service; and

“(2) waive, by order or regulation, the application of any United States law or regulation concerning the design, construction, operation, equipment, personnel qualifications, and manning standards for vessels operating in waters over which the United States exer-

cises jurisdiction if such vessel is not en route to or from a United States port or place, and if vessels en route to or from a United States port or place are accorded equivalent waivers of laws and regulations of the neighboring nation, when operating in waters over which that nation exercises jurisdiction.

“(d) SHIP REPORTING SYSTEMS.—The Secretary, in cooperation with the International Maritime Organization, may implement and enforce two mandatory ship reporting systems, consistent with international law, with respect to vessels subject to such reporting systems entering the following areas of the Atlantic Ocean:

“(1) Cape Cod Bay, Massachusetts Bay, and Great South Channel (in the area generally bounded by a line starting from a point on Cape Ann, Massachusetts at 42 deg. 39' N., 70 deg. 37' W; then northeast to 42 deg. 45' N., 70 deg. 13' W; then southeast to 42 deg. 10' N., 68 deg. 31' W, then south to 41 deg. 00' N., 68 deg. 31' W; then west to 41 deg. 00' N., 69 deg. 17' W; then northeast to 42 deg. 05' N., 70 deg. 02' W, then west to 42 deg. 04' N., 70 deg. 10' W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at 42 deg. 39' N., 70 deg. 37' W).

“(2) In the coastal waters of the Southeastern United States within about 25 nm along a 90 nm stretch of the Atlantic seaboard (in an area generally extending from the shoreline east to longitude 80 deg. 51.6' W with the southern and northern boundary at latitudes 30 deg. 00' N., 31 deg. 27' N., respectively).

#### “SUBCHAPTER II—PORTS AND WATERWAYS SAFETY

##### “§ 70011. Waterfront safety

“(a) IN GENERAL.—The Secretary may take such action as is necessary to—

“(1) prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters; and

“(2) protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss.

“(b) ACTIONS AUTHORIZED.—Actions authorized by subsection (a) include—

“(1) establishing procedures, measures, and standards for the handling, loading, unloading, storage, stowage, and movement on a structure (including the emergency removal, control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in section 2101;

“(2) prescribing minimum safety equipment requirements for a structure to assure adequate protection from fire, explosion, natural disaster, and other serious accidents or casualties;

“(3) establishing water or waterfront safety zones, or other measures, for limited, controlled, or conditional access and activity when necessary for the protection of any vessel, structure, waters, or shore area; and

“(4) establishing procedures for examination to assure compliance with the requirements prescribed under this section.

“(c) STATE LAW.—Nothing in this section, with respect to structures, prohibits a State or political subdivision thereof from prescribing higher safety equipment requirements or safety standards than those that may be prescribed by regulations under this section.

##### “§ 70012. Navigational hazards

“(a) REPORTING PROCEDURE.—The Secretary shall establish a program to encourage fishermen and other vessel operators to

report potential or existing navigational hazards involving pipelines to the Secretary through Coast Guard field offices.

#### “(b) SECRETARY'S RESPONSE.—

“(1) NOTIFICATION BY THE OPERATOR OF A PIPELINE.—Upon notification by the operator of a pipeline of a hazard to navigation with respect to that pipeline, the Secretary shall immediately notify Coast Guard headquarters, the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, and vessel owners and operators in the pipeline's vicinity.

“(2) NOTIFICATION BY OTHER PERSONS.—Upon notification by any other person of a hazard or potential hazard to navigation with respect to a pipeline, the Secretary shall promptly determine whether a hazard exists, and if so shall immediately notify Coast Guard headquarters, the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, vessel owners and operators in the pipeline's vicinity, and the owner and operator of the pipeline.

“(c) PIPELINE DEFINED.—For purposes of this section, the term ‘pipeline’ has the meaning given the term ‘pipeline facility’ in section 60101(a)(18) of title 49.

#### “§ 70013. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States

“(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

“(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) may not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.

#### “SUBCHAPTER III—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES

##### “§ 70021. Conditions for entry to ports in the United States

“(a) IN GENERAL.—No vessel that is subject to chapter 37 shall operate in the navigable waters of the United States or transfer cargo or residue in any port or place under the jurisdiction of the United States, if such vessel—

“(1) has a history of accidents, pollution incidents, or serious repair problems that, as determined by the Secretary, creates reason to believe that such vessel may be unsafe or may create a threat to the marine environment;

“(2) fails to comply with any applicable regulation issued under section 70034, chapter 37, or any other applicable law or treaty;

“(3) discharges oil or hazardous material in violation of any law of the United States or in a manner or quantities inconsistent with any treaty to which the United States is a party;

“(4) does not comply with any applicable vessel traffic service requirements;

“(5) is manned by one or more officers who are licensed by a certificating State that the Secretary has determined, pursuant to section 9101 of title 46, does not have standards for licensing and certification of seafarers that are comparable to or more stringent than United States standards or international standards that are accepted by the United States;

“(6) is not manned in compliance with manning levels as determined by the Secretary to be necessary to insure the safe navigation of the vessel; or

“(7) while underway, does not have at least one licensed deck officer on the navigation bridge who is capable of clearly understanding English.

“(b) EXCEPTIONS.—

“(1) IN GENERAL.—The Secretary may allow provisional entry of a vessel that is not in compliance with subsection (a), if the owner or operator of such vessel proves, to the satisfaction of the Secretary, that such vessel is not unsafe or a threat to the marine environment, and if such entry is necessary for the safety of the vessel or persons aboard.

“(2) PROVISIONS NOT APPLICABLE.—Paragraphs (1), (2), (3), and (4) of subsection (a) of this section shall not apply to a vessel allowed provisional entry under paragraph (1) if the owner or operator of such vessel proves, to the satisfaction of the Secretary, that such vessel is no longer unsafe or a threat to the marine environment, and is no longer in violation of any applicable law, treaty, regulation, or condition, as appropriate.

“SUBCHAPTER IV—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

#### “§ 70031. Definitions

“As used in subchapters A through C and this subchapter, unless the context otherwise requires:

“(1) The term ‘marine environment’ means—

“(A) the navigable waters of the United States and the land and resources therein and thereunder;

“(B) the waters and fishery resources of any area over which the United States asserts exclusive fishery management authority;

“(C) the seabed and subsoil of the Outer Continental Shelf of the United States, the resources thereof, and the waters superjacent thereto; and

“(D) the recreational, economic, and scenic values of such waters and resources.

“(2) The term ‘Secretary’ means the Secretary of the department in which the Coast Guard is operating, except that such term means the Secretary of Transportation with respect to the application of this chapter to the Saint Lawrence Seaway.

“(3) The term ‘navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

#### “§ 70032. Saint Lawrence Seaway

“The authority granted to the Secretary under sections 70001, 70002, 70003, 70004, and 70011 may not be delegated with respect to the Saint Lawrence Seaway to any agency other than the Saint Lawrence Seaway Development Corporation. Any other authority granted the Secretary under subchapters A through C and this subchapter shall be delegated by the Secretary to the Saint Lawrence Seaway Development Corporation to the extent the Secretary determines such delegation is necessary for the proper operation of the Saint Lawrence Seaway.

#### “§ 70033. Limitation on application to foreign vessels

“Except pursuant to international treaty, convention, or agreement, to which the United States is a party, subchapters A through C and this subchapter shall not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

“(1) innocent passage through the territorial sea of the United States; or

“(2) transit through the navigable waters of the United States that form a part of an international strait.

#### “§ 70034. Regulations

“(a) IN GENERAL.—In accordance with section 553 of title 5, the Secretary shall issue, and may from time to time amend or repeal, regulations necessary to implement subchapters A through C and this subchapter.

“(b) CONSULTATION.—In the exercise of the regulatory authority under subchapters A through C and this subchapter, the Secretary shall consult with, and receive and consider the views of all interested persons, including—

“(1) interested Federal departments and agencies;

“(2) officials of State and local governments;

“(3) representatives of the maritime community;

“(4) representatives of port and harbor authorities or associations;

“(5) representatives of environmental groups;

“(6) any other interested persons who are knowledgeable or experienced in dealing with problems involving vessel safety, port and waterways safety, and protection of the marine environment; and

“(7) advisory committees consisting of all interested segments of the public when the establishment of such committees is considered necessary because the issues involved are highly complex or controversial.

#### “§ 70035. Investigatory powers

“(a) SECRETARY.—The Secretary may investigate any incident, accident, or act involving the loss or destruction of, or damage to, any structure subject to subchapters A through C and this subchapter, or that affects or may affect the safety or environmental quality of the ports, harbors, or navigable waters of the United States.

“(b) POWERS.—In an investigation under this section, the Secretary may issue subpoenas to require the attendance of witnesses and the production of documents or other evidence relating to such incident, accident, or act. If any person refuses to obey a subpoena, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance with the subpoena. Any district court of the United States may, in the case of refusal to obey a subpoena, issue an order requiring compliance with the subpoena, and failure to obey the order may be punished by the court as contempt. Witnesses may be paid fees for travel and attendance at rates not exceeding those allowed in a district court of the United States.

#### “§ 70036. Enforcement

“(a) CIVIL PENALTY.—

“(1) IN GENERAL.—Any person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated subchapters A through C or this subchapter or a regulation issued under subchapters A through C or this subchapter shall be liable to the United States for a civil penalty, not to exceed \$25,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary, or the Secretary’s designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

“(2) COMPROMISE, MODIFICATION, OR REMISSION.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposi-

tion or that has been imposed under this section.

“(3) FAILURE TO PAY PENALTY.—If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General of the United States, for collection in any appropriate district court of the United States.

“(b) CRIMINAL PENALTY.—

“(1) CLASS D FELONY.—Any person who willfully and knowingly violates subchapters A through C or this subchapter or any regulation issued thereunder commits a class D felony.

“(2) CLASS C FELONY.—Any person who, in the willful and knowing violation of subchapters A through C or this subchapter or of any regulation issued thereunder, uses a dangerous weapon, or engages in conduct that causes bodily injury or fear of imminent bodily injury to any officer authorized to enforce the provisions of such a subchapter or the regulations issued under such subchapter, commits a class C felony.

“(c) IN REM LIABILITY.—Any vessel that is used in violation of subchapters A, B, or C or this subchapter, or any regulations issued under such subchapter, shall be liable in rem for any civil penalty assessed pursuant to subsection (a) and may be proceeded against in the United States district court for any district in which such vessel may be found.

“(d) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of subchapter A, B, or C or this subchapter or of regulations issued under such subchapter, for cause shown.

“(e) DENIAL OF ENTRY.—Except as provided in section 70021, the Secretary may, subject to recognized principles of international law, deny entry by any vessel that is not in compliance with subchapter A, B, or C or this subchapter or the regulations issued under such subchapter—

“(1) into the navigable waters of the United States; or

“(2) to any port or place under the jurisdiction of the United States.

“(f) WITHHOLDING OF CLEARANCE.—

“(1) IN GENERAL.—If any owner, operator, or individual in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 60105 of title 46.

“(2) GRANTING CLEARANCE REFUSED OR REVOKED.—Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.”

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such subtitle is amended by inserting before the item relating to chapter 701 the following:

**“700. Ports and Waterways Safety .....70001.”.**  
**SEC. 402. CONFORMING AMENDMENTS.**

(a) ELECTRONIC CHARTS.—

(1) TRANSFER OF PROVISION.—Section 4A of the Ports and Waterways Safety Act (33 U.S.C. 1223a)—

(A) is redesignated as section 3105 of title 46, United States Code, and transferred to appear after section 3104 of that title; and

(B) is amended by striking subsection (b) and inserting the following:

“(b) LIMITATION ON APPLICATION.—Except pursuant to an international treaty, convention, or agreement, to which the United States is a party, this section shall not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

“(1) innocent passage through the territorial sea of the United States; or

“(2) transit through the navigable waters of the United States that form a part of an international strait.”.

(2) **CLERICAL AMENDMENT.**—The analysis at the beginning of chapter 31 of such title is amended by adding at the end the following: “3105. Electronic charts.”.

(b) **PORT, HARBOR, AND COASTAL FACILITY SECURITY.**—

(1) **TRANSFER OF PROVISIONS.**—So much of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226) as precedes subsection (c) of that section is redesignated as section 70116 of title 46, United States Code, and transferred to section 70116 of that title.

(2) **DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.**—Section 70116 of title 46, United States Code, as amended by paragraph (1) of this subsection, is amended by adding at the end the following:

“(c) **DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.**—This section shall be treated as part of chapter 700 for purposes of sections 70031, 70032, 70034, 70035, and 70036.”.

(3) **CLERICAL AMENDMENT.**—The analysis at the beginning of chapter 701 of such title is amended by striking the item relating to section 70116 and inserting the following:

“70116. Port, harbor, and coastal facility security.”.

(c) **NONDISCLOSURE OF PORT SECURITY PLANS.**—Subsection (c) of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as so designated before the application of subsection (b)(1) of this section—

(1) is redesignated as subsection (f) of section 70103 of title 46, United States Code, and transferred so as to appear after subsection (e) of such section; and

(2) is amended by striking “this Act” and inserting “this chapter”.

(d) **REPEAL.**—Section 2307 of title 46, United States Code, and the item relating to that section in the analysis at the beginning of chapter 23 of that title, are repealed.

(e) **REPEAL.**—The Ports and Waterways Safety Act (33 U.S.C. 1221–1231, 1232–1232b), as amended by this Act, is repealed.

#### **SEC. 403. TRANSITIONAL AND SAVINGS PROVISIONS.**

(a) **DEFINITIONS.**—In this section:

(1) **SOURCE PROVISION.**—The term “source provision” means a provision of law that is replaced by a title 46 provision under this title.

(2) **TITLE 46 PROVISION.**—The term “title 46 provision” means a provision of title 46, United States Code, that is enacted by section 402.

(b) **CUTOFF DATE.**—The title 46 provisions replace certain provisions of law enacted before the date of the enactment of this Act. If a law enacted after that date amends or repeals a source provision, that law is deemed to amend or repeal, as the case may be, the corresponding title 46 provision. If a law enacted after that date is otherwise inconsistent with a title 46 provision or a provision of this title, that law supersedes the title 46 provision or provision of this title to the extent of the inconsistency.

(c) **ORIGINAL DATE OF ENACTMENT UNCHANGED.**—For purposes of determining whether one provision of law supersedes another based on enactment later in time, a title 46 provision is deemed to have been enacted on the date of enactment of the source provision that the title 46 provision replaces.

(d) **REFERENCES TO TITLE 46 PROVISIONS.**—A reference to a title 46 provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding source provision.

(e) **REFERENCES TO SOURCE PROVISIONS.**—A reference to a source provision, including a

reference in a regulation, order, or other law, is deemed to refer to the corresponding title 46 provision.

(f) **REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.**—A regulation, order, or other administrative action in effect under a source provision continues in effect under the corresponding title 46 provision.

(g) **ACTIONS TAKEN AND OFFENSES COMMITTED.**—An action taken or an offense committed under a source provision is deemed to have been taken or committed under the corresponding title 46 provision.

#### **SEC. 404. RULE OF CONSTRUCTION.**

This title, including the amendments made by this title, is intended only to transfer provisions of the Ports and Waterways Safety Act to title 46, United States Code, and may not be construed to alter—

(1) the effect of a provision of the Ports and Waterways Safety Act, including any authority or requirement therein;

(2) a department or agency interpretation with respect to the Ports and Waterways Safety Act; or

(3) a judicial interpretation with respect to the Ports and Waterways Safety Act.

#### **SEC. 405. ADVISORY COMMITTEE: REPEAL.**

Section 18 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2213) is repealed.

#### **SEC. 406. REGATTAS AND MARINE PARADES.**

(a) **IN GENERAL.**—Chapter 700 of title 46, United States Code, as established by section 401 of this Act, is amended by adding at the end the following:

##### **“SUBCHAPTER V—REGATTAS AND MARINE PARADES**

##### **“§ 70041. Regattas and marine parades**

“(a) **IN GENERAL.**—The Commandant of the Coast Guard may issue regulations to promote the safety of life on navigable waters during regattas or marine parades.

“(b) **DETAIL AND USE OF VESSELS.**—To enforce regulations issued under this section—

“(1) the Commandant may detail any public vessel in the service of the Coast Guard and make use of any private vessel tendered gratuitously for that purpose; and

“(2) upon the request of the Commandant, the head of any other Federal department or agency may enforce the regulations by means of any public vessel of such department and any private vessel tendered gratuitously for that purpose.

“(c) **TRANSFER OF AUTHORITY.**—The authority of the Commandant under this section may be transferred by the President for any special occasion to the head of another Federal department or agency whenever in the President’s judgment such transfer is desirable.

“(d) **PENALTIES.**—

“(1) **IN GENERAL.**—For any violation of regulations issued pursuant to this section the following penalties shall be incurred:

“(A) A licensed officer shall be liable to suspension or revocation of license in the manner prescribed by law for incompetency or misconduct.

“(B) Any person in charge of the navigation of a vessel other than a licensed officer shall be liable to a penalty of \$5,000.

“(C) The owner of a vessel (including any corporate officer of a corporation owning the vessel) actually on board shall be liable to a penalty of \$5,000, unless the violation of regulations occurred without the owner’s knowledge.

“(D) Any other person shall be liable to a penalty of \$2,500.

“(2) **MITIGATION OR REMISSION.**—The Commandant may mitigate or remit any penalty provided for in this subsection in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 700 of title 46, United States Code, as established by section 401 of this Act, is amended by adding at the end the following:

##### **“SUBCHAPTER E—REGATTAS AND MARINE PARADES**

“70041. Regattas and marine parades.”.

(c) **REPEAL.**—The Act of April 28, 1908 (35 Stat. 69, chapter 151; 33 U.S.C. 1233 et seq.), is repealed.

#### **SEC. 407. REGULATION OF VESSELS IN TERRITORIAL WATERS OF UNITED STATES.**

(a) **ESTABLISHMENT OF SUBCHAPTER F.**—Chapter 700 of title 46, United States Code, as established by section 401 of this Act, is amended by adding at the end the following:

##### **“SUBCHAPTER VI—REGULATION OF VESSELS IN TERRITORIAL WATERS OF UNITED STATES**

##### **“§ 70054. Definitions**

“In this subchapter:

“(1) **UNITED STATES.**—The term ‘United States’ includes all territory and waters, continental or insular, subject to the jurisdiction of the United States.

“(2) **TERRITORIAL WATERS.**—The term ‘territorial waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”.

(b) **REGULATION OF ANCHORAGE AND MOVEMENT OF VESSELS DURING NATIONAL EMERGENCY.**—Section 1 of title II of the Act of June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 191), is amended—

(1) by striking the section designation and all that follows before “by proclamation” and inserting the following:

##### **“§ 70051. Regulation of anchorage and movement of vessels during national emergency**

“Whenever the President”;

(2) by striking “of the Treasury”;

(3) by striking “of the department in which the Coast Guard is operating”;

(4) by striking “this title” and inserting “this subchapter”; and

(5) by transferring the section so that the section appears before section 70054 of title 46, United States Code (as added by subsection (a) of this section).

(c) **SEIZURE AND FORFEITURE OF VESSEL; FINE AND IMPRISONMENT.**—Section 2 of title II of the Act of June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 192), is amended—

(1) by striking the section designation and all that follows before “agent,” and inserting the following:

##### **“§ 70052. Seizure and forfeiture of vessel; fine and imprisonment**

“(a) **IN GENERAL.**—If any owner,”;

(2) by striking “this title” each place it appears and inserting “this subchapter”; and

(3) by transferring the section so that the section appears after section 70051 of title 46, United States Code (as transferred by subsection (b) of this section).

(d) **ENFORCEMENT PROVISIONS.**—Section 4 of title II of the Act of June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 194), is amended—

(1) by striking all before “may employ” and inserting the following:

##### **“§ 70053. Enforcement provisions**

“The President”;

(2) by striking “the purpose of this title” and inserting “this subchapter”; and

(3) by transferring the section so that the section appears after section 70052 of title 46, United States Code (as transferred by subsection (c) of this section).

(e) **CLERICAL AMENDMENT.**—The analysis for chapter 700 of title 46, United States Code, as established by section 401 of this Act, is amended by adding at the end the following:

“SUBCHAPTER F—REGULATION OF VESSELS IN TERRITORIAL WATERS OF UNITED STATES

“70051. Regulation of anchorage and movement of vessels during national emergency.

“70052. Seizure and forfeiture of vessel; fine and imprisonment.

“70053. Enforcement provisions.

“70054. Definitions.”.

#### SEC. 408. PORT, HARBOR, AND COASTAL FACILITY SECURITY.

(a) TRANSFER OF PROVISIONS.—So much of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226) as precedes subsection (c) of that section is redesignated as section 70102a of title 46, United States Code, and transferred so as to appear after section 70102 of that title.

(b) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—Section 70102a of title 46, United States Code, as amended by paragraph (1) of this subsection, is amended by adding at the end the following:

“(c) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—This section shall be treated as part of chapter 700 for purposes of sections 70031, 70032, 70034, 70035, and 70036.”.

(c) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 701 of such title is amended by inserting after the item relating to section 70102 the following:

“70102a. Port, harbor, and coastal facility security.”.

(d) NONDISCLOSURE OF PORT SECURITY PLANS.—Subsection (c) of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as so designated before the application of subsection (b)(1) of this section—

(1) is redesignated as subsection (f) of section 70103 of title 46, United States Code, and transferred so as to appear after subsection (e) of such section; and

(2) is amended by striking “this Act” and inserting “this chapter”.

#### TITLE V—MARITIME TRANSPORTATION SAFETY

#### SEC. 501. CONSISTENCY IN MARINE INSPECTIONS.

(a) IN GENERAL.—Section 3305 of title 46, United States Code, is amended by adding at the end the following:

“(d)(1) The Commandant of the Coast Guard shall ensure that Officers in Charge, Marine Inspections consistently interpret regulations and standards under this subtitle and chapter 700 to avoid disruption and undue expense to industry.

“(2)(A) Subject to subparagraph (B), in the event of a disagreement regarding the condition of a vessel or the interpretation of a regulation or standard referred to in subsection (a) between a local Officer in Charge, Marine Inspection conducting an inspection of the vessel and the Officer in Charge, Marine Inspection that issued the most recent certificate of inspection for the vessel, such Officers shall seek to resolve such disagreement.

“(B) If a disagreement described in subparagraph (A) involves vessel design or plan review, the Coast Guard marine safety center shall be included in all efforts to resolve such disagreement.

“(C) If a disagreement described in subparagraph (A) or (B) cannot be resolved, the local Officer in Charge, Marine Inspection shall submit to the Commandant of the Coast Guard, through the cognizant Coast Guard district commander, a request for a final agency determination of the matter in disagreement.

“(3) The Commandant of the Coast Guard shall—

“(A) provide to each person affected by a decision or action by an Officer in Charge, Marine Inspection or by the Coast Guard marine safety center all information necessary

for such person to exercise any right to appeal such decision or action; and

“(B) if such an appeal is filed, process such appeal under parts 1 through 4 of title 46, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2017.

“(4) In this section, the term ‘Officer in Charge, Marine Inspection’ means any person from the civilian or military branch of the Coast Guard who—

“(A) is designated as such by the Commandant; and

“(B) under the superintendence and direction of the cognizant Coast Guard district commander, is in charge of an inspection zone for the performance of duties with respect to the inspections under, and enforcement and administration of, subtitle II, chapter 700, and regulations under such laws.”.

(b) REPORT ON MARINE INSPECTOR TRAINING.—Not later than 1 year after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the training, experience, and qualifications required for assignment as a marine inspector under section 312 of title 14, United States Code, including—

(1) a description of any continuing education requirement, including a specific list of the required courses;

(2) a description of the training, including a specific list of the included courses, offered to a journeyman or an advanced journeyman marine inspector to advance inspection expertise;

(3) a description of any training that was offered in the 15-year period before the date of the enactment of this Act, but is no longer required or offered, including a specific list of the included courses, including the senior marine inspector course and any plan review courses;

(4) a justification for why a course described in paragraph (3) is no longer required or offered; and

(5) a list of the course content the Commandant considers necessary to promote consistency among marine inspectors in an environment of increasingly complex vessels and vessel systems.

#### SEC. 502. UNINSPECTED PASSENGER VESSELS IN ST. LOUIS COUNTY, MINNESOTA.

Section 4105 of title 46, United States Code, amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) In applying this title with respect to an uninspected vessel of less than 25 feet overall in length that carries passengers on Crane Lake or waters contiguous to such lake in St. Louis County, Minnesota, the Secretary shall substitute ‘12 passengers’ for ‘6 passengers’ each place it appears in section 2101(51).”.

#### SEC. 503. ENGINE CUT-OFF SWITCH REQUIREMENTS.

(a) IN GENERAL.—Chapter 43 of title 46, United States Code, is amended by adding at the end the following:

##### “§ 4312. Engine cut-off switches

“(a) INSTALLATION REQUIREMENT.—A manufacturer, distributor, or dealer that installs propulsion machinery and associated starting controls on a covered recreational vessel shall equip such vessel with an engine cut-off switch and engine cut-off switch link that meet American Boat and Yacht Council Standard A-33, as in effect on the date of the enactment of the Coast Guard Authorization Act of 2017.

“(b) EDUCATION ON CUT-OFF SWITCHES.—The Commandant of the Coast Guard, through the National Boating Safety Advisory Committee established under section 15105, may initiate a boating safety program on the use and benefits of cut-off switches for recreational vessels.

“(c) AVAILABILITY OF STANDARD FOR INSPECTION.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this section, the Commandant shall transmit American Boat and Yacht Council Standard A-33, as in effect on the date of enactment of the Coast Guard Authorization Act of 2017, to—

“(A) the Committee on Transportation and Infrastructure of the House of Representatives;

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Coast Guard Office of Design and Engineering Standards; and

“(D) the National Archives and Records Administration.

“(2) AVAILABILITY.—The standard submitted under paragraph (1) shall be kept on file and available for public inspection at such Coast Guard office and the National Archives and Records Administration.

“(d) DEFINITIONS.—In this section:

“(1) COVERED RECREATIONAL VESSEL.—The term ‘covered recreational vessel’ means a recreational vessel that is—

“(A) less than 26 feet overall in length; and

“(B) capable of developing 115 pounds or more of static thrust.

“(2) DEALER.—The term ‘dealer’ means any person who is engaged in the sale and distribution of recreational vessels or associated equipment to purchasers whom the seller in good faith believes to be purchasing any such vessel or associated equipment for purposes other than resale.

“(3) DISTRIBUTOR.—The term ‘distributor’ means any person engaged in the sale and distribution of recreational vessels and associated equipment for the purposes of resale.

“(4) MANUFACTURER.—The term ‘equipment manufacturer’ means any person engaged in the manufacture, construction, or assembly of recreational vessels or associated equipment, or the importation of recreational vessels into the United States for subsequent sale.

“(5) PROPULSION MACHINERY.—The term ‘propulsion machinery’ means a self-contained propulsion system, and includes, but is not limited to, inboard engines, outboard motors, and sterndrive engines.

“(6) STATIC THRUST.—The term ‘static thrust’ means the forward or backwards thrust developed by propulsion machinery while stationary.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

“4312. Engine cut-off switches.”.

(c) EFFECTIVE DATE.—Section 4312 of title 46, United States Code, as amended by this section, shall take effect one year after the date of the enactment of this Act.

#### SEC. 504. EXCEPTION FROM SURVIVAL CRAFT REQUIREMENTS.

Section 4502(b) of title 46, United States Code, is amended—

(1) in paragraph (2)(B), by striking “a survival craft” and inserting “subject to paragraph (3), a survival craft”; and

(2) by adding at the end the following:

“(3) Except for a nonapplicable vessel, an auxiliary craft shall satisfy the equipment requirement under paragraph (2)(B) if such craft is—

“(A) necessary for normal fishing operations;

“(B) readily accessible during an emergency; and

“(C) capable, in accordance with the Coast Guard capacity rating, when applicable, of safely holding all individuals on board the vessel to which the craft functions as an auxiliary.”; and

(3) by adding at the end the following:

“(k) For the purposes of this section, the term ‘auxiliary craft’ means a vessel that is carried onboard a fishing vessel and is normally used to support fishing operations.”.

#### SEC. 505. SAFETY STANDARDS.

Section 4502(f) of title 46, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) shall examine at dockside a vessel described in subsection (b) at least once every 5 years, but may require an exam at dockside every 2 years for certain vessels described in subsection (b) if requested by the owner or operator; and

“(3) shall issue a certificate of compliance to a vessel meeting the requirements of this chapter and satisfying the requirements in paragraph (2).”.

#### SEC. 506. FISHING SAFETY GRANTS.

Section 4502 of title 46, United States Code, is amended—

(1) in subsections (i) and (j), by striking “Secretary” each place it appears and inserting “Secretary of Health and Human Services”;

(2) in subsection (i)(2), as amended by paragraph (1), by inserting “, in consultation with and based on criteria established by the Commandant of the Coast Guard” after “Health and Human Services”;

(3) in subsection (i)(3), by striking “75” and inserting “50”;

(4) in subsection (i)(4), by striking “\$3,000,000 for each of fiscal years 2015 through 2017” and inserting “\$3,000,000 for each of fiscal years 2018 through 2019”;

(5) in subsection (j)(2), as amended by paragraph (1), by inserting “, in consultation with and based on criteria established by the Commandant of the Coast Guard,” after “Health and Human Services”;

(6) in subsection (j)(3), by striking “75” and inserting “50”; and

(7) in subsection (j)(4), by striking “\$3,000,000 for each fiscal years 2015 through 2017” and inserting “\$3,000,000 for each of fiscal years 2018 through 2019”.

#### SEC. 507. FISHING, FISH TENDER, AND FISH PROCESSING VESSEL CERTIFICATION.

(a) NONAPPLICATION.—Section 4503(c)(2)(A) of title 46, United States Code, is amended by striking “79” and inserting “180”.

(b) DETERMINING WHEN KEEL IS LAID.—Section 4503(f) of title 46, United States Code, as redesignated by section 508 of this Act, is further amended to read as follows:

“(f)(1) For purposes of this section and section 4503a, the term ‘built’ means, with respect to a vessel, that the vessel’s construction has reached any of the following stages:

“(A) The vessel’s keel is laid.

“(B) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.

“(2) In the case of a vessel greater than 79 feet overall in length, for purposes of paragraph (1)(A) a keel is deemed to be laid when a marine surveyor affirms that a structure adequate for serving as a keel for such vessel is in place and identified for use in the construction of such vessel.”.

#### SEC. 508. DEADLINE FOR COMPLIANCE WITH ALTERNATE SAFETY COMPLIANCE PROGRAM.

(a) IN GENERAL.—Section 4503(d) of title 46, United States Code, is redesignated as section 4503a and transferred to appear after section 4503 of such title.

(b) FISHING, FISH TENDER, AND FISH PROCESSING VESSEL CERTIFICATION.—Section 4503 of title 46, United States Code, is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively;

(2) in subsection (b), by striking “subsection (d)” and inserting “section 4503a”;

(3) in subsection (c)(2)(B)(ii)(I), by striking “subsection (e)” and inserting “subsection (d)”;

(4) in subsection (c)(2)(B)(ii)(II), by striking “subsection (f)” and inserting “subsection (e)”;

(5) in subsection (e)(1), as amended by paragraph (1) of this subsection, by striking “subsection (e)” each place it appears and inserting “subsection (d)”;

(6) in subsection (e)(2), as amended by paragraph (1) of this subsection, by striking “subsection (e)” each place it appears and inserting “subsection (d)”;

(c) ALTERNATE SAFETY COMPLIANCE PROGRAM.—Section 4503a of title 46, United States Code, as redesignated and transferred by subsection (a) of this section, is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), and (5) as subsections (a), (b), (c), (d), and (e), respectively;

(2) by inserting before subsection (a), as so redesignated, the following:

“§ 4503a. Alternate safety compliance program”;

(3) in subsection (a), as redesignated by paragraph (1) of this subsection, by striking “After January 1, 2020,” and all that follows through “the Secretary, if” and inserting “Subject to subsection (c), beginning on the date that is 3 years after the date that the Secretary prescribes an alternate safety compliance program, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with such an alternate safety compliance program, if”;

(4) in subsection (a), as so redesignated, by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively;

(5) in subsection (b), as so redesignated, by striking “establishes standards for an alternate safety compliance program, shall comply with such an alternative safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary” and inserting “prescribes an alternate safety compliance program under subsection (a), shall comply with such an alternate safety compliance program”;

(6) by amending subsection (c), as so redesignated, to read as follows:

“(c) For purposes of subsection (a), a separate alternate safety compliance program may be developed for a specific region or specific fishery.”;

(7) in subsection (d), as so redesignated—

(A) by striking “paragraph (1)” and inserting “subsection (a)”;

(B) by striking “that paragraph” each place it appears and inserting “that subsection”;

(8) in subsection (e), as so redesignated, by—

(A) inserting “is not eligible to participate in an alternative safety compliance program prescribed under subsection (a) and” after “July 1, 2012”; and

(B) redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(9) by adding at the end the following:

“(f) For the purposes of this section, the term ‘built’ has the meaning given that term in section 4503(f).”.

(d) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 45 of such title is amended by inserting after the item relating to section 4503 the following

“4503a. Alternate safety compliance program.”.

(e) CONFORMING AMENDMENT.—Section 3104 of title 46, United States Code, is amended by striking “section 4503(e)” and inserting “section 4503(d)”.

(f) FINAL RULE.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue a final rule implementing the requirements enumerated in section 4503(d) of title 46, as amended by subsection (b)(1) of this section.

(g) ALTERNATE SAFETY COMPLIANCE PROGRAM STATUS REPORT.—

(1) IN GENERAL.—Not later than January 1, 2020, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of the development of the alternate safety compliance program directed by section 4503a of title 46, United States Code, as redesignated by subsection (c).

(2) CONTENTS.—The report required under paragraph (1) shall include discussion of—

(A) steps taken in the rulemaking process to establish the alternate safety compliance program;

(B) communication and collaboration between the Coast Guard, the department in which the Coast Guard is operating, and the commercial fishing vessel industry regarding the development of the alternate safety compliance program;

(C) consideration given to developing alternate safety compliance programs for specific regions and fisheries, as authorized in section 4503a(c) of such title, as redesignated by subsection (c);

(D) any identified legislative changes necessary to implement an effective alternate safety compliance program; and

(E) the timeline and planned actions that will be taken to implement regulations necessary to fully establish an alternate safety compliance program before January 1, 2020.

#### SEC. 509. TERMINATION OF UNSAFE OPERATIONS; TECHNICAL CORRECTION.

Section 4505(2) of title 46, United States Code, is amended—

(1) by striking “4503(1)” and inserting “4503(a)(2)”;

(2) by inserting before the period the following: “, except that this paragraph shall not apply with respect to a vessel to which section 4503a applies”.

#### SEC. 510. TECHNICAL CORRECTIONS: LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINER DOCUMENTS.

Title 46, United States Code, is amended—

(1) in section 7106(b), by striking “merchant mariner’s document,” and inserting “license,”;

(2) in section 7107(b), by striking “merchant mariner’s document,” and inserting “certificate of registry,”;

(3) in section 7507(b)(1), by striking “licenses or certificates of registry” and inserting “merchant mariner documents”;

(4) in section 7507(b)(2) by striking “merchant mariner’s document,” and inserting “license or certificate of registry.”.

#### SEC. 511. CLARIFICATION OF LOGBOOK ENTRIES.

(a) IN GENERAL.—Section 11304 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “an official logbook, which” and inserting “a logbook, which may be in any form, including electronic, and”;

(2) in subsection (b), by amending paragraph (3) to read as follows:

“(3) Each illness of, and injury to, a seaman of the vessel, the nature of the illness or

injury, and the medical treatment provided for the injury or illness.”.

(b) **TECHNICAL AMENDMENT.**—Section 11304(b) is amended by striking “log book” and inserting “logbook”.

**SEC. 512. CERTIFICATES OF DOCUMENTATION FOR RECREATIONAL VESSELS.**

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

“(e) **EFFECTIVE PERIOD.**—

“(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), a certificate of documentation issued under this part is valid for a 1-year period and may be renewed for additional 1-year periods.

“(2) **RECREATIONAL VESSELS.**—

“(A) **IN GENERAL.**—A certificate of documentation for a recreational vessel and the renewal of such a certificate shall be effective for a 5-year period.

“(B) **PHASE-IN PERIOD.**—During the period beginning January 1, 2019, and ending December 31, 2021, the owner or operator of a recreational vessel may choose a period of effectiveness of between 1 and 5 years for such a certificate of documentation for such vessel or the renewal thereof.

“(C) **FEES.**—

“(i) **REQUIREMENT.**—The Secretary shall assess and collect a fee—

“(I) for the issuance of a certificate of documentation for a recreational vessel that is equivalent to the fee established for the issuance of a certificate of documentation under section 2110; and

“(II) for the renewal of a certificate of documentation for a recreational vessel that is equivalent to the number of years of effectiveness of the certificate of documentation multiplied by the fee established for the renewal of a certificate of documentation under section 2110.

“(ii) **TREATMENT.**—Fees collected under this subsection—

“(I) shall be credited to the account from which the costs of such issuance or renewal were paid; and

“(II) may remain available until expended.

“(3) **NOTICE OF CHANGE IN INFORMATION.**—

“(A) **REQUIREMENT.**—The owner of a vessel shall notify the Coast Guard of each change in the information on which the issuance of the certificate of documentation for the vessel is based that occurs before the expiration of the certificate under this subsection, by not later than 30 days after such change.

“(B) **TERMINATION OF CERTIFICATE.**—The certificate of documentation for a vessel shall terminate upon the expiration of such 30-day period if the owner has not notified the Coast Guard of such change before the end of such period.

“(4) **STATE AND LOCAL AUTHORITY TO REMOVE ABANDONED AND DERELICT VESSELS.**—Nothing in this section shall be construed to limit the authority of a State or local authority from taking action to remove an abandoned or derelict vessel.”.

**SEC. 513. NUMBERING FOR UNDOCUMENTED BARGES.**

Section 12301(b) of title 46, United States Code, is amended—

(1) by striking “shall” and inserting “may”; and

(2) by inserting “of” after “barge”.

**SEC. 514. BACKUP NATIONAL TIMING SYSTEM.**

(a) **SHORT TITLE.**—This section may be cited as the “National Timing Resilience and Security Act of 2018”.

(b) **IN GENERAL.**—Chapter 30 of title 49, United States Code, is amended by adding at the end the following:

**“§ 312. Alternative timing system**

“(a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary of Transportation shall provide for the estab-

lishment, sustainment, and operation of a land-based, resilient, and reliable alternative timing system—

“(1) to reduce critical dependencies and provide a complement to and backup for the timing component of the Global Positioning System (referred to in this section as ‘GPS’); and

“(2) to ensure the availability of uncorrupted and non-degraded timing signals for military and civilian users in the event that GPS timing signals are corrupted, degraded, unreliable, or otherwise unavailable.

“(b) **ESTABLISHMENT OF REQUIREMENTS.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of the National Timing Resilience and Security Act of 2018, the Secretary of Transportation shall establish requirements for the procurement of the system required by subsection (a) as a complement to and backup for the timing component of GPS in accordance with the timing requirements study required by section 1618 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2595).

“(2) **REQUIREMENTS.**—The Secretary of Transportation shall ensure, to the maximum extent practicable, that the system established under subsection (a) will—

“(A) be wireless;

“(B) be terrestrial;

“(C) provide wide-area coverage;

“(D) be synchronized with coordinated universal time;

“(E) be resilient and extremely difficult to disrupt or degrade;

“(F) be able to penetrate underground and inside buildings;

“(G) be capable of deployment to remote locations;

“(H) be developed, constructed, and operated incorporating applicable private sector expertise;

“(I) work in concert with and complement any other similar positioning, navigation, and timing systems, including enhanced long-range navigation systems and Nationwide Differential GPS systems;

“(J) be available for use by Federal and non-Federal government agencies for public purposes at no net cost to the Federal Government within 10 years of initiation of operation;

“(K) be capable of adaptation and expansion to provide position and navigation capabilities;

“(L) incorporate the recommendations from any GPS back-up demonstration program initiated and completed by the Secretary, in coordination with other Federal agencies, before the date specified in subsection (c)(1); and

“(M) incorporate such other elements as the Secretary considers appropriate.

“(c) **IMPLEMENTATION PLAN.**—

“(1) **PLAN REQUIRED.**—Not later than 180 days after the date of enactment of the National Timing Resilience and Security Act of 2018, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report setting forth the following:

“(A) A plan to develop, construct, and operate the system required by subsection (a).

“(B) A description and assessment of the advantages of a system to provide a follow-on complementary and backup positioning and navigation capability to the timing component of GPS.

“(2) **DEADLINE FOR COMMENCEMENT OF OPERATION.**—The system required by subsection (a) shall be in operation by not later than 2 years after the date of enactment of the National Timing Resilience and Security Act of 2018.

“(3) **MINIMUM DURATION OF OPERATIONAL CAPABILITY.**—The system required by subsection (a) shall be designed to be fully operational for not less than 20 years.

“(d) **LORAN FACILITIES.**—

“(1) **IN GENERAL.**—If the Secretary of Transportation determines that any LORAN infrastructure, including the underlying real property and any spectrum associated with LORAN, in the possession of the Coast Guard is required by the Department of Transportation for the purpose of establishing the system required by subsection (a), the Commandant shall transfer such property, spectrum, and equipment to the Secretary.

“(2) **CERCLA NOT AFFECTED.**—This subsection shall not be construed to limit the application of or otherwise affect section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) with respect to the Federal Government facilities described in paragraph (1).

“(e) **COOPERATIVE AGREEMENT.**—

“(1) **IN GENERAL.**—The Secretary of Transportation may enter into a cooperative agreement (as that term is described in section 6305 of title 31) with an entity upon such terms and conditions as the Secretary of Transportation determines will fulfill the purpose and requirements of this section and be in the public interest.

“(2) **REQUIREMENTS.**—The cooperative agreement under paragraph (1) shall, at a minimum, require the Secretary of Transportation to—

“(A) authorize the entity to sell timing and other services to commercial and non-commercial third parties, subject to any national security requirements determined by the Secretary, in consultation with the Secretary of Defense;

“(B) require the entity to develop, construct, and operate at private expense the backup timing system in accordance with this section;

“(C) allow the entity to make any investments in technologies necessary over the life of such agreement to meet future requirements for advanced timing resilience and technologies;

“(D) require the entity to share 25 percent of the gross proceeds received by the entity from the sale of timing services to third parties with the Secretary for at least 10 years after the date upon which the Secretary enters into the cooperative agreement;

“(E) require the entity—

“(i) to assume all financial risk for the completion and operational capability of the system, after the Secretary provides any LORAN facilities necessary for the system under subsection (d), if required for the alternative timing system; and

“(ii) to furnish performance and payment bonds in connection with the system in a reasonable amount as determined by the Secretary; and

“(F) require the entity to make any investments in technologies necessary over the life of the agreement to meet future requirements for advanced timing resiliency.

“(3) **COMPETITION REQUIRED.**—The Secretary shall use competitive procedures similar to those authorized under section 2667 of title 10 in selecting an entity to enter into a cooperative agreement pursuant to this subsection.

“(4) **AUTHORIZATION TO PURCHASE SERVICES.**—The Secretary may not purchase timing system services from the entity for use by the Department of Transportation or for provision to other Federal and non-Federal governmental agencies until the system achieves operational status, and then only if the necessary funds for such purchases are provided for in subsequent yearly appropriations acts made available to the Secretary



for each and every year in which such purchases are made.

“(5) DETERMINATION REQUIREMENT.—The Secretary may not enter into a cooperative agreement under this subsection unless the Secretary determines that the cooperative agreement is in the best financial interest of the Federal Government. The Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of such determination not later than 30 days after the date of the determination.

“(6) DEFINITION.—In this subsection the term ‘entity’ means a non-Federal entity with the demonstrated technical expertise and requisite administrative and financial resources to meet any terms and conditions established by the Secretary for purposes of this subsection.”

(c) TABLE OF CONTENTS.—The table of contents for chapter 3 of title 49, United States Code, is amended by adding at the end the following:

“312. Alternative timing system.”.

#### SEC. 515. SCIENTIFIC PERSONNEL.

Section 2101(41) of title 46, United States Code, is amended—

(1) by inserting “(A) Subject to subparagraph (B),” before the text; and

(2) by adding at the end the following:

“(B)(i) Such term includes an individual who is on board an oceanographic research vessel only to—

“(I) engage in scientific research;

“(II) instruct in oceanography or limnology; or

“(III) receive instruction in oceanography or limnology.

“(ii) For purposes of clause (i), the age of an individual may not be considered in determining whether the individual is described in such clause.”.

#### SEC. 516. TRANSPARENCY.

(a) IN GENERAL.—The Commandant of the Coast Guard shall publish any letter of determination issued by the Coast Guard National Vessel Documentation Center after the date of the enactment of this Act on the National Vessel Documentation Center website not later than 30 days after the date of issuance of such letter of determination.

(b) AUDIT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an audit, the results of which shall be made publicly available, of—

(A) the method or process by which the Coast Guard National Vessel Documentation Center develops policy for and documents compliance with the requirements of section 67.97 of title 46, Code of Federal Regulations, for the purpose of issuing endorsements under section 12112 and 12113 of title 46, United States Code;

(B) the coordination between the Coast Guard and U.S. Customs and Border Protection with respect to the enforcement of such requirements; and

(C) the extent to which the Secretary of the department in which the Coast Guard is operating and the Secretary of Transportation, through the Maritime Administration, have published and disseminated information to promote compliance with applicable vessel construction requirements.

(2) REPORT.—Not later than 90 days after the audit under paragraph (1) is complete, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the results of and recommendations made pursuant to such audit.

(c) OUTLINE.—Not later than 180 days after the date of the submission of the Comptroller General of the United States report required under subsection (b), the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an outline of plans—

(1) to enhance the transparency of the documentation process, and communications with the maritime industry regarding such process over the next 5 years; and

(2) to implement the recommendations made by the Comptroller General of the United States in the report required under subsection (b)(2).

### TITLE VI—ADVISORY COMMITTEES

#### SEC. 601. NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES.

(a) IN GENERAL.—Subtitle II of title 46, United States Code, is amended by adding at the end the following:

#### “PART K—NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES

##### “CHAPTER 151—NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES

“Sec.

“15101. National Chemical Transportation Safety Advisory Committee.

“15102. National Commercial Fishing Safety Advisory Committee.

“15103. National Merchant Marine Personnel Advisory Committee.

“15104. National Merchant Mariner Medical Advisory Committee.

“15105. National Boating Safety Advisory Committee.

“15106. National Offshore Safety Advisory Committee.

“15107. National Navigation Safety Advisory Committee.

“15108. National Towing Safety Advisory Committee.

“15109. Administration.

#### “§ 15101. National Chemical Transportation Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Chemical Transportation Safety Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to the safe and secure marine transportation of hazardous materials.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of not more than 25 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Each member of the Committee shall represent 1 of the following:

“(A) Chemical manufacturing entities.

“(B) Entities related to marine handling or transportation of chemicals.

“(C) Vessel design and construction entities.

“(D) Marine safety or security entities.

“(E) Marine environmental protection entities.

“(4) DISTRIBUTION.—The Secretary shall, based on the needs of the Coast Guard, determine the number of members of the Committee who represent each entity specified in paragraph (3). Neither this paragraph nor any other provision of law shall be construed to require an equal distribution of members representing each entity specified in paragraph (3).

#### “§ 15102. National Commercial Fishing Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Commercial Fishing Safety Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall—

“(1) advise the Secretary on matters relating to the safe operation of vessels to which chapter 45 of this title applies, including the matters of—

“(A) navigation safety;

“(B) safety equipment and procedures;

“(C) marine insurance;

“(D) vessel design, construction, maintenance, and operation; and

“(E) personnel qualifications and training; and

“(2) review regulations proposed under chapter 45 of this title (during preparation of the regulations).

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 18 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

“(A) 10 members shall represent the commercial fishing industry and—

“(i) as a group, shall together reflect a regional and representational balance; and

“(ii) as individuals, shall each have experience—

“(I) in the operation of vessels to which chapter 45 of this title applies; or

“(II) as a crew member or processing line worker on a fish processing vessel.

“(B) 1 member shall represent naval architects and marine engineers.

“(C) 1 member shall represent manufacturers of equipment for vessels to which chapter 45 of this title applies.

“(D) 1 member shall represent education and training professionals related to fishing vessel, fish processing vessel, and fish tender vessel safety and personnel qualifications.

“(E) 1 member shall represent underwriters that insure vessels to which chapter 45 of this title applies.

“(F) 1 member shall represent owners of vessels to which chapter 45 of this title applies.

“(G) 3 members shall represent the general public and, to the extent possible, shall include—

“(i) an independent expert or consultant in maritime safety;

“(ii) a marine surveyor who provides services to vessels to which chapter 45 of this title applies; and

“(iii) a person familiar with issues affecting fishing communities and the families of fishermen.

#### “§ 15103. National Merchant Marine Personnel Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Merchant Marine Personnel Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to personnel in the United States merchant marine, including the training, qualifications, certification, documentation, and fitness of mariners.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 19 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise,



knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

“(A) 9 members shall represent mariners and, of the 9—

“(i) each shall—

“(I) be a citizen of the United States; and

“(II) hold an active license or certificate issued under chapter 71 of this title or a merchant mariner document issued under chapter 73 of this title;

“(ii) 3 shall be deck officers who represent merchant marine deck officers and, of the 3—

“(I) 2 shall be licensed for oceans any gross tons;

“(II) 1 shall be licensed for inland river route with a limited or unlimited tonnage;

“(III) 2 shall have a master's license or a master of towing vessels license;

“(IV) 1 shall have significant tanker experience; and

“(V) to the extent practicable—

“(aa) 1 shall represent labor; and

“(bb) 1 shall represent management;

“(iii) 3 shall be engineering officers who represent merchant marine engineering officers and, of the 3—

“(I) 2 shall be licensed as chief engineer any horsepower;

“(II) 1 shall be licensed as either a limited chief engineer or a designated duty engineer; and

“(III) to the extent practicable—

“(aa) 1 shall represent labor; and

“(bb) 1 shall represent management;

“(iv) 2 shall be unlicensed seamen who represent merchant marine unlicensed seaman and, of the 2—

“(I) 1 shall represent able-bodied seamen; and

“(II) 1 shall represent qualified members of the engine department; and

“(v) 1 shall be a pilot who represents merchant marine pilots.

“(B) 6 members shall represent marine educators and, of the 6—

“(i) 3 shall be marine educators who represent maritime academies and, of the 3—

“(I) 2 shall represent State maritime academies (and are jointly recommended by such academies); and

“(II) 1 shall represent either State maritime academies or the United States Merchant Marine Academy; and

“(ii) 3 shall be marine educators who represent other maritime training institutions and, of the 3, 1 shall represent the small vessel industry.

“(C) 2 members shall represent shipping companies employed in ship operation management.

“(D) 2 members shall represent the general public.

#### “§ 15104. National Merchant Mariner Medical Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Merchant Mariner Medical Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to—

“(1) medical certification determinations for the issuance of licenses, certification of registry, and merchant mariners' documents with respect to merchant mariners;

“(2) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

“(3) medical examiner education; and

“(4) medical research.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 14 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise,

knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

“(A) 9 shall represent health-care professionals and have particular expertise, knowledge, and experience regarding the medical examinations of merchant mariners or occupational medicine.

“(B) 5 shall represent professional mariners and have particular expertise, knowledge, and experience in occupational requirements for mariners.

#### “§ 15105. National Boating Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Boating Safety Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to national boating safety.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 21 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

“(A) 7 members shall represent State officials responsible for State boating safety programs.

“(B) 7 members shall represent recreational vessel and associated equipment manufacturers.

“(C) 7 members shall represent the general public or national recreational boating organizations and, of the 7, at least 5 shall represent national recreational boating organizations.

#### “§ 15106. National Offshore Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Offshore Safety Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to activities directly involved with, or in support of, the exploration of offshore mineral and energy resources, to the extent that such matters are within the jurisdiction of the Coast Guard.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 15 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

“(A) 2 members shall represent entities engaged in the production of petroleum.

“(B) 2 members shall represent entities engaged in offshore drilling.

“(C) 2 members shall represent entities engaged in the support, by offshore supply vessels or other vessels, of offshore mineral and oil operations, including geophysical services.

“(D) 1 member shall represent entities engaged in the construction of offshore exploration and recovery facilities.

“(E) 1 member shall represent entities engaged in diving services related to offshore construction, inspection, and maintenance.

“(F) 1 member shall represent entities engaged in safety and training services related to offshore exploration and construction.

“(G) 1 member shall represent entities engaged in pipelaying services related to offshore construction.

“(H) 2 members shall represent individuals employed in offshore operations and, of the 2, 1 shall have recent practical experience on a vessel or offshore unit involved in the offshore mineral and energy industry.

“(I) 1 member shall represent national environmental entities.

“(J) 1 member shall represent deepwater ports.

“(K) 1 member shall represent the general public (but not a specific environmental group).

#### “§ 15107. National Navigation Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Navigation Safety Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to maritime collisions, ramblings, and groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, and aids to navigation systems.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of not more than 21 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Each member of the Committee shall represent 1 of the following:

“(A) Commercial vessel owners or operators.

“(B) Professional mariners.

“(C) Recreational boaters.

“(D) The recreational boating industry.

“(E) State agencies responsible for vessel or port safety.

“(F) The Maritime Law Association.

“(4) DISTRIBUTION.—The Secretary shall, based on the needs of the Coast Guard, determine the number of members of the Committee who represent each entity specified in paragraph (3). Neither this paragraph nor any other provision of law shall be construed to require an equal distribution of members representing each entity specified in paragraph (3).

#### “§ 15108. National Towing Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Towing Safety Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to shallow-draft inland navigation, coastal waterway navigation, and towing safety.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 18 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

“(A) 7 members shall represent the barge and towing industry, reflecting a regional geographic balance.

“(B) 1 member shall represent the offshore mineral and oil supply vessel industry.

“(C) 1 member shall represent masters and pilots of towing vessels who hold active licenses and have experience on the Western Rivers and the Gulf Intracoastal Waterway.

“(D) 1 member shall represent masters of towing vessels in offshore service who hold active licenses.

“(E) 1 member shall represent masters of active ship-docking or harbor towing vessels.

“(F) 1 member shall represent licensed and unlicensed towing vessel engineers with formal training and experience.

“(G) 2 members shall represent port districts, authorities, or terminal operators.

“(H) 2 members shall represent shippers and, of the 2, 1 shall be engaged in the shipment of oil or hazardous materials by barge.

“(I) 2 members shall represent the general public.

#### “§ 15109. Administration

“(a) MEETINGS.—Each committee established under this chapter shall, at least once each year, meet at the call of the Secretary or a majority of the members of the committee.

“(b) EMPLOYEE STATUS.—A member of a committee established under this chapter shall not be considered an employee of the Federal Government by reason of service on such committee, except for the purposes of the following:

“(1) Chapter 81 of title 5.

“(2) Chapter 171 of title 28 and any other Federal law relating to tort liability.

“(c) COMPENSATION.—Notwithstanding subsection (b), a member of a committee established under this chapter, when actually engaged in the performance of the duties of such committee, may—

“(1) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5; or

“(2) if not compensated in accordance with paragraph (1)—

“(A) be reimbursed for actual and reasonable expenses incurred in the performance of such duties; or

“(B) be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

“(d) ACCEPTANCE OF VOLUNTEER SERVICES.—A member of a committee established under this chapter may serve on such committee on a voluntary basis without pay without regard to section 1342 of title 31 or any other law.

“(e) STATUS OF MEMBERS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a member of a committee established under this chapter whom the Secretary appoints to represent an entity or group—

“(A) the member is authorized to represent the interests of the applicable entity or group; and

“(B) requirements under Federal law that would interfere with such representation and that apply to a special Government employee (as defined in section 202(a) of title 18), including requirements relating to employee conduct, political activities, ethics, conflicts of interest, and corruption, do not apply to the member.

“(2) EXCEPTION.—Notwithstanding subsection (b), a member of a committee established under this chapter shall be treated as a special Government employee for purposes of the committee service of the member if—

“(A) the Secretary appointed the member to represent the general public; or

“(B) the member, without regard to service on the committee, is a special Government employee.

“(f) SERVICE ON COMMITTEE.—

“(1) SOLICITATION OF NOMINATIONS.—Before appointing an individual as a member of a committee established under this chapter, the Secretary shall publish, in the Federal Register, a timely notice soliciting nominations for membership on such committee.

“(2) APPOINTMENTS.—

“(A) IN GENERAL.—After considering nominations received pursuant to a notice published under paragraph (1), the Secretary may, as necessary, appoint a member to the applicable committee established under this chapter.

“(B) PROHIBITION.—The Secretary shall not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to any committee established under this chapter.

“(3) SERVICE AT PLEASURE OF THE SECRETARY.—

“(A) IN GENERAL.—Each member of a committee established under this chapter shall serve at the pleasure of the Secretary.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), a member of the committee established under section 15102 may only be removed prior to the end of the term of that member for just cause.

“(4) SECURITY BACKGROUND EXAMINATIONS.—The Secretary may require an individual to have passed an appropriate security background examination before appointment to a committee established under this chapter.

“(5) PROHIBITION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a Federal employee may not be appointed as a member of a committee established under this chapter.

“(B) SPECIAL RULE FOR NATIONAL MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE.—The Secretary may appoint a Federal employee to serve as a member of the National Merchant Marine Personnel Advisory Committee to represent the interests of the United States Merchant Marine Academy and, notwithstanding paragraphs (1) and (2), may do so without soliciting, receiving, or considering nominations for such appointment.

“(6) TERMS.—

“(A) IN GENERAL.—The term of each member of a committee established under this chapter shall expire on December 31 of the third full year after the effective date of the appointment.

“(B) CONTINUED SERVICE AFTER TERM.—When the term of a member of a committee established under this chapter ends, the member, for a period not to exceed 1 year, may continue to serve as a member until a successor is appointed.

“(7) VACANCIES.—A vacancy on a committee established under this chapter shall be filled in the same manner as the original appointment.

“(8) SPECIAL RULE FOR REAPPOINTMENTS.—Notwithstanding paragraphs (1) and (2), the Secretary may reappoint a member of a committee established under this chapter for any term, other than the first term of the member, without soliciting, receiving, or considering nominations for such appointment.

“(g) STAFF SERVICES.—The Secretary shall furnish to each committee established under this chapter any staff and services considered by the Secretary to be necessary for the conduct of the committee's functions.

“(h) CHAIRMAN; VICE CHAIRMAN.—

“(1) IN GENERAL.—Each committee established under this chapter shall elect a Chairman and Vice Chairman from among the committee's members.

“(2) VICE CHAIRMAN ACTING AS CHAIRMAN.—The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

“(i) SUBCOMMITTEES AND WORKING GROUPS.—

“(1) IN GENERAL.—The Chairman of a committee established under this chapter may establish and disestablish subcommittees and working groups for any purpose consistent with the function of the committee.

“(2) PARTICIPANTS.—Subject to conditions imposed by the Chairman, members of a committee established under this chapter and additional persons drawn from entities or groups designated by this chapter to be represented on the committee or the general public may be assigned to subcommittees and working groups established under paragraph (1).

“(3) CHAIR.—Only committee members may chair subcommittees and working groups established under paragraph (1).

“(j) CONSULTATION, ADVICE, REPORTS, AND RECOMMENDATIONS.—

“(1) CONSULTATION.—

“(A) IN GENERAL.—Before taking any significant action, the Secretary shall consult with, and consider the information, advice, and recommendations of, a committee established under this chapter if the function of the committee is to advise the Secretary on matters related to the significant action.

“(B) INCLUSION.—For purposes of this paragraph, regulations proposed under chapter 45 of this title are significant actions.

“(2) ADVICE, REPORTS, AND RECOMMENDATIONS.—Each committee established under this chapter shall submit, in writing, to the Secretary its advice, reports, and recommendations, in a form and at a frequency determined appropriate by the committee.

“(3) EXPLANATION OF ACTIONS TAKEN.—Not later than 60 days after the date on which the Secretary receives recommendations from a committee under paragraph (2), the Secretary shall—

“(A) publish the recommendations on a website accessible at no charge to the public;

“(B) if the recommendations are from the committee established under section 15102, establish a mechanism for the submission of public comments on the recommendations; and

“(C) respond, in writing, to the committee regarding the recommendations, including by providing an explanation of actions taken regarding the recommendations.

“(4) SUBMISSION TO CONGRESS.—

“(A) IN GENERAL.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the advice, reports, and recommendations received from committees under paragraph (2).

“(B) ADDITIONAL SUBMISSION.—With respect to a committee established under section 70112 and to which this section applies, the Secretary shall submit the advice, reports, and recommendations received from the committee under paragraph (2) to the Committee on Homeland Security of the House of Representatives in addition to the committees specified in subparagraph (A).

“(k) OBSERVERS.—Any Federal agency with matters under such agency's administrative jurisdiction related to the function of a committee established under this chapter may designate a representative to—

“(1) attend any meeting of such committee; and

“(2) participate as an observer at meetings of such committee that relate to such a matter.

“(l) TERMINATION.—Each committee established under this chapter shall terminate on September 30, 2027.”

(b) CLERICAL AMENDMENT.—The analysis for subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 147 the following:

“Part K—National Maritime Transportation Advisory Committees

“151. National Maritime Transportation Advisory Committees ..... 15101”.

(c) CONFORMING AMENDMENTS.—

(1) COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE.—Section 4508 of title 46, United

States Code, and the item relating to that section in the analysis for chapter 45 of that title, are repealed.

(2) **MERCHANT MARINER MEDICAL ADVISORY COMMITTEE.**—Section 7115 of title 46, United States Code, and the item relating to that section in the analysis for chapter 71 of that title, are repealed.

(3) **MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE.**—

(A) **REPEAL.**—Section 8108 of title 46, United States Code, and the item relating to that section in the analysis for chapter 81 of that title, are repealed.

(B) **CONFORMING AMENDMENT.**—Section 7510(c)(1)(C) of title 46, United States Code, is amended by inserting “National” before “Merchant Marine”.

(4) **NATIONAL BOATING SAFETY ADVISORY COUNCIL.**—

(A) **REPEAL.**—Section 13110 of title 46, United States Code, and the item relating to that section in the analysis for chapter 131 of that title, are repealed.

(B) **CONFORMING AMENDMENTS.**—

(i) **REGULATIONS.**—Section 4302(c)(4) of title 46, United States Code, is amended by striking “Council established under section 13110 of this title” and inserting “Committee established under section 15105 of this title”.

(ii) **REPAIR AND REPLACEMENT OF DEFECTS.**—Section 4310(f) of title 46, United States Code, is amended by striking “Advisory Council” and inserting “Advisory Committee”.

(5) **NAVIGATION SAFETY ADVISORY COUNCIL.**—Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is repealed.

(6) **TOWING SAFETY ADVISORY COMMITTEE.**—

(A) **REPEAL.**—Public Law 96-380 (33 U.S.C. 1231a) is repealed.

(B) **CONFORMING AMENDMENTS.**—

(i) **REDUCTION OF OIL SPILLS FROM SINGLE HULL NON-SELF-PROPELLED TANK VESSELS.**—Section 3719 of title 46, United States Code, is amended by inserting “National” before “Towing Safety”.

(ii) **SAFETY EQUIPMENT.**—Section 4102(f)(1) of title 46, United States Code, is amended by inserting “National” before “Towing Safety”.

(d) **TREATMENT OF EXISTING COUNCILS AND COMMITTEES.**—Notwithstanding any other provision of law—

(1) an advisory council or committee substantially similar to an advisory committee established under chapter 151 of title 46, United States Code, as added by this Act, and that was in force or in effect on the day before the date of enactment of this section, including a council or committee the authority for which was repealed under subsection (c), may remain in force or in effect for a period of 2 years from the date of enactment of this section, including that the charter, membership, and other aspects of the council or committee may remain in force or in effect; and

(2) during the 2-year period referenced in paragraph (1)—

(A) requirements relating to the applicable advisory committee established under chapter 151 of title 46, United States Code, shall be treated as satisfied by the substantially similar advisory council or committee; and

(B) the enactment of this section, including the amendments made in this section, shall not be the basis—

(i) to deem, find, or declare such council or committee, including the charter, membership, and other aspects thereof, void, not in force, or not in effect;

(ii) to suspend the activities of such council or committee; or

(iii) to bar the members of such council or committee from meeting.

## SEC. 602. MARITIME SECURITY ADVISORY COMMITTEES.

(a) **IN GENERAL.**—Section 70112 of title 46, United States Code, is amended to read as follows:

### “§ 70112. Maritime Security Advisory Committees

“(A) **NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.**—

“(1) **ESTABLISHMENT.**—There is established a National Maritime Security Advisory Committee (in this subsection referred to as the ‘Committee’).

“(2) **FUNCTION.**—The Committee shall advise the Secretary on matters relating to national maritime security, including on enhancing the sharing of information related to cybersecurity risks that may cause a transportation security incident, between relevant Federal agencies and—

“(A) State, local, and tribal governments;

“(B) relevant public safety and emergency response agencies;

“(C) relevant law enforcement and security organizations;

“(D) maritime industry;

“(E) port owners and operators; and

“(F) terminal owners and operators.

“(3) **MEMBERSHIP.**—

“(A) **IN GENERAL.**—The Committee shall consist of at least 8 members, but not more than 21 members, appointed by the Secretary in accordance with this subsection and section 15109 of this title.

“(B) **EXPERTISE.**—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(C) **REPRESENTATION.**—Each of the following shall be represented by at least 1 member of the Committee:

“(i) Port authorities.

“(ii) Facilities owners and operators.

“(iii) Terminal owners and operators.

“(iv) Vessel owners and operators.

“(v) Maritime labor organizations.

“(vi) The academic community.

“(vii) State and local governments.

“(viii) The maritime industry.

“(D) **DISTRIBUTION.**—If the Committee consists of at least 8 members who, together, satisfy the minimum representation requirements of subparagraph (C), the Secretary shall, based on the needs of the Coast Guard, determine the number of additional members of the Committee who represent each entity specified in that subparagraph. Neither this subparagraph nor any other provision of law shall be construed to require an equal distribution of members representing each entity specified in subparagraph (C).

“(4) **ADMINISTRATION.**—For purposes of section 15109 of this title, the Committee shall be treated as a committee established under chapter 151 of such title.

“(b) **AREA MARITIME SECURITY ADVISORY COMMITTEES.**—

“(1) **IN GENERAL.**—

“(A) **ESTABLISHMENT.**—The Secretary may—

“(i) establish an Area Maritime Security Advisory Committee for any port area of the United States; and

“(ii) request such a committee to review the proposed Area Maritime Transportation Security Plan developed under section 70103(b) and make recommendations to the Secretary that the committee considers appropriate.

“(B) **ADDITIONAL FUNCTIONS AND MEETINGS.**—A committee established under this subsection for an area—

“(i) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to maritime security in that area;

“(ii) may make available to the Congress recommendations that the committee makes to the Secretary; and

“(iii) shall meet at the call of—

“(I) the Secretary, who shall call such a meeting at least once during each calendar year; or

“(II) a majority of the committee.

“(2) **MEMBERSHIP.**—

“(A) **IN GENERAL.**—Each committee established under this subsection shall consist of at least 7 members appointed by the Secretary, each of whom has at least 5 years practical experience in maritime security operations.

“(B) **TERMS.**—The term of each member of a committee established under this subsection shall be for a period of not more than 5 years, specified by the Secretary.

“(C) **NOTICE.**—Before appointing an individual to a position on a committee established under this subsection, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the committee.

“(D) **BACKGROUND EXAMINATIONS.**—The Secretary may require an individual to have passed an appropriate security background examination before appointment to a committee established under this subsection.

“(E) **REPRESENTATION.**—Each committee established under this subsection shall be composed of individuals who represent the interests of the port industry, terminal operators, port labor organizations, and other users of the port areas.

“(3) **CHAIRPERSON AND VICE CHAIRPERSON.**—

“(A) **IN GENERAL.**—Each committee established under this subsection shall elect 1 of the committee's members as the Chairperson and 1 of the committee's members as the Vice Chairperson.

“(B) **VICE CHAIRPERSON ACTING AS CHAIRPERSON.**—The Vice Chairperson shall act as Chairperson in the absence or incapacity of the Chairperson, or in the event of a vacancy in the office of the Chairperson.

“(4) **OBSERVERS.**—

“(A) **IN GENERAL.**—The Secretary shall, and the head of any other interested Federal agency may, designate a representative to participate as an observer with a committee established under this subsection.

“(B) **ROLE.**—The Secretary's designated representative to a committee established under this subsection shall act as the executive secretary of the committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

“(5) **CONSIDERATION OF VIEWS.**—The Secretary shall consider the information, advice, and recommendations of each committee established under this subsection in formulating policy regarding matters affecting maritime security.

“(6) **COMPENSATION AND EXPENSES.**—

“(A) **IN GENERAL.**—A member of a committee established under this subsection, when attending meetings of the committee or when otherwise engaged in the business of the committee, is entitled to receive—

“(i) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS-15 of the General Schedule under section 5332 of title 5 including travel time; and

“(ii) travel or transportation expenses under section 5703 of title 5.

“(B) **STATUS.**—A member of a committee established under this subsection shall not be considered to be an officer or employee of the United States for any purpose based on the receipt of any payment under this paragraph.

“(7) **FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to

a committee established under this subsection.”.

(b) TREATMENT OF EXISTING COMMITTEE.—Notwithstanding any other provision of law—

(1) an advisory committee substantially similar to the National Maritime Security Advisory Committee established under section 70112(a) of title 46, United States Code, as amended by this section, and that was in force or in effect on the day before the date of enactment of this section, may remain in force or in effect for a period of 2 years from the date of enactment of this section, including that the charter, membership, and other aspects of the committee may remain in force or in effect; and

(2) during the 2-year period referenced in paragraph (1)—

(A) requirements relating to the National Maritime Security Advisory Committee established under section 70112(a) of title 46, United States Code, as amended by this section, shall be treated as satisfied by the substantially similar advisory committee; and

(B) the enactment of this section, including the amendments made in this section, shall not be the basis—

(i) to deem, find, or declare such committee, including the charter, membership, and other aspects thereof, void, not in force, or not in effect;

(ii) to suspend the activities of such committee; or

(iii) to bar the members of such committee from meeting.

#### TITLE VII—FEDERAL MARITIME COMMISSION

##### SEC. 701. SHORT TITLE.

This title may be cited as the “Federal Maritime Commission Authorization Act of 2017”.

##### SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

Section 308 of title 46, United States Code, is amended by striking “\$24,700,000 for each of fiscal years 2016 and 2017” and inserting “\$28,012,310 for fiscal year 2018 and \$28,544,543 for fiscal year 2019”.

##### SEC. 703. REPORTING ON IMPACT OF ALLIANCES ON COMPETITION.

Section 306 of title 46, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking “; and” and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(6) an analysis of the impacts on competition for the purchase of certain covered services by alliances of ocean common carriers acting pursuant to an agreement under this part between or among ocean common carriers, including a summary of actions, including corrective actions, taken by the Commission to promote such competition.”; and

(2) by adding at the end the following:

“(c) DEFINITION OF CERTAIN COVERED SERVICES.—In this section, the term ‘certain covered services’ has the meaning given the term in section 40102.”.

##### SEC. 704. DEFINITION OF CERTAIN COVERED SERVICES.

Section 40102 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (5) through (25) as paragraphs (6) through (26), respectively; and

(2) by inserting after paragraph (4), the following:

“(5) CERTAIN COVERED SERVICES.—For purposes of sections 41105 and 41307, the term ‘certain covered services’ means, with respect to a vessel—

“(A) the berthing or bunkering of the vessel;

“(B) the loading or unloading of cargo to or from the vessel to or from a point on a wharf or terminal;

“(C) the positioning, removal, or replacement of buoys related to the movement of the vessel; and

“(D) with respect to injunctive relief under section 41307, towing vessel services provided to such a vessel.”.

##### SEC. 705. REPORTS FILED WITH THE COMMISSION.

Section 40104(a) of title 46, United States Code, is amended to read as follows:

“(a) REPORTS.—

“(1) IN GENERAL.—The Federal Maritime Commission may require a common carrier or marine terminal operator, or an officer, receiver, trustee, lessee, agent, or employee of the common carrier or marine terminal operator to file with the Commission a periodical or special report, an account, record, rate, or charge, or a memorandum of facts and transactions related to the business of the common carrier or marine terminal operator, as applicable.

“(2) REQUIREMENTS.—Any report, account, record, rate, charge, or memorandum required to be filed under paragraph (1) shall—

“(A) be made under oath if the Commission requires; and

“(B) be filed in the form and within the time prescribed by the Commission.

“(3) LIMITATION.—The Commission shall—

“(A) limit the scope of any filing ordered under this section to fulfill the objective of the order; and

“(B) provide a reasonable period of time for respondents to respond based upon their capabilities and the scope of the order.”.

##### SEC. 706. PUBLIC PARTICIPATION.

(a) NOTICE OF FILING.—Section 40304(a) of title 46, United States Code, is amended to read as follows:

“(a) NOTICE OF FILING.—Not later than 7 days after the date an agreement is filed, the Federal Maritime Commission shall—

“(1) transmit a notice of the filing to the Federal Register for publication; and

“(2) request interested persons to submit relevant information and documents.”.

(b) REQUEST FOR INFORMATION AND DOCUMENTS.—Section 40304(d) of title 46, United States Code, is amended by striking “section” and inserting “part”.

(c) SAVING CLAUSE.—Nothing in this section, or the amendments made by this section, may be construed—

(1) to prevent the Federal Maritime Commission from requesting from a person, at any time, any additional information or documents the Commission considers necessary to carry out chapter 403 of title 46, United States Code;

(2) to prescribe a specific deadline for the submission of relevant information and documents in response to a request under section 40304(a)(2) of title 46, United States Code; or

(3) to limit the authority of the Commission to request information under section 40304(d) of title 46, United States Code.

##### SEC. 707. OCEAN TRANSPORTATION INTERMEDIARIES.

(a) LICENSE REQUIREMENT.—Section 40901(a) of title 46, United States Code, is amended by inserting “advertise, hold oneself out, or” after “may not”.

(b) APPLICABILITY.—Section 40901 of title 46, United States Code, is amended by adding at the end the following:

“(c) APPLICABILITY.—Subsection (a) and section 40902 do not apply to a person that performs ocean transportation intermediary services on behalf of an ocean transportation intermediary for which it is a disclosed agent.”.

(c) FINANCIAL RESPONSIBILITY.—Section 40902(a) of title 46, United States Code, is

amended by inserting “advertise, hold oneself out, or” after “may not”.

##### SEC. 708. COMMON CARRIERS.

(a) Section 41104 of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting “(a) IN GENERAL.—” before “A common carrier”; and

(2) in subsection (a), as designated—

(A) by amending paragraph (11) to read as follows:

“(11) knowingly and willfully accept cargo from or transport cargo for the account of a non-vessel-operating common carrier that does not have a tariff as required by section 40501 of this title, or an ocean transportation intermediary that does not have a bond, insurance, or other surety as required by section 40902 of this title;”; and

(B) in paragraph (12), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(13) continue to participate simultaneously in a rate discussion agreement and an agreement to share vessels, in the same trade, if the interplay of the authorities exercised by the specified agreements is likely, by a reduction in competition, to produce an unreasonable reduction in transportation service or an unreasonable increase in transportation cost.”; and

(3) by adding at the end the following:

“(b) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, there is no private right of action to enforce the prohibition under subsection (a)(13).

“(c) AGREEMENT VIOLATION.—Participants in an agreement found by the Commission to violate subsection (a)(13) shall have 90 days from the date of such Commission finding to withdraw from the agreement as necessary to comply with that subsection.”.

(b) APPLICATION.—Section 41104(a)(13) of title 46, United States Code, as amended, shall apply to any agreement filed or with an effective date before, on, or after the date of enactment of this Act.

##### SEC. 709. NEGOTIATIONS.

(a) CONCERTED ACTION.—Section 41105 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (5) through (8) as paragraphs (7) through (10), respectively; and

(2) by inserting after paragraph (4) the following:

“(5) negotiate with a tug or towing vessel service provider on any matter relating to rates or services provided within the United States by those tugs or towing vessels;

“(6) with respect to a vessel operated by an ocean common carrier within the United States, negotiate for the purchase of certain covered services, unless the negotiations and any resulting agreements are not in violation of the antitrust laws and are consistent with the purposes of this part, except that this paragraph does not prohibit the setting and publishing of a joint through rate by a conference, joint venture, or association of ocean common carriers.”.

(b) AUTHORITY.—Chapter 411 of title 46, United States Code, is amended—

(1) by inserting after section 41105 the following:

##### “§ 41105A. Authority

“Nothing in section 41105, as amended by the Federal Maritime Commission Authorization Act of 2017, shall be construed to limit the authority of the Department of Justice regarding antitrust matters.”; and

(2) in the analysis at the beginning of chapter 411, by inserting after the item relating to section 41105 the following:

“41105A. Authority.”.

(c) EXEMPTION.—Section 40307(b)(1) of title 46, United States Code, is amended by inserting “tug operators,” after “motor carriers,”.

**SEC. 710. INJUNCTIVE RELIEF SOUGHT BY THE COMMISSION.**

(a) IN GENERAL.—Section 41307(b) of title 46, United States Code is amended—

(1) in paragraph (1) by inserting “or to substantially lessen competition in the purchasing of certain covered services” after “transportation cost”; and

(2) by adding at the end the following:

“(4) COMPETITION FACTORS.—In making a determination under this subsection regarding whether an agreement is likely to substantially lessen competition in the purchasing of certain covered services, the Commission may consider any relevant competition factors in affected markets, including, without limitation, the competitive effect of agreements other than the agreement under review.”

(b) APPLICATION.—Section 41307(b) of title 46, United States Code, as amended, shall apply to any agreement filed or with an effective date before, on, or after the date of enactment of this Act.

**SEC. 711. DISCUSSIONS.**

(a) IN GENERAL.—Section 303 of title 46, United States Code, is amended to read as follows:

**“§ 303. Meetings**

“(a) IN GENERAL.—The Federal Maritime Commission shall be deemed to be an agency for purposes of section 552b of title 5.

“(b) RECORD.—The Commission, through its secretary, shall keep a record of its meetings and the votes taken on any action, order, contract, or financial transaction of the Commission.

“(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

“(1) IN GENERAL.—Notwithstanding section 552b of title 5, a majority of the Commissioners may hold a meeting that is not open to public observation to discuss official agency business if—

“(A) no formal or informal vote or other official agency action is taken at the meeting;

“(B) each individual present at the meeting is a Commissioner or an employee of the Commission;

“(C) at least 1 Commissioner from each political party is present at the meeting, if applicable; and

“(D) the General Counsel of the Commission is present at the meeting.

“(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Except as provided under paragraph (3), not later than 2 business days after the conclusion of a meeting under paragraph (1), the Commission shall make available to the public, in a place easily accessible to the public—

“(A) a list of the individuals present at the meeting; and

“(B) a summary of the matters discussed at the meeting, except for any matters the Commission properly determines may be withheld from the public under section 552b(c) of title 5.

“(3) EXCEPTION.—If the Commission properly determines matters may be withheld from the public under section 552b(c) of title 5, the Commission shall provide a summary with as much general information as possible on those matters withheld from the public.

“(4) ONGOING PROCEEDINGS.—If a meeting under paragraph (1) directly relates to an ongoing proceeding before the Commission, the Commission shall make the disclosure under paragraph (2) on the date of the final Commission decision.

“(5) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this subsection may be construed to limit the applicability of section 552b of title 5 with respect to a meeting of the Commissioners other than that described in this subsection.

“(6) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed—

“(A) to limit the applicability of section 552b of title 5 with respect to any information which is proposed to be withheld from the public under paragraph (2)(B) of this subsection; or

“(B) to authorize the Commission to withhold from any individual any record that is accessible to that individual under section 552a of title 5.”

(b) TABLE OF CONTENTS.—The analysis at the beginning of chapter 3 of title 46, United States Code, is amended by amending the item relating to section 303 to read as follows:

“303. Meetings.”

**SEC. 712. TRANSPARENCY.**

(a) IN GENERAL.—Beginning not later than 60 days after the date of enactment of this Act, the Federal Maritime Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives biannual reports that describe the Commission's progress toward addressing the issues raised in each unfinished regulatory proceeding, regardless of whether the proceeding is subject to a statutory or regulatory deadline.

(b) FORMAT OF REPORTS.—Each report under subsection (a) shall, among other things, clearly identify for each unfinished regulatory proceeding—

- (1) the popular title;
- (2) the current stage of the proceeding;
- (3) an abstract of the proceeding;
- (4) what prompted the action in question;
- (5) any applicable statutory, regulatory, or judicial deadline;
- (6) the associated docket number;
- (7) the date the rulemaking was initiated;
- (8) a date for the next action; and
- (9) if a date for next action identified in the previous report is not met, the reason for the delay.

**SEC. 713. STUDY OF BANKRUPTCY PREPARATION AND RESPONSE.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study that examines the immediate aftermath of a major ocean carrier bankruptcy and its impact through the supply chain. The study shall consider any financial mechanisms that could be used to mitigate the impact of any future bankruptcy events on the supply chain.

(b) REPORT.—No later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the findings, conclusions, and recommendations, if any, from the study required under subsection (a).

**SEC. 714. AGREEMENTS UNAFFECTED.**

Nothing in this Act may be construed—

- (1) to limit or amend the definition of “agreement” in section 40102(1) of title 46, United States Code, with respect to the exclusion of maritime labor agreements; or
- (2) to apply to a maritime labor agreement (as defined in section 40102(15) of that title).

**TITLE VIII—MISCELLANEOUS****SEC. 801. REPEAL OF OBSOLETE REPORTING REQUIREMENT.**

Subsection (h) of section 888 of the Homeland Security Act of 2002 (6 U.S.C. 468) is repealed.

**SEC. 802. CORRECTIONS TO PROVISIONS ENACTED BY COAST GUARD AUTHORIZATION ACTS.**

Section 604(b) of the Howard Coble Coast Guard and Maritime Transportation Act of

2014 (Public Law 113-281; 128 Stat. 3061) is amended by inserting “and fishery endorsement” after “endorsement”.

**SEC. 803. OFFICER EVALUATION REPORT.**

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Commandant of the Coast Guard shall reduce lieutenant junior grade evaluation reports to the same length as an ensign or place lieutenant junior grade evaluations on an annual schedule.

(b) SURVEYS.—Not later than 1 year after the date of the enactment of this Act, the Commandant of the Coast Guard shall conduct surveys of—

(1) outgoing promotion board members and assignment officers to determine, at a minimum—

(A) which sections of the officer evaluation report were most useful;

(B) which sections of the officer evaluation report were least useful;

(C) how to better reflect high performers; and

(D) any recommendations for improving the officer evaluation report; and

(2) at least 10 percent of the officers from each grade of officers from O1 to O6 to determine how much time each member of the rating chain spends on that member's portion of the officer evaluation report.

(c) REVISIONS.—

(1) IN GENERAL.—Not later than 4 years after the date of the completion of the surveys required by subsection (b), the Commandant of the Coast Guard shall revise the officer evaluation report, and provide corresponding directions, taking into account the requirements under paragraph (2).

(2) REQUIREMENTS.—In revising the officer evaluation report under paragraph (1), the Commandant shall—

(A) consider the findings of the surveys under subsection (b);

(B) improve administrative efficiency;

(C) reduce and streamline performance dimensions and narrative text;

(D) eliminate redundancy with the officer specialty management system and any other record information systems that are used during the officer assignment or promotion process;

(E) provide for fairness and equity for Coast Guard officers with regard to promotion boards, selection panels, and the assignment process; and

(F) ensure officer evaluation responsibilities can be accomplished within normal working hours—

(i) to minimize any impact to officer duties; and

(ii) to eliminate any need for an officer to take liberty or leave for administrative purposes.

(d) REPORT.—

(1) IN GENERAL.—Not later than 545 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the surveys under subsection (b).

(2) FORMAT.—The report under paragraph (1) shall be formatted by each rank, type of board, and position, as applicable.

**SEC. 804. EXTENSION OF AUTHORITY.**

Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111-281; 124 Stat. 2950) is amended—

(1) in subsection (a), in the text preceding paragraph (1), by striking “sections 3304, 5333, and 5753” and inserting “section 3304”; and

(2) by striking subsection (b), and redesignating subsection (c) as subsection (b).

**SEC. 805. COAST GUARD ROTC PROGRAM.**

Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the costs and benefits of creating a Coast Guard Reserve Officers' Training Corps Program based on the other Armed Forces programs.

**SEC. 806. CURRENCY DETECTION CANINE TEAM PROGRAM.**

(a) **DEFINITIONS.**—In this section:

(1) **CANINE CURRENCY DETECTION TEAM.**—The term “canine currency detection team” means a canine and a canine handler that are trained to detect currency.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(b) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a program to allow the use of canine currency detection teams for purposes of Coast Guard maritime law enforcement, including underway vessel boardings.

(c) **OPERATION.**—The Secretary may cooperate with, or enter into an agreement with, the head of another Federal agency to meet the requirements under subsection (b).

**SEC. 807. CENTER OF EXPERTISE FOR GREAT LAKES OIL SPILL SEARCH AND RESPONSE.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall establish a Center of Expertise for Great Lakes Oil Spill Preparedness and Response (referred to in this section as the “Center of Expertise”) in accordance with section 313 of title 14, United States Code, as amended by this Act.

(b) **LOCATION.**—The Center of Expertise shall be located in close proximity to—

(1) critical crude oil transportation infrastructure on and connecting the Great Lakes, such as submerged pipelines and high-traffic navigation locks; and

(2) an institution of higher education with adequate aquatic research laboratory facilities and capabilities and expertise in Great Lakes aquatic ecology, environmental chemistry, fish and wildlife, and water resources.

(c) **FUNCTIONS.**—The Center of Expertise shall—

(1) monitor and assess, on an ongoing basis, the current state of knowledge regarding freshwater oil spill response technologies and the behavior and effects of oil spills in the Great Lakes;

(2) identify any significant gaps in Great Lakes oil spill research, including an assessment of major scientific or technological deficiencies in responses to past spills in the Great Lakes and other freshwater bodies, and seek to fill those gaps;

(3) conduct research, development, testing, and evaluation for freshwater oil spill response equipment, technologies, and techniques to mitigate and respond to oil spills in the Great Lakes;

(4) educate and train Federal, State, and local first responders located in Coast Guard District 9 in—

(A) the incident command system structure;

(B) Great Lakes oil spill response technologies and strategies; and

(C) public affairs; and

(5) work with academic and private sector response training centers to develop and standardize maritime oil spill response training and techniques for use on the Great Lakes.

(d) **DEFINITION.**—In this section, the term “Great Lakes” means Lake Superior, Lake

Michigan, Lake Huron, Lake Erie, and Lake Ontario.

**SEC. 808. PUBLIC SAFETY ANSWERING POINTS AND MARITIME SEARCH AND RESCUE COORDINATION.**

Not later than 180 days after the date of the enactment of this Act—

(1) the Secretary of the department in which the Coast Guard is operating acting through the Commandant of the Coast Guard shall review Coast Guard policies and procedures for public safety answering points and search-and-rescue coordination with State and local law enforcement entities in order to—

(A) further minimize the possibility of maritime 911 calls being improperly routed; and

(B) assure the Coast Guard is able to effectively carry out the Coast Guard's maritime search and rescue mission; and

(2) the Commandant shall—

(A) formulate a national maritime public safety answering points policy; and

(B) submit a report to the Congress on such assessment and policy, which shall include an update to the report submitted in accordance with section 233 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014.

**SEC. 809. SHIP SHOAL LIGHTHOUSE TRANSFER: REPEAL.**

Effective January 1, 2021, section 27 of the Coast Guard Authorization Act of 1991 (Public Law 102-241; 105 Stat. 2218) is repealed.

**SEC. 810. LAND EXCHANGE, AYAKULIK ISLAND, ALASKA.**

(a) **LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.**—If the owner of Ayakulik Island, Alaska, offers to exchange the Island for the Tract—

(1) within 10 days after receiving such offer, the Secretary shall provide notice of the offer to the Commandant;

(2) within 90 days after receiving the notice under paragraph (1), the Commandant shall develop and transmit to the Secretary proposed operational restrictions on commercial activity conducted on the Tract, including the right of the Commandant to—

(A) order the immediate termination, for a period of up to 72 hours, of any activity occurring on or from the Tract that violates or threatens to violate one or more of such restrictions; or

(B) commence a civil action for appropriate relief, including a permanent or temporary injunction enjoining the activity that violates or threatens to violate such restrictions;

(3) within 90 days after receiving the proposed operational restrictions from the Commandant, the Secretary shall transmit such restrictions to the owner of Ayakulik Island; and

(4) within 30 days after transmitting the proposed operational restrictions to the owner of Ayakulik Island, and if the owner agrees to such restrictions, the Secretary shall convey all right, title, and interest of the United States in and to the Tract to the owner, subject to an easement granted to the Commandant to enforce such restrictions, in exchange for all right, title, and interest of such owner in and to Ayakulik Island.

(b) **BOUNDARY REVISIONS.**—The Secretary may make technical and conforming revisions to the boundaries of the Tract before the date of the exchange.

(c) **PUBLIC LAND ORDER.**—Effective on the date of an exchange under subsection (a), Public Land Order 5550 shall have no force or effect with respect to submerged lands that are part of the Tract.

(d) **FAILURE TO TIMELY RESPOND TO NOTICE.**—If the Commandant does not transmit proposed operational restrictions to the Sec-

retary within 30 days after receiving the notice under subsection (a)(1), the Secretary shall, by not later than 60 days after transmitting such notice, convey all right, title, and interest of the United States in and to the Tract to the owner of Ayakulik Island in exchange for all right, title, and interest of such owner in and to Ayakulik Island.

(e) **CERCLA NOT AFFECTED.**—This section and an exchange under this section shall not be construed to limit the application of or otherwise affect section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(f) **DEFINITIONS.**—In this section:

(1) **COMMANDANT.**—The term “Commandant” means the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **TRACT.**—The term “Tract” means the land (including submerged land) depicted as “PROPOSED PROPERTY EXCHANGE AREA” on the survey titled “PROPOSED PROPERTY EXCHANGE PARCEL” and dated 3/22/17.

**SEC. 811. USE OF TRACT 43.**

Section 524(e)(2) of the Pribilof Island Transition Completion Act of 2016 (Public Law 114-120), as amended by section 3533 of the Pribilof Island Transition Completion Amendments Act of 2016 (subtitle B of title XXXV of Public Law 114-328), is amended by—

(1) striking “each month” and inserting “each April and October”; and

(2) striking “previous month” and inserting “previous six months”.

**SEC. 812. COAST GUARD MARITIME DOMAIN AWARENESS.**

(a) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrangement with the National Academy of Sciences not later than 60 days after the date of the enactment of this Act under which the Academy shall prepare an assessment of available unmanned, autonomous, or remotely controlled maritime domain awareness technologies for use by the Coast Guard.

(b) **ASSESSMENT.**—The assessment shall—

(1) describe the potential limitations of current and emerging unmanned technologies used in the maritime domain for—

(A) ocean observation;

(B) vessel monitoring and identification;

(C) weather observation;

(D) to the extent practicable for consideration by the Academy, intelligence gathering, surveillance, and reconnaissance; and

(E) communications;

(2) examine how technologies described in paragraph (1) can help prioritize Federal investment by examining;

(A) affordability, including acquisition, operations, and maintenance;

(B) reliability;

(C) versatility;

(D) efficiency; and

(E) estimated service life and persistence of effort; and

(3) analyze whether the use of new and emerging maritime domain awareness technologies can be used to—

(A) carry out Coast Guard missions at lower costs;

(B) expand the scope and range of Coast Guard maritime domain awareness;

(C) allow the Coast Guard to more efficiently and effectively allocate Coast Guard vessels, aircraft, and personnel; and

(D) identify adjustments that would be necessary in Coast Guard policies, procedures, and protocols to incorporate unmanned technologies to enhance efficiency.



(c) **REPORT TO CONGRESS.**—Not later than 1 year after entering into an arrangement with the Secretary under subsection (a), the National Academy of Sciences shall submit the assessment prepared under this section to the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) **USE OF INFORMATION.**—In formulating costs pursuant to subsection (b), the National Academy of Sciences may utilize information from other Coast Guard reports, assessments, or analyses regarding existing Coast Guard manpower requirements or other reports, assessments, or analyses for the acquisition of unmanned, autonomous, or remotely controlled technologies by the Federal Government.

#### **SEC. 813. MONITORING.**

(a) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating shall conduct a 1-year pilot program to determine the impact of persistent use of different types of surveillance systems on illegal maritime activities, including illegal, unreported, and unregulated fishing, in the Western Pacific region.

(b) **REQUIREMENTS.**—The pilot program shall—

(1) consider the use of light aircraft-based detection systems that can identify potential illegal activity from high altitudes and produce enforcement-quality evidence at low altitudes; and

(2) be directed at detecting and deterring illegal maritime activities, including illegal, unreported, and unregulated fishing, and enhancing maritime domain awareness.

#### **SEC. 814. REIMBURSEMENTS FOR NON-FEDERAL CONSTRUCTION COSTS OF CERTAIN AIDS TO NAVIGATION.**

(a) **IN GENERAL.**—Subject to the availability of amounts specifically provided in advance in subsequent appropriations Acts and in accordance with this section, the Commandant of the Coast Guard may reimburse a non-Federal entity for costs incurred by the entity for a covered project.

(b) **CONDITIONS.**—The Commandant may not provide reimbursement under subsection (a) with respect to a covered project unless—

(1) the need for the project is a result of the completion of construction with respect to a federally authorized navigation channel;

(2) the Commandant determines, through an appropriate navigation safety analysis, that the project is necessary to ensure safe marine transportation;

(3) the Commandant approves the design of the project to ensure that it meets all applicable Coast Guard aids-to-navigation standards and requirements;

(4) the non-Federal entity agrees to transfer the project upon completion to the Coast Guard for operation and maintenance by the Coast Guard as a Federal aid to navigation;

(5) the non-Federal entity carries out the project in accordance with the same laws and regulations that would apply to the Coast Guard if the Coast Guard carried out the project, including obtaining all permits required for the project under Federal and State law; and

(6) the Commandant determines that the project satisfies such additional requirements as may be established by the Commandant.

(c) **LIMITATIONS.**—Reimbursements under subsection (a) may not exceed the following:

(1) For a single covered project, \$5,000,000.

(2) For all covered projects in a single fiscal year, \$5,000,000.

(d) **EXPIRATION.**—The authority granted under this section shall expire on the date that is 4 years after the date of enactment of this section.

(e) **COVERED PROJECT DEFINED.**—In this section, the term “covered project” means a project carried out—

(1) by a non-Federal entity to construct and establish an aid to navigation that facilitates safe and efficient marine transportation on a Federal navigation project authorized by title I of the Water Resources Development Act of 2007 (Public Law 110-114); and

(2) in an area that was affected by Hurricane Harvey.

#### **SEC. 815. TOWING SAFETY MANAGEMENT SYSTEM FEES.**

(a) **REVIEW.**—The Commandant of the Coast Guard shall—

(1) review and compare the costs to the Government of—

(A) towing vessel inspections performed by the Coast Guard; and

(B) such inspections performed by a third party; and

(2) based on such review and comparison, determine whether the costs to the Government of such inspections performed by a third party are different than the costs to the Government of such inspections performed by the Coast Guard.

(b) **REVISION OF FEES.**—If the Commandant determines under subsection (a) that the costs to the Government of such inspections performed by a third party are different than the costs to the Government of such inspections performed by the Coast Guard, then the Commandant shall revise the fee assessed by the Coast Guard for such inspections as necessary to conform to the requirements under section 9701 of title 31, United States Code, that such fee be based on the cost to the Government of such inspections and accurately reflect such costs.

#### **SEC. 816. OIL SPILL DISBURSEMENTS AUDITING AND REPORT.**

Section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended—

(1) by repealing subsection (g);

(2) in subsection (1)(1), by striking “Within one year after the date of enactment of the Coast Guard Authorization Act of 2010, and annually thereafter,” and inserting “Each year, on the date on which the President submits to Congress a budget under section 1105 of title 31, United States Code,”; and

(3) by amending subsection (1)(2) to read as follows:

“(2) **CONTENTS.**—The report shall include—

“(A) a list of each incident that—

“(i) occurred in the preceding fiscal year; and

“(ii) resulted in disbursements from the Fund, for removal costs and damages, totaling \$500,000 or more;

“(B) a list of each incident that—

“(i) occurred in the fiscal year preceding the preceding fiscal year; and

“(ii) resulted in disbursements from the Fund, for removal costs and damages, totaling \$500,000 or more; and

“(C) an accounting of any amounts reimbursed to the Fund in the preceding fiscal year that were recovered from a responsible party for an incident that resulted in disbursements from the Fund, for removal costs and damages, totaling \$500,000 or more.”.

#### **SEC. 817. FLEET REQUIREMENTS ASSESSMENT AND STRATEGY.**

(a) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with interested Federal and non-Federal stakeholders, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report including—

(1) an assessment of Coast Guard at-sea operational fleet requirements to support its

statutory missions established in the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.); and

(2) a strategic plan for meeting the requirements identified under paragraph (1).

(b) **CONTENTS.**—The report under subsection (a) shall include—

(1) an assessment of—

(A) the extent to which the Coast Guard at-sea operational fleet requirements referred to in subsection (a)(1) are currently being met;

(B) the Coast Guard’s current fleet, its operational lifespan, and how the anticipated changes in the age and distribution of vessels in the fleet will impact the ability to meet at-sea operational requirements;

(C) fleet operations and recommended improvements to minimize costs and extend operational vessel life spans; and

(D) the number of Fast Response Cutters, Offshore Patrol Cutters, and National Security Cutters needed to meet at-sea operational requirements as compared to planned acquisitions under the current programs of record;

(2) an analysis of—

(A) how the Coast Guard at-sea operational fleet requirements are currently met, including the use of the Coast Guard’s current cutter fleet, agreements with partners, chartered vessels, and unmanned vehicle technology; and

(B) whether existing and planned cutter programs of record (including the Fast Response Cutter, Offshore Patrol Cutter, and National Security Cutter) will enable the Coast Guard to meet at-sea operational requirements; and

(3) a description of—

(A) planned manned and unmanned vessel acquisition; and

(B) how such acquisitions will change the extent to which the Coast Guard at-sea operational requirements are met.

(c) **CONSULTATION AND TRANSPARENCY.**—

(1) **CONSULTATION.**—In consulting with the Federal and non-Federal stakeholders under subsection (a), the Secretary of the department in which the Coast Guard is operating shall—

(A) provide the stakeholders with opportunities for input—

(i) prior to initially drafting the report, including the assessment and strategic plan; and

(ii) not later than 3 months prior to finalizing the report, including the assessment and strategic plan, for submission; and

(B) document the input and its disposition in the report.

(2) **TRANSPARENCY.**—All input provided under paragraph (1) shall be made available to the public.

(d) **ENSURING MARITIME COVERAGE.**—In order to meet Coast Guard mission requirements for search and rescue, ports, waterways, and coastal security, and maritime environmental response during recapitalization of Coast Guard vessels, the Coast Guard shall ensure continuity of the coverage, to the maximum extent practicable, in the locations that may lose assets.

#### **SEC. 818. NATIONAL SECURITY CUTTER.**

(a) **STANDARD METHOD FOR TRACKING.**—The Commandant of the Coast Guard may not certify an eighth National Security Cutter as Ready for Operations before the date on which the Commandant provides to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) a notification of a new standard method for tracking operational employment of Coast Guard major cutters that does not include time during which such a cutter is



away from its homeport for maintenance or repair; and

(2) a report analyzing cost and performance for different approaches to achieving varied levels of operational employment using the standard method required by paragraph (1) that, at a minimum—

(A) compares over a 30-year period the average annualized baseline cost and performances for a certified National Security Cutter that operated for 185 days away from homeport or an equivalent alternative measure of operational tempo—

(i) against the cost of a 15 percent increase in days away from homeport or an equivalent alternative measure of operational tempo for a National Security Cutter; and

(ii) against the cost of the acquisition and operation of an additional National Security Cutter; and

(B) examines the optimal level of operational employment of National Security Cutters to balance National Security Cutter cost and mission performance.

(b) CONFORMING AMENDMENTS.—

(1) Section 221(b) of the Coast Guard and Maritime Transportation Act of 2012 (126 Stat. 1560) is repealed.

(2) Section 204(c)(1) of the Coast Guard Authorization Act of 2016 (130 Stat. 35) is repealed.

#### SEC. 819. ACQUISITION PLAN FOR INLAND WATERWAY AND RIVER TENDERS AND BAY-CLASS ICEBREAKERS.

(a) ACQUISITION PLAN.—Not later than 270 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan to replace or extend the life of the Coast Guard fleet of inland waterway and river tenders, and the Bay-class icebreakers.

(b) CONTENTS.—The plan under subsection (a) shall include—

(1) an analysis of the work required to extend the life of vessels described in subsection (a);

(2) recommendations for which, if any, such vessels it is cost effective to undertake a ship-life extension or enhanced maintenance program;

(3) an analysis of the aids to navigation program to determine if advances in navigation technology may reduce the needs for physical aids to navigation;

(4) recommendations for changes to physical aids to navigation and the distribution of such aids that reduce the need for the acquisition of vessels to replace the vessels described in subsection (a);

(5) a schedule for the acquisition of vessels to replace the vessels described in subsection (a), including the date on which the first vessel will be delivered;

(6) the date such acquisition will be complete;

(7) a description of the order and location of replacement vessels;

(8) an estimate of the cost per vessel and of the total cost of the acquisition program of record; and

(9) an analysis of whether existing vessels can be used.

#### SEC. 820. GREAT LAKES ICEBREAKER ACQUISITION.

(a) ICEBREAKING ON THE GREAT LAKES.—For fiscal years 2018 and 2019, the Commandant of the Coast Guard may use funds made available pursuant to section 4902 of title 14, United States Code, as amended by this Act, for the construction of an icebreaker that is at least as capable as the Coast Guard Cutter *Mackinaw* to enhance icebreaking capacity on the Great Lakes.

(b) ACQUISITION PLAN.—Not later than 45 days after the date of enactment of this Act,

the Commandant shall submit a plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for acquiring an icebreaker described in subsections (a) and (b). Such plan shall include—

(1) the details and schedule of the acquisition activities to be completed; and

(2) a description of how the funding for Coast Guard acquisition, construction, and improvements that was appropriated under the Consolidated Appropriations Act, 2017 (Public Law 115-31) will be allocated to support the acquisition activities referred to in paragraph (1).

#### SEC. 821. POLAR ICEBREAKERS.

(a) ENHANCED MAINTENANCE PROGRAM FOR THE POLAR STAR.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Commandant of the Coast Guard shall conduct an enhanced maintenance program on Coast Guard Cutter *Polar Star* (WAGB-10) to extend the service life of such vessel until at least December 31, 2025.

(2) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of the Coast Guard Authorization Act of 2017, the Secretary of the department in which the Coast Guard is operating, in consultation with Naval Sea Systems Command, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives a detailed report describing a plan to extend the service life of the Coast Guard Cutter *Polar Star* (WAGB-10) until at least December 31, 2025, through an enhanced maintenance program.

(3) CONTENT.—The report required by paragraph (2) shall include the following:

(A) An assessment and discussion of the enhanced maintenance program recommended by the National Academies of Sciences, Engineering, and Medicine's Committee on Polar Icebreaker Cost Assessment in the letter report "Acquisition and Operation of Polar Icebreakers: Fulfilling the Nation's Needs".

(B) An assessment and discussion of the Government Accountability Office's concerns and recommendations regarding service life extension work on Coast Guard Cutter *Polar Star* (WAGB-10) in the report "Status of the Coast Guard's Polar Icebreaking Fleet Capability and Recapitalization Plan".

(C) Based upon a materiel condition assessment of the Coast Guard Cutter *Polar Star* (WAGB-10)—

(i) a description of the service life extension needs of the vessel;

(ii) detailed information regarding planned shipyard work for each fiscal year to meet such needs; and

(iii) an estimate of the amount needed to be appropriated to complete the enhanced maintenance program.

(D) A plan to ensure the vessel will maintain seasonally operational status during the enhanced maintenance program.

(4) AUTHORIZATION OF APPROPRIATIONS.—The Commandant of the Coast Guard may use funds made available pursuant to section 4902 of title 14, United States Code, as amended by section 202 of this Act, for the enhanced maintenance program described in the report required by subsection (a).

(b) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2012; AMENDMENT.—Section 222 of the Coast Guard and Maritime Transportation Act of 2012 (Public Law 112-213), as amended, is further amended as follows:

(1) by striking subsections (a) through (d);

(2) by redesignating subsections (e) through (g) as subsections (a) through (c), respectively;

(3) in subsection (a), as redesignated—

(A) in the matter preceding paragraph (1), by striking "Except as provided in subsection (c), the Commandant" and inserting "The Commandant";

(B) in paragraph (1) by striking "Polar Sea or";

(C) in paragraph (2) by striking "either of the vessels" and inserting "the Polar Star or the Polar Sea"; and

(D) in paragraph (3) by striking "either of the vessels" each place it appears and inserting "the Polar Star".

#### SEC. 822. STRATEGIC ASSETS IN THE ARCTIC.

(a) DEFINITION OF ARCTIC.—In this section, the term "Arctic" has the meaning given the term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Arctic continues to grow in significance to both the national security interests and the economic prosperity of the United States; and

(2) the Coast Guard must ensure it is positioned to respond to any accident, incident, or threat with appropriate assets.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard, in consultation with the Secretary of Defense and taking into consideration the Department of Defense 2016 Arctic Strategy, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress toward implementing the strategic objectives described in the United States Coast Guard Arctic Strategy dated May 2013.

(d) CONTENTS.—The report under subsection (c) shall include—

(1) a description of the Coast Guard's progress toward each strategic objective identified in the United States Coast Guard Arctic Strategy dated May 2013;

(2) an assessment of the assets and infrastructure necessary to meet the strategic objectives identified in the United States Coast Guard Arctic Strategy dated May 2013 based on factors such as—

(A) response time;

(B) coverage area;

(C) endurance on scene;

(D) presence; and

(E) deterrence;

(3) an analysis of the sufficiency of the distribution of National Security Cutters, Offshore Patrol Cutters, and Fast Response Cutters both stationed in various Alaskan ports and in other locations to meet the strategic objectives identified in the United States Coast Guard Arctic Strategy, dated May 2013;

(4) plans to provide communications throughout the entire Coastal Western Alaska Captain of the Port zone to improve waterway safety and mitigate close calls, collisions, and other dangerous interactions between the shipping industry and subsistence hunters;

(5) plans to prevent marine casualties, when possible, by ensuring vessels avoid environmentally sensitive areas and permanent security zones;

(6) an explanation of—

(A) whether it is feasible to establish a vessel traffic service, using existing resources or otherwise; and

(B) whether an Arctic Response Center of Expertise is necessary to address the gaps in experience, skills, equipment, resources, training, and doctrine to prepare, respond to, and recover spilled oil in the Arctic; and

(7) an assessment of whether sufficient agreements are in place to ensure the Coast Guard is receiving the information it needs to carry out its responsibilities.

#### SEC. 823. ARCTIC PLANNING CRITERIA.

##### (a) ALTERNATIVE PLANNING CRITERIA.—

(1) IN GENERAL.—For purposes of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), the Commandant of the Coast Guard may approve a vessel response plan under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) for a vessel operating in any area covered by the Captain of the Port Zone (as established by the Commandant) that includes the Arctic, if the Commandant verifies that—

(A) equipment required to be available for response under the plan has been tested and proven capable of operating in the environmental conditions expected in the area in which it is intended to be operated; and

(B) the operators of such equipment have conducted training on the equipment within the area covered by such Captain of the Port Zone.

(2) POST-APPROVAL REQUIREMENTS.—In approving a vessel response plan under paragraph (1), the Commandant shall—

(A) require that the oil spill removal organization identified in the vessel response plan conduct regular exercises and drills using the response resources identified in the plan in the area covered by the Captain of the Port Zone that includes the Arctic; and

(B) allow such oil spill removal organization to take credit for a response to an actual spill or release in the area covered by such Captain of the Port Zone, instead of conducting an exercise or drill required under subparagraph (A), if the oil spill removal organization—

(i) documents which exercise or drill requirements were met during the response; and

(ii) submits a request for credit to, and receives approval from, the Commandant.

##### (b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the oil spill prevention and response capabilities for the area covered by the Captain of the Port Zone (as established by the Commandant) that includes the Arctic.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) A description of equipment and assets available for response under the vessel response plans approved for vessels operating in the area covered by the Captain of the Port Zone, including details on any providers of such equipment and assets.

(B) A description of the location of such equipment and assets, including an estimate of the time to deploy the equipment and assets.

(C) A determination of how effectively such equipment and assets are distributed throughout the area covered by the Captain of the Port Zone.

(D) A statement regarding whether the ability to maintain and deploy such equipment and assets is taken into account when measuring the equipment and assets available throughout the area covered by the Captain of the Port Zone.

(E) A validation of the port assessment visit process and response resource inventory for response under the vessel response plans approved for vessels operating in the area covered by the Captain of the Port Zone.

(F) A determination of the compliance rate with Federal vessel response plan regula-

tions in the area covered by the Captain of the Port Zone during the previous 3 years.

(G) A description of the resources needed throughout the area covered by the Captain of the Port Zone to conduct port assessments, exercises, response plan reviews, and spill responses.

(c) DEFINITION OF ARCTIC.—In this section, the term “Arctic” has the meaning given the term under section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

#### SEC. 824. VESSEL RESPONSE PLAN AUDIT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall complete and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive review of the processes and resources used by the Coast Guard to implement vessel response plan requirements under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).

(b) REQUIRED ELEMENTS OF REVIEW.—The review required under subsection (a) shall, at a minimum, include—

(1) a study, or an audit if appropriate, of the processes the Coast Guard uses—

(A) to approve the vessel response plans referred to in subsection (a);

(B) to approve alternate planning criteria used in lieu of National Planning Criteria in approving such plans;

(C) to verify compliance with such plans; and

(D) to act in the event of a failure to comply with the requirements of such plans;

(2) an examination of all Federal and State agency resources used by the Coast Guard in carrying out the processes identified under paragraph (1), including—

(A) the current staffing model and organization;

(B) data, software, simulators, systems, or other technology, including those pertaining to weather, oil spill trajectory modeling, and risk management;

(C) the total amount of time per fiscal year expended by Coast Guard personnel to approve and verify compliance with vessel response plans; and

(D) the average amount of time expended by the Coast Guard for approval of, and verification of compliance with, a single vessel response plan;

(3) an analysis of how, including by what means or methods, the processes identified under paragraph (1)—

(A) ensure compliance with applicable law;

(B) are implemented by the Coast Guard, including at the district and sector levels;

(C) are informed by public comment and engagement with States, Indian Tribes, and other regional stakeholders;

(D) ensure availability and adequate operational capability and capacity of required assets and equipment, including in cases in which contractual obligations may limit the availability of such assets and equipment for response;

(E) provide for adequate asset and equipment mobilization time requirements, particularly with respect to—

(i) calculation and establishment of such requirements;

(ii) verifying compliance with such requirements; and

(iii) factoring in weather, including specific regional adverse weather as defined in section 155.1020 of title 33, Code of Federal Regulations, in calculating, establishing, and verifying compliance with such requirements;

(F) ensure response plan updates and vessel compliance when changes occur in response

planning criteria, asset and equipment mobilization times, or regional response needs, such as trends in transportation of high gravity oils or changes in vessel traffic volume; and

(G) enable effective action by the Coast Guard in the event of a failure to comply with response plan requirements;

(4) a determination regarding whether asset and equipment mobilization time requirements under approved vessel response plans can be met by the vessels to which they apply; and

(5) recommendations for improving the processes identified under paragraph (1), including recommendations regarding the sufficiency of Coast Guard resources dedicated to those processes.

#### SEC. 825. WATERS DEEMED NOT NAVIGABLE WATERS OF THE UNITED STATES FOR CERTAIN PURPOSES.

For purposes of the application of subtitle II of title 46, United States Code, to the *Volunteer* (Hull Number CCA4108), the Illinois and Michigan Canal is deemed to not be navigable waters of the United States.

#### SEC. 826. DOCUMENTATION OF RECREATIONAL VESSELS.

Coast Guard personnel performing nonrecreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform recreational vessel documentation under section 12114 of such title in any fiscal year in which—

(1) funds available for Coast Guard operating expenses may not be used for expenses incurred for recreational vessel documentation;

(2) fees collected from owners of yachts and credited to such use are insufficient to pay expenses of recreational vessel documentation; and

(3) there is a backlog of applications for recreational vessel documentation.

#### SEC. 827. EQUIPMENT REQUIREMENTS; EXEMPTION FROM THROWABLE PERSONAL FLOTATION DEVICES REQUIREMENT.

Not later than one year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall—

(1) prescribe regulations in part 160 of title 46, Code of Federal Regulations, that treat a marine throw bag, as that term is commonly used in the commercial whitewater rafting industry, as a type of lifesaving equipment; and

(2) revise section 175.17 of title 33, Code of Federal Regulations, to exempt rafts that are 16 feet or more overall in length from the requirement to carry an additional throwable personal flotation device when such a marine throw bag is onboard and accessible.

#### SEC. 828. VISUAL DISTRESS SIGNALS AND ALTERNATIVE USE.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall develop a performance standard for the alternative use and possession of visual distress alerting and locating signals as mandated by carriage requirements for recreational boats in subpart C of part 175 of title 33, Code of Federal Regulations.

(b) REGULATIONS.—Not later than 180 days after the performance standard for alternative use and possession of visual distress alerting and locating signals is finalized, the Secretary shall revise part 175 of title 33, Code of Federal Regulations, to allow for carriage of such alternative signal devices.

#### SEC. 829. RADAR REFRESHER TRAINING.

Not later than 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prescribe a final rule eliminating

the requirement that a mariner actively using the mariner's credential complete an approved refresher or recertification course to maintain a radar observer endorsement. This rulemaking shall be exempt from chapters 5 and 6 of title 5, United States Code, and Executive Orders 12866 and 13563.

**SEC. 830. COMMERCIAL FISHING VESSEL SAFETY NATIONAL COMMUNICATIONS PLAN.**

(a) **REQUIREMENT FOR PLAN.**—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a national communications plan for the purposes of—

(1) disseminating information to the commercial fishing vessel industry;

(2) conducting outreach with the commercial fishing vessel industry;

(3) facilitating interaction with the commercial fishing vessel industry; and

(4) releasing information collected under section 15102 of title 46, United States Code, as added by this Act, to the commercial fishing vessel industry.

(b) **CONTENT.**—The plan required by subsection (a), and each annual update, shall—

(1) identify staff, resources, and systems available to the Secretary to ensure the widest dissemination of information to the commercial fishing vessel industry;

(2) include a means to document all communication and outreach conducted with the commercial fishing vessel industry; and

(3) include a mechanism to measure effectiveness of such plan.

(c) **IMPLEMENTATION.**—Not later than one year after submission of the initial plan, the Secretary of the department in which the Coast Guard is operating shall implement the plan and shall at a minimum—

(1) leverage Coast Guard staff, resources, and systems available;

(2) monitor implementation nationwide to ensure adherence to plan contents;

(3) allow each Captain of the Port to adopt the most effective strategy and means to communicate with commercial fishing vessel industry in that Captain of the Port Zone;

(4) document communication and outreach; and

(5) solicit feedback from the commercial fishing vessel industry.

(d) **REPORT AND UPDATES.**—The Secretary of the department in which the Coast Guard is operating shall—

(1) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the effectiveness of the plan to date and any updates to ensure maximum impact of the plan one year after the date of enactment of this Act, and every 4 years thereafter; and

(2) include in such report input from individual Captains of the Port and any feedback received from the commercial fishing vessel industry.

**SEC. 831. ATLANTIC COAST PORT ACCESS ROUTE STUDY RECOMMENDATIONS.**

Not later than 30 days after the date of the enactment of the Act, the Commandant of the Coast Guard shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of action taken to carry out the recommendations contained in the final report issued by the Atlantic Coast Port Access Route Study (ACPARS) workgroup for which notice of availability was published March 14, 2016 (81 Fed. Reg. 13307).

**SEC. 832. DRAWBRIDGES.**

Section 5 of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved August 18, 1894 (33 U.S.C. 499), is amended by adding at the end the following:

“(d) **TEMPORARY CHANGES TO DRAWBRIDGE OPERATING SCHEDULES.**—Notwithstanding section 553 of title 5, United States Code, whenever a temporary change to the operating schedule of a drawbridge, lasting 180 days or less—

“(1) is approved—

“(A) the Secretary of the department in which the Coast Guard is operating shall—

“(i) issue a deviation approval letter to the bridge owner; and

“(ii) announce the temporary change in—

“(I) the Local Notice to Mariners;

“(II) a broadcast notice to mariners and through radio stations; or

“(III) such other local media as the Secretary considers appropriate; and

“(B) the bridge owner, except a railroad bridge owner, shall notify—

“(i) the public by publishing notice of the temporary change in a newspaper of general circulation published in the place where the bridge is located;

“(ii) the department, agency, or office of transportation with jurisdiction over the roadway that abuts the approaches to the bridge; and

“(iii) the law enforcement organization with jurisdiction over the roadway that abuts the approaches to the bridge; or

“(2) is denied, the Secretary of the department in which the Coast Guard is operating shall—

“(A) not later than 10 days after the date of receipt of the request, provide the bridge owner in writing the reasons for the denial, including any supporting data and evidence used to make the determination; and

“(B) provide the bridge owner a reasonable opportunity to address each reason for the denial and resubmit the request.

“(e) **DRAWBRIDGE MOVEMENTS.**—The Secretary of the department in which the Coast Guard is operating—

“(1) shall require a drawbridge operator to record each movement of the drawbridge in a logbook;

“(2) may inspect the logbook to ensure drawbridge movement is in accordance with the posted operating schedule;

“(3) shall review whether deviations from the posted operating schedule are impairing vehicular and pedestrian traffic; and

“(4) may determine if the operating schedule should be adjusted for efficiency of maritime or vehicular and pedestrian traffic.

“(f) **REQUIREMENTS.**—

“(1) **LOGBOOKS.**—An operator of a drawbridge built across a navigable river or other water of the United States—

“(A) that opens the draw of such bridge for the passage of a vessel, shall record in a logbook—

“(i) the bridge identification and date of each opening;

“(ii) the bridge tender or operator for each opening;

“(iii) each time it is opened for navigation;

“(iv) each time it is closed for navigation;

“(v) the number and direction of vessels passing through during each opening;

“(vi) the types of vessels passing through during each opening;

“(vii) an estimated or known size (height, length, and beam) of the largest vessel passing through during each opening;

“(viii) for each vessel, the vessel name and registration number if easily observable; and

“(ix) all maintenance openings, malfunctions, or other comments; and

“(B) that remains open to navigation but closes to allow for trains to cross, shall record in a logbook—

“(i) the bridge identification and date of each opening and closing;

“(ii) the bridge tender or operator;

“(iii) each time it is opened to navigation;

“(iv) each time it is closed to navigation;

and

“(v) all maintenance openings, closings, malfunctions, or other comments.

“(2) **MAINTENANCE OF LOGBOOKS.**—A drawbridge operator shall maintain logbooks required under paragraph (1) for not less than 5 years.

“(3) **SUBMISSION OF LOGBOOKS.**—At the request of the Secretary of the department in which the Coast Guard is operating, a drawbridge operator shall submit to the Secretary the logbook required under paragraph (1) as the Secretary considers necessary to carry out this section.

“(4) **EXEMPTION.**—The requirements under paragraph (1) shall be exempt from sections 3501 to 3521 of title 44, United States Code.”.

**SEC. 833. WAIVER.**

Section 8902 of title 46, United States Code, shall not apply to the chain ferry DIANE (United States official number CG002692) when such vessel is operating on the Kalamazoo River in Saugatuck, Michigan.

**SEC. 834. FIRE-RETARDANT MATERIALS.**

Section 3503 of title 46, United States Code, is amended to read as follows:

**“§ 3503. Fire-retardant materials**

“(a)(1) A passenger vessel of the United States having berth or stateroom accommodations for at least 50 passengers shall be granted a certificate of inspection only if—

“(A) the vessel is constructed of fire-retardant materials; and

“(B) the vessel—

“(i) is operating engines, boilers, main electrical distribution panels, fuel tanks, oil tanks, and generators that meet current Coast Guard regulations; and

“(ii) is operating boilers and main electrical generators that are contained within noncombustible enclosures equipped with fire suppression systems.

“(2) Before December 1, 2028, this subsection does not apply to any vessel in operation before January 1, 1968, and operating only within the Boundary Line.

“(b)(1) The owner or managing operator of an exempted vessel described in subsection (a)(2) shall—

“(A) notify in writing prospective passengers, prior to purchase, and each crew member that the vessel does not comply with applicable fire safety standards due primarily to the wooden construction of passenger berthing areas;

“(B) display in clearly legible font prominently throughout the vessel, including in each state room the following: “THIS VESSEL FAILS TO COMPLY WITH SAFETY RULES AND REGULATIONS OF THE U.S. COAST GUARD.”;

“(C) acquire prior to the vessel entering service, and maintain, liability insurance in an amount to be prescribed by the Federal Maritime Commission;

“(D) make annual structural alteration to not less than 10 percent of the areas of the vessel that are not constructed of fire retardant materials;

“(E) prioritize alterations in galleys, engineering areas of the vessel, including all spaces and compartments containing, or adjacent to spaces and compartments containing, engines, boilers, main electrical distribution panels, fuel tanks, oil tanks, and generators;

“(F) ensure, to the satisfaction of the Secretary, that the combustible fire-load has been reduced pursuant to subparagraph (D)

during each annual inspection for certification;

“(G) ensure the vessel has multiple forms of egress off the vessel’s bow and stern;

“(H) provide advance notice to the Coast Guard regarding the structural alterations made pursuant to subparagraph (D) and comply with any noncombustible material requirements prescribed by the Coast Guard;

“(I) annually notify all ports of call and State emergency management offices of jurisdiction that the vessel does not comply with the requirement under subsection (a)(1);

“(J) provide crewmembers manning such vessel shipboard training that—

“(i) is specialized for exempted vessels;

“(ii) exceeds requirements related to standards for firefighting training under chapter I of title 46, Code of Federal Regulations, as in effect on October 1, 2017; and

“(iii) is approved by the Coast Guard; and

“(K) to the extent practicable, take all steps to retain previously trained crew knowledgeable of such vessel or to hire crew trained in operations aboard exempted vessels.

“(2) The owner or managing operator of an exempted vessel described in subsection (a)(2) may not disclaim liability to a passenger or crew member of such vessel for death, injury, or any other loss caused by fire due to the negligence of the owner or managing operator.

“(3) The Secretary shall—

“(A) conduct an annual audit and inspection of each exempted vessel described in subsection (a)(2);

“(B) in implementing subparagraph (b)(1)(F), consider, to the extent practicable, the goal of preservation of the historic integrity of such vessel in areas carrying or accessible to passengers or generally visible to the public; and

“(C) prescribe regulations to carry out this section, including to prescribe the manner in which prospective passengers are to be notified under paragraph (1)(A).

“(4) The penalties provided in section 3504(c) of this title shall apply to a violation of this subsection.

“(c) In addition to otherwise applicable penalties, the Secretary may immediately withdraw a certificate of inspection for an exempted vessel described in subsection (a)(2) that does not comply with any requirement under subsection (b).”.

#### SEC. 835. VESSEL WAIVER.

(a) IN GENERAL.—Upon the date of enactment of this Act and notwithstanding sections 12112(a)(2)(A) and 12113(a)(2) of title 46, United States Code, the Secretary shall issue a certificate of documentation with coastwise and fishery endorsements to the certificated vessel.

(b) REPLACEMENT VESSEL.—The certificated vessel shall qualify as a replacement vessel for the vessel “AMERICA NO.1” (United States official number 610654) and not be precluded from operating as an Amendment 80 replacement vessel under the provisions of part 679 of title 50, Code of Federal Regulations.

(c) COAST GUARD REVIEW AND DETERMINATION.—

(1) REVIEW.—Not later than 30 days after the date of enactment of this Act, the Secretary shall conduct a review of the use of certain foreign fabricated steel components in the hull or superstructure of the certificated vessel.

(2) DETERMINATION.—Based on the review conducted under paragraph (1), the Secretary shall determine whether the shipyard that constructed the certificated vessel or the purchaser of the certificated vessel knew before such components were procured or installed that the use of such components

would violate requirements under sections 12112(a)(2)(A) and 12113(a)(2) of title 46, United States Code.

(3) REVOCATION.—If the Secretary determines under paragraph (2) that the shipyard that constructed the certificated vessel or the purchaser of the certificated vessel knew before such components were procured or installed that the use of such components would violate requirements under sections 12112(a)(2)(A) and 12113(a)(2) of title 46, United States Code, the Secretary shall immediately revoke the certificate of documentation issued under subsection (a).

(4) USE OF DOCUMENTS.—In conducting the review required under paragraph (1), the Secretary may request and review any information, correspondence, or documents related to the construction of the certificated vessel, including from the shipyard that constructed the certificated vessel and the purchaser of the certificated vessel.

(d) TERMINATION.—If the contract for purchase of the certificated vessel that is in effect on the date of enactment of this Act is terminated, the purchasing party to that contract shall be prohibited from entering into a subsequent contract or agreement for purchase of such vessel.

(e) DEFINITIONS.—In this section:

(1) CERTIFICATED VESSEL.—The term “certificated vessel” means the vessel America’s Finest (United States official number 1276760).

(2) SECRETARY.—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard.

#### SEC. 836. TEMPORARY LIMITATIONS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Upon the Coast Guard issuing a certificate of documentation with coastwise and fishery endorsements for the vessel “AMERICA’S FINEST” (United States official number 1276760) and during any period such certificate is in effect, and subject to subsection (b), the total amount of groundfish harvested with respect to subparagraph (A) or the total amount of deliveries processed from other vessels with respect to subparagraph (B) by the vessels described in paragraph (2) shall not collectively exceed—

(A) the percentage of the harvest available in any Gulf of Alaska groundfish fisheries (other than fisheries subject to a limited access privilege program created by the North Pacific Fishery Management Council) that is equivalent to the total harvest by the vessels described in paragraph (2) in those fisheries in the calendar years that a vessel described in paragraph (2) had harvest from 2012 through 2017 relative to the total allowable catch available to such vessels in the calendar years 2012 through 2017; or

(B) the percentage of processing of deliveries from other vessels in any Bering Sea, Aleutian Islands, and Gulf of Alaska groundfish fisheries (including fisheries subject to a limited access privilege program created by the North Pacific Fishery Management Council, or community development quotas as described in section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i))) that is equivalent to the total processing of such deliveries by the vessels described in paragraph (2) in those fisheries in the calendar years 2012 through 2017 relative to the total allowable catch available in the calendar years 2012 through 2017.

(2) APPLICABLE VESSELS.—The limitations described in paragraph (1) shall apply, in the aggregate, to—

(A) the vessel AMERICA’S FINEST (United States official number 1276760);

(B) the vessel US INTREPID (United States official number 604439);

(C) the vessel AMERICAN NO. 1 (United States official number 610654);

(D) any replacement of a vessel described in subparagraph (A), (B), or (C); and

(E) any vessel assigned license number LLG3217 under the license limitation program under part 679 of title 50, Code of Federal Regulations.

(b) EXPIRATION.—The limitations described in subsection (a) shall apply to a groundfish species in Bering Sea, Aleutian Islands, and Gulf of Alaska only until the earlier of—

(1) the end of the 6-year period beginning on the date of enactment of this Act; or

(2) the date on which the Secretary of Commerce issues a final rule, based on recommendations developed by the North Pacific Fishery Management Council consistent with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), that limits processing deliveries of that groundfish species from other vessels in any Bering Sea, Aleutian Islands, and Gulf of Alaska groundfish fisheries that are not subject to conservation and management measures under section 206 of the American Fisheries Act (16 U.S.C. 1851 note).

(c) EXISTING AUTHORITY.—Except for the measures required by this section, nothing in this title shall be construed to limit the authority of the North Pacific Fishery Management Council or the Secretary of Commerce under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

#### SEC. 837. TRANSFER OF COAST GUARD PROPERTY IN JUPITER ISLAND, FLORIDA, FOR INCLUSION IN HOBE SOUND NATIONAL WILDLIFE REFUGE.

(a) TRANSFER.—Administrative jurisdiction over the property described in subsection (b) is transferred to the Secretary of the Interior.

(b) PROPERTY DESCRIBED.—The property described in this subsection is real property administered by the Coast Guard in the Town of Jupiter Island, Florida, comprising Parcel #35-38-42-004-000-02590-6 (Bon Air Beach lots 259 and 260 located at 83 North Beach Road) and Parcel #35-38-42-004-000-02610-2 (Bon Air Beach lots 261 to 267), including any improvements thereon that are not authorized or required by another provision of law to be conveyed to another person.

(c) ADMINISTRATION.—The property described in subsection (b) is included in Hobe Sound National Wildlife Refuge, and shall be administered by the Secretary of the Interior acting through the United States Fish and Wildlife Service.

#### SEC. 838. EMERGENCY RESPONSE.

Not later than 90 days after the date of enactment of this Act, the Commandant of the Coast Guard shall request the National Offshore Safety Advisory Committee to examine whether there are unnecessary regulatory barriers to the use of small passenger vessels, crewboats, and offshore supply vessels in disaster response and provide recommendations, as appropriate, to reduce such barriers.

#### SEC. 839. DRAWBRIDGES CONSULTATION.

(a) CONSULTATION.—In addition and subsequent to any rulemaking conducted under section 117.8 of title 33, Code of Federal Regulations, related to permanent changes to drawbridge openings that result from Amtrak service between New Orleans, Louisiana and Orlando, Florida, the Commandant shall consult with owners or operators of rail lines used for Amtrak passenger service between New Orleans, Louisiana and Orlando, Florida and affected waterway users on changes to drawbridge operating schedules necessary to facilitate the On Time Performance of passenger trains. These changes to schedules

shall not impact Coast Guard response times to operational missions.

(b) **TIMING.**—Consultation in subsection (a) shall occur after commencement of Amtrak passenger service on the rail lines between New Orleans, Louisiana and Orlando, Florida at the following intervals:

(1) Not less than 3 months following the commencement of Amtrak passenger service.

(2) Not less than 6 months following the commencement of Amtrak passenger service.

(c) **REPORT.**—If after conducting the consultations required by subsection (b)(2), the Commandant finds that permanent changes to drawbridge operations are necessary to mitigate delays in the movement of trains described in subsection (a) and that those changes do not unreasonably obstruct the navigability of the affected waterways, then the Commandant shall submit those findings to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

#### **TITLE IX—VESSEL INCIDENTAL DISCHARGE ACT**

##### **SEC. 901. SHORT TITLE.**

This title may be cited as the “Vessel Incidental Discharge Act of 2018”.

##### **SEC. 902. PURPOSES; FINDINGS.**

(a) **PURPOSES.**—The purposes of this title are—

(1) to provide for the establishment of uniform, environmentally sound standards and requirements for the management of discharges incidental to the normal operation of a vessel;

(2) to charge the Environmental Protection Agency with primary responsibility for establishing standards relating to the discharge of pollutants from vessels;

(3) to charge the Coast Guard with primary responsibility for prescribing, administering, and enforcing regulations, consistent with the discharge standards established by the Environmental Protection Agency, for the design, construction, installation, and operation of the equipment and management practices required onboard vessels; and

(4) to preserve the flexibility of States, political subdivisions, and certain regions with respect to the administration and enforcement of standards relating to the discharge of pollutants from vessels engaged in maritime commerce and transportation.

(b) **FINDINGS.**—Congress finds that—

(1) the Environmental Protection Agency is the principal Federal authority charged under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) with regulating through the issuance of permits for the discharge of pollutants into the navigable waters of the United States;

(2) the Coast Guard is the principal Federal authority charged with administering, enforcing, and prescribing regulations relating to the discharge of pollutants from vessels; and

(3) during the period of 1973 to 2010—

(A) the Environmental Protection Agency promulgated regulations exempting certain discharges incidental to the normal operation of vessels from otherwise applicable permitting requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(B) Congress enacted laws on numerous occasions governing the regulation of discharges incidental to the normal operation of vessels, including—

(i) the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.);

(ii) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

(iii) the National Invasive Species Act of 1996 (16 U.S.C. 4701 note; Public Law 104-332);

(iv) section 415 of the Coast Guard Authorization Act of 1998 (Public Law 105-383; 112 Stat. 3434) and section 623 of the Coast Guard and Maritime Transportation Act of 2004 (33 U.S.C. 1901 note; Public Law 108-293), which established interim and permanent requirements, respectively, for the regulation of vessel discharges of certain bulk cargo residue;

(v) title XIV of division B of Appendix D of the Consolidated Appropriations Act, 2001 (Public Law 106-554; 114 Stat. 2763A-315), which prohibited or limited certain vessel discharges in certain areas of Alaska;

(vi) section 204 of the Maritime Transportation Security Act of 2002 (33 U.S.C. 1902a), which established requirements for the regulation of vessel discharges of agricultural cargo residue material in the form of hold washings; and

(vii) title X of the Coast Guard Authorization Act of 2010 (33 U.S.C. 3801 et seq.), which provided for the implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001.

##### **SEC. 903. STANDARDS FOR DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.**

(a) **UNIFORM NATIONAL STANDARDS.**—

(1) **IN GENERAL.**—Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended by adding at the end the following:

“(p) **UNIFORM NATIONAL STANDARDS FOR DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **AQUATIC NUISANCE SPECIES.**—The term ‘aquatic nuisance species’ means a non-indigenous species that threatens—

“(i) the diversity or abundance of a native species;

“(ii) the ecological stability of—

“(I) waters of the United States; or

“(II) waters of the contiguous zone; or

“(iii) a commercial, agricultural, aquacultural, or recreational activity that is dependent on—

“(I) waters of the United States; or

“(II) waters of the contiguous zone.

“(B) **BALLAST WATER.**—

“(i) **IN GENERAL.**—The term ‘ballast water’ means any water, suspended matter, and other materials taken onboard a vessel—

“(I) to control or maintain trim, draught, stability, or stresses of the vessel, regardless of the means by which any such water or suspended matter is carried; or

“(II) during the cleaning, maintenance, or other operation of a ballast tank or ballast water management system of the vessel.

“(ii) **EXCLUSION.**—The term ‘ballast water’ does not include any substance that is added to the water described in clause (i) that is directly related to the operation of a properly functioning ballast water management system.

“(C) **BALLAST WATER DISCHARGE STANDARD.**—The term ‘ballast water discharge standard’ means—

“(i) the numerical ballast water discharge standard established by section 151.1511 or 151.2030 of title 33, Code of Federal Regulations (or successor regulations); or

“(ii) if a standard referred to in clause (i) is superseded by a numerical standard of performance under this subsection, that superseding standard.

“(D) **BALLAST WATER EXCHANGE.**—The term ‘ballast water exchange’ means the replacement of water in a ballast water tank using 1 of the following methods:

“(i) Flow-through exchange, in which ballast water is flushed out by pumping in midocean water at the bottom of the tank if practicable, and continuously overflowing the tank from the top, until 3 full volumes of

water have been changed to minimize the number of original organisms remaining in the tank.

“(ii) Empty and refill exchange, in which ballast water taken on in ports, estuarine waters, or territorial waters is pumped out until the pump loses suction, after which the ballast tank is refilled with midocean water.

“(E) **BALLAST WATER MANAGEMENT SYSTEM.**—The term ‘ballast water management system’ means any marine pollution control device (including all ballast water treatment equipment, ballast tanks, pipes, pumps, and all associated control and monitoring equipment) that processes ballast water—

“(i) to kill, render nonviable, or remove organisms; or

“(ii) to avoid the uptake or discharge of organisms.

“(F) **BEST AVAILABLE TECHNOLOGY ECONOMICALLY ACHIEVABLE.**—The term ‘best available technology economically achievable’ means—

“(i) best available technology economically achievable (within the meaning of section 301(b)(2)(A));

“(ii) best available technology (within the meaning of section 304(b)(2)(B)); and

“(iii) best available technology, as determined in accordance with section 125.3(d)(3) of title 40, Code of Federal Regulations (or successor regulations).

“(G) **BEST CONVENTIONAL POLLUTANT CONTROL TECHNOLOGY.**—The term ‘best conventional pollutant control technology’ means—

“(i) best conventional pollutant control technology (within the meaning of section 301(b)(2)(E));

“(ii) best conventional pollutant control technology (within the meaning of section 304(b)(4)); and

“(iii) best conventional pollutant control technology, as determined in accordance with section 125.3(d)(2) of title 40, Code of Federal Regulations (or successor regulations).

“(H) **BEST MANAGEMENT PRACTICE.**—

“(i) **IN GENERAL.**—The term ‘best management practice’ means a schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of—

“(I) the waters of the United States; or

“(II) the waters of the contiguous zone.

“(ii) **INCLUSIONS.**—The term ‘best management practice’ includes any treatment requirement, operating procedure, or practice to control—

“(I) vessel runoff;

“(II) spillage or leaks;

“(III) sludge or waste disposal; or

“(IV) drainage from raw material storage.

“(I) **BEST PRACTICABLE CONTROL TECHNOLOGY CURRENTLY AVAILABLE.**—The term ‘best practicable control technology currently available’ means—

“(i) best practicable control technology currently available (within the meaning of section 301(b)(1)(A));

“(ii) best practicable control technology currently available (within the meaning of section 304(b)(1)); and

“(iii) best practicable control technology currently available, as determined in accordance with section 125.3(d)(1) of title 40, Code of Federal Regulations (or successor regulations).

“(J) **CAPTAIN OF THE PORT ZONE.**—The term ‘Captain of the Port Zone’ means a Captain of the Port Zone established by the Secretary pursuant to sections 92, 93, and 633 of title 14, United States Code.

“(K) **EMPTY BALLAST TANK.**—The term ‘empty ballast tank’ means a tank that—

“(i) has previously held ballast water that has been drained to the limit of the functional or operational capabilities of the tank (such as loss of suction);

“(ii) is recorded as empty on a vessel log; and

“(iii) contains unpumpable residual ballast water and sediment.

“(L) GREAT LAKES COMMISSION.—The term ‘Great Lakes Commission’ means the Great Lakes Commission established by article IV A of the Great Lakes Compact to which Congress granted consent in the Act of July 24, 1968 (Public Law 90–419; 82 Stat. 414).

“(M) GREAT LAKES STATE.—The term ‘Great Lakes State’ means any of the States of—

“(i) Illinois;

“(ii) Indiana;

“(iii) Michigan;

“(iv) Minnesota;

“(v) New York;

“(vi) Ohio;

“(vii) Pennsylvania; and

“(viii) Wisconsin.

“(N) GREAT LAKES SYSTEM.—The term ‘Great Lakes System’ has the meaning given the term in section 118(a)(3).

“(O) INTERNAL WATERS.—The term ‘internal waters’ has the meaning given the term in section 2.24 of title 33, Code of Federal Regulations (or a successor regulation).

“(P) MARINE POLLUTION CONTROL DEVICE.—The term ‘marine pollution control device’ means any equipment or management practice (or combination of equipment and a management practice), for installation or use onboard a vessel, that is—

“(i) designed to receive, retain, treat, control, or discharge a discharge incidental to the normal operation of a vessel; and

“(ii) determined by the Administrator and the Secretary to be the most effective equipment or management practice (or combination of equipment and a management practice) to reduce the environmental impacts of the discharge, consistent with the factors for consideration described in paragraphs (4) and (5).

“(Q) NONINDIGENOUS SPECIES.—The term ‘nonindigenous species’ means an organism of a species that enters an ecosystem beyond the historic range of the species.

“(R) ORGANISM.—The term ‘organism’ includes—

“(i) an animal, including fish and fish eggs and larvae;

“(ii) a plant;

“(iii) a pathogen;

“(iv) a microbe;

“(v) a virus;

“(vi) a prokaryote (including any archaean or bacterium);

“(vii) a fungus; and

“(viii) a protist.

“(S) PACIFIC REGION.—

“(i) IN GENERAL.—The term ‘Pacific Region’ means any Federal or State water—

“(I) adjacent to the State of Alaska, California, Hawaii, Oregon, or Washington; and

“(II) extending from shore.

“(ii) INCLUSION.—The term ‘Pacific Region’ includes the entire exclusive economic zone (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) adjacent to each State described in clause (i)(I).

“(T) PORT OR PLACE OF DESTINATION.—The term ‘port or place of destination’ means a port or place to which a vessel is bound to anchor or moor.

“(U) RENDER NONVIALE.—The term ‘render nonviable’, with respect to an organism in ballast water, means the action of a ballast water management system that renders the organism permanently incapable of reproduction following treatment.

“(V) SALTWATER FLUSH.—

“(i) IN GENERAL.—The term ‘saltwater flush’ means—

“(I)(aa) the addition of as much midocean water into each empty ballast tank of a vessel as is safe for the vessel and crew; and

“(bb) the mixing of the flushwater with residual ballast water and sediment through the motion of the vessel; and

“(II) the discharge of that mixed water, such that the resultant residual water remaining in the tank—

“(aa) has the highest salinity possible; and

“(bb) is at least 30 parts per thousand.

“(ii) MULTIPLE SEQUENCES.—For purposes of clause (i), a saltwater flush may require more than 1 fill-mix-empty sequence, particularly if only small quantities of water can be safely taken onboard a vessel at 1 time.

“(W) SECRETARY.—The term ‘Secretary’ means the Secretary of the department in which the Coast Guard is operating.

“(X) SMALL VESSEL GENERAL PERMIT.—The term ‘Small Vessel General Permit’ means the permit that is the subject of the notice of final permit issuance entitled ‘Final National Pollutant Discharge Elimination System (NPDES) Small Vessel General Permit for Discharges Incidental to the Normal Operation of Vessels Less Than 79 Feet’ (79 Fed. Reg. 53702 (September 10, 2014)).

“(Y) SMALL VESSEL OR FISHING VESSEL.—The term ‘small vessel or fishing vessel’ means a vessel that is—

“(i) less than 79 feet in length; or

“(ii) a fishing vessel, fish processing vessel, or fish tender vessel (as those terms are defined in section 2101 of title 46, United States Code), regardless of the length of the vessel.

“(Z) VESSEL GENERAL PERMIT.—The term ‘Vessel General Permit’ means the permit that is the subject of the notice of final permit issuance entitled ‘Final National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Incidental to the Normal Operation of a Vessel’ (78 Fed. Reg. 21938 (April 12, 2013)).

“(2) APPLICABILITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection applies to—

“(i) any discharge incidental to the normal operation of a vessel; and

“(ii) any discharge incidental to the normal operation of a vessel (such as most graywater) that is commingled with sewage, subject to the conditions that—

“(I) nothing in this subsection prevents a State from regulating sewage discharges; and

“(II) any such commingled discharge shall comply with all applicable requirements of—

“(aa) this subsection; and

“(bb) any law applicable to discharges of sewage.

“(B) EXCLUSION.—This subsection does not apply to any discharge incidental to the normal operation of a vessel—

“(i) from—

“(I) a vessel of the Armed Forces subject to subsection (n);

“(II) a recreational vessel subject to subsection (o);

“(III) a small vessel or fishing vessel, except that this subsection shall apply to any discharge of ballast water from a small vessel or fishing vessel; or

“(IV) a floating craft that is permanently moored to a pier, including a ‘floating’ casino, hotel, restaurant, or bar;

“(ii) of ballast water from a vessel—

“(I) that continuously takes on and discharges ballast water in a flow-through system, if the Administrator determines that system cannot materially contribute to the spread or introduction of an aquatic nuisance species into waters of the United States;

“(II) in the National Defense Reserve Fleet that is scheduled for disposal, if the vessel does not have an operable ballast water management system;

“(III) that discharges ballast water consisting solely of water taken onboard from a public or commercial source that, at the time the water is taken onboard, meets the applicable requirements or permit requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

“(IV) that carries all permanent ballast water in sealed tanks that are not subject to discharge; or

“(V) that only discharges ballast water into a reception facility; or

“(iii) that results from, or contains material derived from, an activity other than the normal operation of the vessel, such as material resulting from an industrial or manufacturing process onboard the vessel.

“(3) CONTINUATION IN EFFECT OF EXISTING REQUIREMENTS.—

“(A) VESSEL GENERAL PERMIT.—Notwithstanding the expiration date of the Vessel General Permit or any other provision of law, all provisions of the Vessel General Permit shall remain in force and effect, and shall not be modified, until the applicable date described in subparagraph (C).

“(B) NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT REGULATIONS.—Notwithstanding section 903(a)(2)(A) of the Vessel Incidental Discharge Act of 2018, all regulations promulgated by the Secretary pursuant to section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711) (as in effect on the day before the date of enactment of this subsection), including the regulations contained in subparts C and D of part 151 of title 33, Code of Federal Regulations, and subpart 162.060 of part 162 of title 46, Code of Federal Regulations (as in effect on the day before that date of enactment), shall remain in force and effect until the applicable date described in subparagraph (C).

“(C) REPEAL ON EXISTENCE OF FINAL, EFFECTIVE, AND ENFORCEABLE REQUIREMENTS.—Effective beginning on the date on which the requirements promulgated by the Secretary under subparagraphs (A), (B), and (C) of paragraph (5) with respect to every discharge incidental to the normal operation of a vessel that is subject to regulation under this subsection are final, effective, and enforceable, the requirements of the Vessel General Permit and the regulations described in subparagraph (B) shall have no force or effect.

“(4) NATIONAL STANDARDS OF PERFORMANCE FOR MARINE POLLUTION CONTROL DEVICES AND WATER QUALITY ORDERS.—

“(A) ESTABLISHMENT.—

“(i) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator, in concurrence with the Secretary (subject to clause (ii)), and in consultation with interested Governors (subject to clause (iii)), shall promulgate Federal standards of performance for marine pollution control devices for each type of discharge incidental to the normal operation of a vessel that is subject to regulation under this subsection.

“(ii) CONCURRENCE WITH SECRETARY.—

“(I) REQUEST.—The Administrator shall submit to the Secretary a request for written concurrence with respect to a proposed standard of performance under clause (i).

“(II) EFFECT OF FAILURE TO CONCUR.—A failure by the Secretary to concur with the Administrator under clause (i) by the date that is 60 days after the date on which the Administrator submits a request for concurrence under subclause (I) shall not prevent the Administrator from promulgating the relevant standard of performance in accordance with the deadline under clause (i), subject to the condition that the Administrator shall include in the administrative record of the promulgation—



“(aa) documentation of the request submitted under subclause (I); and

“(bb) the response of the Administrator to any written objections received from the Secretary relating to the proposed standard of performance during the 60-day period beginning on the date of submission of the request.

“(iii) CONSULTATION WITH GOVERNORS.—

“(I) IN GENERAL.—The Administrator, in promulgating a standard of performance under clause (i), shall develop the standard of performance—

“(aa) in consultation with interested Governors; and

“(bb) in accordance with the deadlines under that clause.

“(II) PROCESS.—The Administrator shall develop a process for soliciting input from interested Governors, including information sharing relevant to such process, to allow interested Governors to inform the development of standards of performance under clause (i).

“(III) OBJECTION BY GOVERNORS.—

“(aa) SUBMISSION.—An interested Governor that objects to a proposed standard of performance under clause (i) may submit to the Administrator in writing a detailed objection to the proposed standard of performance, describing the scientific, technical, or operational factors that form the basis of the objection.

“(bb) RESPONSE.—Before finalizing a standard of performance under clause (i) that is subject to an objection under item (aa) from 1 or more interested Governors, the Administrator shall provide a written response to each interested Governor that submitted an objection under that item that details the scientific, technical, or operational factors that form the basis for that standard of performance.

“(cc) JUDICIAL REVIEW.—A response of the Administrator under item (bb) shall not be subject to judicial review.

“(iv) PROCEDURE.—The Administrator shall promulgate the standards of performance under this subparagraph in accordance with—

“(I) this paragraph; and

“(II) section 553 of title 5, United States Code.

“(B) STRINGENCY.—

“(i) IN GENERAL.—Subject to clause (iii), the standards of performance promulgated under this paragraph shall require—

“(I) with respect to conventional pollutants, toxic pollutants, and nonconventional pollutants (including aquatic nuisance species), the application of the best practicable control technology currently available;

“(II) with respect to conventional pollutants, the application of the best conventional pollutant control technology; and

“(III) with respect to toxic pollutants and nonconventional pollutants (including aquatic nuisance species), the application of the best available technology economically achievable for categories and classes of vessels, which shall result in reasonable progress toward the national goal of eliminating discharges of all pollutants.

“(ii) BEST MANAGEMENT PRACTICES.—The Administrator shall require the use of best management practices to control or abate any discharge incidental to the normal operation of a vessel if—

“(I) numeric standards of performance are infeasible under clause (i); or

“(II) the best management practices are reasonably necessary—

“(aa) to achieve the standards of performance; or

“(bb) to carry out the purpose and intent of this subsection.

“(iii) MINIMUM REQUIREMENTS.—Subject to subparagraph (D)(ii)(II), the combination of

any equipment or best management practice comprising a marine pollution control device shall not be less stringent than the following provisions of the Vessel General Permit:

“(I) All requirements contained in parts 2.1 and 2.2 (relating to effluent limits and related requirements), including with respect to waters subject to Federal protection, in whole or in part, for conservation purposes.

“(II) All requirements contained in part 5 (relating to vessel class-specific requirements) that concern effluent limits and authorized discharges (within the meaning of that part), including with respect to waters subject to Federal protection, in whole or in part, for conservation purposes.

“(C) CLASSES, TYPES, AND SIZES OF VESSELS.—The standards promulgated under this paragraph may distinguish—

“(i) among classes, types, and sizes of vessels; and

“(ii) between new vessels and existing vessels.

“(D) REVIEW AND REVISION.—

“(i) IN GENERAL.—Not less frequently than once every 5 years, the Administrator, in consultation with the Secretary, shall—

“(I) review the standards of performance in effect under this paragraph; and

“(II) if appropriate, revise those standards of performance—

“(aa) in accordance with subparagraphs (A) through (C); and

“(bb) as necessary to establish requirements for any discharge that is subject to regulation under this subsection.

“(ii) MAINTAINING PROTECTIVENESS.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Administrator shall not revise a standard of performance under this subsection to be less stringent than an applicable existing requirement.

“(II) EXCEPTIONS.—The Administrator may revise a standard of performance to be less stringent than an applicable existing requirement—

“(aa) if information becomes available that—

“(AA) was not reasonably available when the Administrator promulgated the initial standard of performance or comparable requirement of the Vessel General Permit, as applicable (including the subsequent scarcity or unavailability of materials used to control the relevant discharge); and

“(BB) would have justified the application of a less-stringent standard of performance at the time of promulgation; or

“(bb) if the Administrator determines that a material technical mistake or misinterpretation of law occurred when promulgating the existing standard of performance or comparable requirement of the Vessel General Permit, as applicable.

“(E) BEST MANAGEMENT PRACTICES FOR AQUATIC NUISANCE SPECIES EMERGENCIES AND FURTHER PROTECTION OF WATER QUALITY.—

“(i) IN GENERAL.—Notwithstanding any other provision of this subsection, the Administrator, in concurrence with the Secretary (subject to clause (ii)), and in consultation with States, may require, by order, the use of an emergency best management practice for any region or category of vessels in any case in which the Administrator determines that such a best management practice—

“(I) is necessary to reduce the reasonably foreseeable risk of introduction or establishment of an aquatic nuisance species; or

“(II) will mitigate the adverse effects of a discharge that contributes to a violation of a water quality requirement under section 303, other than a requirement based on the presence of an aquatic nuisance species.

“(ii) CONCURRENCE WITH SECRETARY.—

“(I) REQUEST.—The Administrator shall submit to the Secretary a request for writ-

ten concurrence with respect to an order under clause (i).

“(II) EFFECT OF FAILURE TO CONCUR.—A failure by the Secretary to concur with the Administrator under clause (i) by the date that is 60 days after the date on which the Administrator submits a request for concurrence under subclause (I) shall not prevent the Administrator from issuing the relevant order, subject to the condition that the Administrator shall include in the administrative record of the issuance—

“(aa) documentation of the request submitted under subclause (I); and

“(bb) the response of the Administrator to any written objections received from the Secretary relating to the proposed order during the 60-day period beginning on the date of submission of the request.

“(iii) DURATION.—An order issued by the Administrator under clause (i) shall expire not later than the date that is 4 years after the date of issuance.

“(iv) EXTENSIONS.—The Administrator may reissue an order under clause (i) for such subsequent periods of not longer than 4 years as the Administrator determines to be appropriate.

“(5) IMPLEMENTATION, COMPLIANCE, AND ENFORCEMENT REQUIREMENTS.—

“(A) ESTABLISHMENT.—

“(i) IN GENERAL.—As soon as practicable, but not later than 2 years, after the date on which the Administrator promulgates any new or revised standard of performance under paragraph (4) with respect to a discharge, the Secretary, in consultation with States, shall promulgate the regulations required under this paragraph with respect to that discharge.

“(ii) MINIMUM REQUIREMENTS.—Subject to subparagraph (C)(ii)(II), the regulations promulgated under this paragraph shall not be less stringent with respect to ensuring, monitoring, and enforcing compliance than—

“(I) the requirements contained in part 3 of the Vessel General Permit (relating to corrective actions);

“(II) the requirements contained in part 4 of the Vessel General Permit (relating to inspections, monitoring, reporting, and record-keeping), including with respect to waters subject to Federal protection, in whole or in part, for conservation purposes;

“(III) the requirements contained in part 5 of the Vessel General Permit (relating to vessel class-specific requirements) regarding monitoring, inspection, and educational and training requirements (within the meaning of that part), including with respect to waters subject to Federal protection, in whole or in part, for conservation purposes; and

“(IV) any comparable, existing requirements promulgated under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) (including section 1101 of that Act (16 U.S.C. 4711) (as in effect on the day before the date of enactment of this subsection)) applicable to that discharge.

“(iii) COORDINATION WITH STATES.—The Secretary, in coordination with the Governors of the States, shall develop, publish, and periodically update inspection, monitoring, data management, and enforcement procedures for the enforcement by States of Federal standards and requirements under this subsection.

“(iv) EFFECTIVE DATE.—In determining the effective date of a regulation promulgated under this paragraph, the Secretary shall take into consideration the period of time necessary—

“(I) to communicate to affected persons the applicability of the regulation; and

“(II) for affected persons reasonably to comply with the regulation.



“(v) PROCEDURE.—The Secretary shall promulgate the regulations under this subparagraph in accordance with—

“(I) this paragraph; and

“(II) section 553 of title 5, United States Code.

“(B) IMPLEMENTATION REGULATIONS FOR MARINE POLLUTION CONTROL DEVICES.—The Secretary shall promulgate such regulations governing the design, construction, testing, approval, installation, and use of marine pollution control devices as are necessary to ensure compliance with the standards of performance promulgated under paragraph (4).

“(C) COMPLIANCE ASSURANCE.—

“(i) IN GENERAL.—The Secretary shall promulgate requirements (including requirements for vessel owners and operators with respect to inspections, monitoring, reporting, sampling, and recordkeeping) to ensure, monitor, and enforce compliance with—

“(I) the standards of performance promulgated by the Administrator under paragraph (4); and

“(II) the implementation regulations promulgated by the Secretary under subparagraph (B).

“(ii) MAINTAINING PROTECTIVENESS.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Secretary shall not revise a requirement under this subparagraph or subparagraph (B) to be less stringent with respect to ensuring, monitoring, or enforcing compliance than an applicable existing requirement.

“(II) EXCEPTIONS.—The Secretary may revise a requirement under this subparagraph or subparagraph (B) to be less stringent than an applicable existing requirement—

“(aa) in accordance with this subparagraph or subparagraph (B), as applicable;

“(bb) if information becomes available that—

“(AA) the Administrator determines was not reasonably available when the Administrator promulgated the existing requirement of the Vessel General Permit, or that the Secretary determines was not reasonably available when the Secretary promulgated the existing requirement under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) or the applicable existing requirement under this subparagraph, as applicable (including subsequent scarcity or unavailability of materials used to control the relevant discharge); and

“(BB) would have justified the application of a less-stringent requirement at the time of promulgation; or

“(cc) if the Administrator determines that a material technical mistake or misinterpretation of law occurred when promulgating an existing requirement of the Vessel General Permit, or if the Secretary determines that a material mistake or misinterpretation of law occurred when promulgating an existing requirement under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) or this subsection.

“(D) DATA AVAILABILITY.—Beginning not later than 1 year after the date of enactment of this subsection, the Secretary shall provide to the Governor of a State, on request by the Governor, access to Automated Identification System arrival data for inbound vessels to specific ports or places of destination in the State.

“(6) ADDITIONAL PROVISIONS REGARDING BALLAST WATER.—

“(A) IN GENERAL.—In addition to the other applicable requirements of this subsection, the requirements of this paragraph shall apply with respect to any discharge incidental to the normal operation of a vessel that is a discharge of ballast water.

“(B) EMPTY BALLAST TANKS.—

“(i) REQUIREMENTS.—Except as provided in clause (ii), the owner or operator of a vessel with empty ballast tanks bound for a port or place of destination subject to the jurisdiction of the United States shall, prior to arriving at that port or place of destination, conduct a ballast water exchange or salt-water flush—

“(I) not less than 200 nautical miles from any shore for a voyage originating outside the United States or Canadian exclusive economic zone; or

“(II) not less than 50 nautical miles from any shore for a voyage originating within the United States or Canadian exclusive economic zone.

“(ii) EXCEPTIONS.—Clause (i) shall not apply—

“(I) if the unpumpable residual waters and sediments of an empty ballast tank were subject to treatment, in compliance with applicable requirements, through a type-approved ballast water management system approved by the Secretary;

“(II) except as otherwise required under this subsection, if the unpumpable residual waters and sediments of an empty ballast tank were sourced within—

“(aa) the same port or place of destination; or

“(bb) contiguous portions of a single Captain of the Port Zone;

“(III) if complying with an applicable requirement of clause (i)—

“(aa) would compromise the safety of the vessel; or

“(bb) is otherwise prohibited by any Federal, Canadian, or international law (including regulations) pertaining to vessel safety;

“(IV) if design limitations of the vessel prevent a ballast water exchange or salt-water flush from being conducted in accordance with clause (i); or

“(V) if the vessel is operating exclusively within the internal waters of the United States or Canada.

“(C) PERIOD OF USE OF INSTALLED BALLAST WATER MANAGEMENT SYSTEMS.—

“(i) IN GENERAL.—Except as provided in clause (ii), a vessel shall be deemed to be in compliance with a standard of performance for a marine pollution control device that is a ballast water management system if the ballast water management system—

“(I) is maintained in proper working condition, as determined by the Secretary;

“(II) is maintained and used in accordance with manufacturer specifications;

“(III) continues to meet the ballast water discharge standard applicable to the vessel at the time of installation, as determined by the Secretary; and

“(IV) has in effect a valid type-approval certificate issued by the Secretary.

“(ii) LIMITATION.—Clause (i) shall cease to apply with respect to any vessel on, as applicable—

“(I) the expiration of the service life, as determined by the Secretary, of—

“(aa) the ballast water management system; or

“(bb) the vessel;

“(II) the completion of a major conversion (as defined in section 2101 of title 46, United States Code) of the vessel; or

“(III) a determination by the Secretary that there are other type-approved systems for the vessel or category of vessels, with respect to the use of which the environmental, health, and economic benefits would exceed the costs.

“(D) REVIEW OF BALLAST WATER MANAGEMENT SYSTEM TYPE-APPROVAL TESTING METHODS.—

“(i) DEFINITION OF LIVE; LIVING.—Notwithstanding any other provision of law (including regulations), for purposes of section 151.1511 of title 33, and part 162 of title 46,

Code of Federal Regulations (or successor regulations), the terms ‘live’ and ‘living’ shall not—

“(I) include an organism that has been rendered nonviable; or

“(II) preclude the consideration of any method of measuring the concentration of organisms in ballast water that are capable of reproduction.

“(ii) DRAFT POLICY.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in coordination with the Administrator, shall publish a draft policy letter, based on the best available science, describing type-approval testing methods and protocols for ballast water management systems, if any, that—

“(I) render nonviable organisms in ballast water; and

“(II) may be used in addition to the methods established under subpart 162.060 of title 46, Code of Federal Regulations (or successor regulations)—

“(aa) to measure the concentration of organisms in ballast water that are capable of reproduction;

“(bb) to certify the performance of each ballast water management system under this subsection; and

“(cc) to certify laboratories to evaluate applicable treatment technologies.

“(iii) PUBLIC COMMENT.—The Secretary shall provide a period of not more than 60 days for public comment regarding the draft policy letter published under clause (ii).

“(iv) FINAL POLICY.—

“(I) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Administrator, shall publish a final policy letter describing type-approval testing methods, if any, for ballast water management systems that render nonviable organisms in ballast water.

“(II) METHOD OF EVALUATION.—The ballast water management systems under subclause (I) shall be evaluated by measuring the concentration of organisms in ballast water that are capable of reproduction based on the best available science that may be used in addition to the methods established under subpart 162.060 of title 46, Code of Federal Regulations (or successor regulations).

“(III) REVISIONS.—The Secretary shall revise the final policy letter under subclause (I) in any case in which the Secretary, in coordination with the Administrator, determines that additional testing methods are capable of measuring the concentration of organisms in ballast water that have not been rendered nonviable.

“(v) FACTORS FOR CONSIDERATION.—In developing a policy letter under this subparagraph, the Secretary, in coordination with the Administrator—

“(I) shall take into consideration a testing method that uses organism grow-out and most probable number statistical analysis to determine the concentration of organisms in ballast water that are capable of reproduction; and

“(II) shall not take into consideration a testing method that relies on a staining method that measures the concentration of—

“(aa) organisms greater than or equal to 10 micrometers; and

“(bb) organisms less than or equal to 50 micrometers.

“(E) INTERGOVERNMENTAL RESPONSE FRAMEWORK.—

“(i) IN GENERAL.—The Secretary, in consultation with the Administrator and acting in coordination with, or through, the Aquatic Nuisance Species Task Force established by section 1201(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721(a)), shall establish

a framework for Federal and intergovernmental response to aquatic nuisance species risks from discharges from vessels subject to ballast water and incidental discharge compliance requirements under this subsection, including the introduction, spread, and establishment of aquatic nuisance species populations.

“(ii) **BALLAST DISCHARGE RISK RESPONSE.**—The Administrator, in coordination with the Secretary and taking into consideration information from the National Ballast Information Clearinghouse developed under section 1102(f) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4712(f)), shall establish a risk assessment and response framework using ballast water discharge data and aquatic nuisance species monitoring data for the purposes of—

“(I) identifying and tracking populations of aquatic invasive species;

“(II) evaluating the risk of any aquatic nuisance species population tracked under subclause (I) establishing and spreading in waters of the United States or waters of the contiguous zone; and

“(III) establishing emergency best management practices that may be deployed rapidly, in a local or regional manner, to respond to emerging aquatic nuisance species threats.

“(7) **PETITIONS BY GOVERNORS FOR REVIEW.**—

“(A) **IN GENERAL.**—The Governor of a State (or a designee) may submit to the Administrator or the Secretary a petition—

“(i) to issue an order under paragraph (4)(E); or

“(ii) to review any standard of performance, regulation, or policy promulgated under paragraph (4), (5), or (6), respectively, if there exists new information that could reasonably result in a change to—

“(I) the standard of performance, regulation, or policy; or

“(II) a determination on which the standard of performance, regulation, or policy was based.

“(B) **INCLUSION.**—A petition under subparagraph (A) shall include a description of any applicable scientific or technical information that forms the basis of the petition.

“(C) **DETERMINATION.**—

“(i) **TIMING.**—The Administrator or the Secretary, as applicable, shall grant or deny—

“(I) a petition under subparagraph (A)(i) by not later than the date that is 180 days after the date on which the petition is submitted; and

“(II) a petition under subparagraph (A)(ii) by not later than the date that is 1 year after the date on which the petition is submitted.

“(ii) **EFFECT OF GRANT.**—If the Administrator or the Secretary determines under clause (i) to grant a petition—

“(I) in the case of a petition under subparagraph (A)(i), the Administrator shall immediately issue the relevant order under paragraph (4)(E); or

“(II) in the case of a petition under subparagraph (A)(ii), the Administrator or Secretary shall publish in the Federal Register, by not later than 30 days after the date of that determination, a notice of proposed rulemaking to revise the relevant standard, requirement, regulation, or policy under paragraph (4), (5), or (6), as applicable.

“(iii) **NOTICE OF DENIAL.**—If the Administrator or the Secretary determines under clause (i) to deny a petition, the Administrator or Secretary shall publish in the Federal Register, by not later than 30 days after the date of that determination, a detailed explanation of the scientific, technical, or operational factors that form the basis of the determination.

“(iv) **REVIEW.**—A determination by the Administrator or the Secretary under clause (i) to deny a petition shall be—

“(I) considered to be a final agency action; and

“(II) subject to judicial review in accordance with section 509, subject to clause (v).

“(v) **EXCEPTIONS.**—

“(I) **VENUE.**—Notwithstanding section 509(b), a petition for review of a determination by the Administrator or the Secretary under clause (i) to deny a petition submitted by the Governor of a State under subparagraph (A) may be filed in any United States district court of competent jurisdiction.

“(II) **DEADLINE FOR FILING.**—Notwithstanding section 509(b), a petition for review of a determination by the Administrator or the Secretary under clause (i) shall be filed by not later than 180 days after the date on which the justification for the determination is published in the Federal Register under clause (iii).

“(8) **PROHIBITION.**—

“(A) **IN GENERAL.**—It shall be unlawful for any person to violate—

“(i) a provision of the Vessel General Permit in force and effect under paragraph (3)(A);

“(ii) a regulation promulgated pursuant to section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711) (as in effect on the day before the date of enactment of this subsection) in force and effect under paragraph (3)(B); or

“(iii) an applicable requirement or regulation under this subsection.

“(B) **COMPLIANCE WITH REGULATIONS.**—Effective beginning on the effective date of a regulation promulgated under paragraph (4), (5), (6), or (10), as applicable, it shall be unlawful for the owner or operator of a vessel subject to the regulation—

“(i) to discharge any discharge incidental to the normal operation of the vessel into waters of the United States or waters of the contiguous zone, except in compliance with the regulation; or

“(ii) to operate in waters of the United States or waters of the contiguous zone, if the vessel is not equipped with a required marine pollution control device that complies with the requirements established under this subsection, unless—

“(I) the owner or operator of the vessel denotes in an entry in the official logbook of the vessel that the equipment was not operational; and

“(II) either—

“(aa) the applicable discharge was avoided; or

“(bb) an alternate compliance option approved by the Secretary as meeting the applicable standard was employed.

“(C) **AFFIRMATIVE DEFENSE.**—No person shall be found to be in violation of this paragraph if—

“(i) the violation was in the interest of ensuring the safety of life at sea, as determined by the Secretary; and

“(ii) the applicable emergency circumstance was not the result of negligence or malfeasance on the part of—

“(I) the owner or operator of the vessel;

“(II) the master of the vessel; or

“(III) the person in charge of the vessel.

“(D) **TREATMENT.**—Each day of continuing violation of an applicable requirement of this subsection shall constitute a separate offense.

“(E) **IN REM LIABILITY.**—A vessel operated in violation of this subsection is liable in rem for any civil penalty assessed for the violation.

“(F) **REVOCACTION OF CLEARANCE.**—The Secretary shall withhold or revoke the clearance of a vessel required under section 60105 of title 46, United States Code, if the owner

or operator of the vessel is in violation of this subsection.

“(9) **EFFECT ON OTHER LAWS.**—

“(A) **STATE AUTHORITY.**—

“(i) **IN GENERAL.**—Except as provided in clauses (ii) through (v) and paragraph (10), effective beginning on the date on which the requirements promulgated by the Secretary under subparagraphs (A), (B), and (C) of paragraph (5) with respect to every discharge incidental to the normal operation of a vessel that is subject to regulation under this subsection are final, effective, and enforceable, no State, political subdivision of a State, or interstate agency may adopt or enforce any law, regulation, or other requirement of the State, political subdivision, or interstate agency with respect to any such discharge.

“(ii) **IDENTICAL OR LESSER STATE LAWS.**—Clause (i) shall not apply to any law, regulation, or other requirement of a State, political subdivision of a State, or interstate agency in effect on or after the date of enactment of this subsection—

“(I) that is identical to a Federal requirement under this subsection applicable to the relevant discharge; or

“(II) compliance with which would be achieved concurrently in achieving compliance with a Federal requirement under this subsection applicable to the relevant discharge.

“(iii) **STATE ENFORCEMENT OF FEDERAL REQUIREMENTS.**—A State may enforce any standard of performance or other Federal requirement of this subsection in accordance with subsection (k) or other applicable Federal authority.

“(iv) **EXCEPTION FOR CERTAIN FEES.**—

“(I) **IN GENERAL.**—Subject to subclauses (II) and (III), a State that assesses any fee pursuant to any State or Federal law relating to the regulation of a discharge incidental to the normal operation of a vessel before the date of enactment of this subsection may assess or retain a fee to cover the costs of administration, inspection, monitoring, and enforcement activities by the State to achieve compliance with the applicable requirements of this subsection.

“(II) **MAXIMUM AMOUNT.**—

“(aa) **IN GENERAL.**—Except as provided in item (bb), a State may assess a fee for activities under this clause equal to not more than \$1,000 against the owner or operator of a vessel that—

“(AA) has operated outside of that State; and

“(BB) arrives at a port or place of destination in the State (excluding movement entirely within a single port or place of destination).

“(bb) **VESSELS ENGAGED IN COASTWISE TRADE.**—A State may assess against the owner or operator of a vessel registered in accordance with applicable Federal law and lawfully engaged in the coastwise trade not more than \$5,000 in fees under this clause per vessel during a calendar year.

“(III) **ADJUSTMENT FOR INFLATION.**—

“(aa) **IN GENERAL.**—A State may adjust the amount of a fee authorized under this clause not more frequently than once every 5 years to reflect the percentage by which the Consumer Price Index for All Urban Consumers published by the Department of Labor for the month of October immediately preceding the date of adjustment exceeds the Consumer Price Index for All Urban Consumers published by the Department of Labor for the month of October that immediately precedes the date that is 5 years before the date of adjustment.

“(bb) **EFFECT OF SUBCLAUSE.**—Nothing in this subclause prevents a State from adjusting a fee in effect before the date of enactment of this subsection to the applicable maximum amount under subclause (II).

“(cc) APPLICABILITY.—This subclause applies only to increases in fees to amounts greater than the applicable maximum amount under subclause (II).

“(v) ALASKA GRAYWATER.—Clause (i) shall not apply with respect to any discharge of graywater (as defined in section 1414 of the Consolidated Appropriations Act, 2001 (Public Law 106-554; 114 Stat. 2763A-323)) from a passenger vessel (as defined in section 2101 of title 46, United States Code) in the State of Alaska (including all waters in the Alexander Archipelago) carrying 50 or more passengers.

“(vi) PRESERVATION OF AUTHORITY.—Nothing in this subsection preempts any State law, public initiative, referendum, regulation, requirement, or other State action, except as expressly provided in this subsection.

“(B) ESTABLISHED REGIMES.—Except as expressly provided in this subsection, nothing in this subsection affects the applicability to a vessel of any other provision of Federal law, including—

“(i) this section;

“(ii) section 311;

“(iii) the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.); and

“(iv) title X of the Coast Guard Authorization Act of 2010 (33 U.S.C. 3801 et seq.).

“(C) PERMITTING.—Effective beginning on the date of enactment of this subsection—

“(i) the Small Vessel General Permit is repealed; and

“(ii) the Administrator, or a State in the case of a permit program approved under section 402, shall not require, or in any way modify, a permit under that section for—

“(I) any discharge that is subject to regulation under this subsection;

“(II) any discharge incidental to the normal operation of a vessel from a small vessel or fishing vessel, regardless of whether that discharge is subject to regulation under this subsection; or

“(III) any discharge described in paragraph (2)(B)(ii).

“(D) NO EFFECT ON CIVIL OR CRIMINAL ACTIONS.—Nothing in this subsection, or any standard, regulation, or requirement established under this subsection, modifies or otherwise affects, preempts, or displaces—

“(i) any cause of action; or

“(ii) any provision of Federal or State law establishing a remedy for civil relief or criminal penalty.

“(E) NO EFFECT ON CERTAIN SECRETARIAL AUTHORITY.—Nothing in this subsection affects the authority of the Secretary of Commerce or the Secretary of the Interior to administer any land or waters under the administrative control of the Secretary of Commerce or the Secretary of the Interior, respectively.

“(F) NO LIMITATION ON STATE INSPECTION AUTHORITY.—Nothing in this subsection limits the authority of a State to inspect a vessel pursuant to paragraph (5)(A)(iii) in order to monitor compliance with an applicable requirement of this section.

“(10) ADDITIONAL REGIONAL REQUIREMENTS.—

“(A) MINIMUM GREAT LAKES SYSTEM REQUIREMENTS.—

“(i) IN GENERAL.—Except as provided in clause (ii), the owner or operator of a vessel entering the St. Lawrence Seaway through the mouth of the St. Lawrence River shall conduct a complete ballast water exchange or saltwater flush—

“(I) not less than 200 nautical miles from any shore for a voyage originating outside the United States or Canadian exclusive economic zone; or

“(II) not less than 50 nautical miles from any shore for a voyage originating within the United States or Canadian exclusive economic zone.

“(ii) EXCEPTIONS.—Clause (i) shall not apply to a vessel if—

“(I) complying with an applicable requirement of clause (i)—

“(aa) would compromise the safety of the vessel; or

“(bb) is otherwise prohibited by any Federal, Canadian, or international law (including regulations) pertaining to vessel safety;

“(II) design limitations of the vessel prevent a ballast water exchange from being conducted in accordance with an applicable requirement of clause (i);

“(III) the vessel—

“(aa) is certified by the Secretary as having no residual ballast water or sediments onboard; or

“(bb) retains all ballast water while in waters subject to the requirement; or

“(IV) empty ballast tanks on the vessel are sealed and certified by the Secretary in a manner that ensures that—

“(aa) no discharge or uptake occurs; and

“(bb) any subsequent discharge of ballast water is subject to the requirement.

“(B) ENHANCED GREAT LAKES SYSTEM REQUIREMENTS.—

“(i) PETITIONS BY GOVERNORS FOR PROPOSED ENHANCED STANDARDS AND REQUIREMENTS.—

“(I) IN GENERAL.—The Governor of a Great Lakes State (or a State employee designee) may submit a petition in accordance with subclause (II) to propose that other Governors of Great Lakes States endorse an enhanced standard of performance or other requirement with respect to any discharge that—

“(aa) is subject to regulation under this subsection; and

“(bb) occurs within the Great Lakes System.

“(II) SUBMISSION.—A Governor shall submit a petition under subclause (I), in writing, to—

“(aa) the Executive Director of the Great Lakes Commission, in such manner as may be prescribed by the Great Lakes Commission;

“(bb) the Governor of each other Great Lakes State; and

“(cc) the Director of the Great Lakes National Program Office established by section 118(b).

“(III) PRELIMINARY ASSESSMENT BY GREAT LAKES COMMISSION.—

“(aa) IN GENERAL.—After the date of receipt of a petition under subclause (II)(aa), the Great Lakes Commission (acting through the Great Lakes Panel on Aquatic Nuisance Species, to the maximum extent practicable) may develop a preliminary assessment regarding each enhanced standard of performance or other requirement described in the petition.

“(bb) PROVISIONS.—The preliminary assessment developed by the Great Lakes Commission under item (aa)—

“(AA) may be developed in consultation with relevant experts and stakeholders;

“(BB) may be narrative in nature;

“(CC) may include the preliminary views, if any, of the Great Lakes Commission on the propriety of the proposed enhanced standard of performance or other requirement;

“(DD) shall be submitted, in writing, to the Governor of each Great Lakes State and the Director of the Great Lakes National Program Office and published on the internet website of the Great Lakes National Program Office; and

“(EE) except as provided in clause (iii), shall not be taken into consideration, or provide a basis for review, by the Administrator or the Secretary for purposes of that clause.

“(ii) PROPOSED ENHANCED STANDARDS AND REQUIREMENTS.—

“(I) PUBLICATION IN FEDERAL REGISTER.—

“(aa) REQUEST BY GOVERNOR.—Not earlier than the date that is 90 days after the date on which the Executive Director of the Great Lakes Commission receives from a Governor of a Great Lakes State a petition under clause (i)(II)(aa), the Governor may request the Director of the Great Lakes National Program Office to publish, for a period requested by the Governor of not less than 30 days, and the Director shall so publish, in the Federal Register for public comment—

“(AA) a copy of the petition; and

“(BB) if applicable as of the date of publication, any preliminary assessment of the Great Lakes Commission developed under clause (i)(III) relating to the petition.

“(bb) REVIEW OF PUBLIC COMMENTS.—On receipt of a written request of a Governor of a Great Lakes State, the Director of the Great Lakes National Program Office shall make available all public comments received in response to the notice under item (aa).

“(cc) NO RESPONSE REQUIRED.—Notwithstanding any other provision of law, a Governor of a Great Lakes State or the Director of the Great Lakes National Program Office shall not be required to provide a response to any comment received in response to the publication of a petition or preliminary assessment under item (aa).

“(dd) PURPOSE.—Any public comments received in response to the publication of a petition or preliminary assessment under item (aa) shall be used solely for the purpose of providing information and feedback to the Governor of each Great Lakes State regarding the decision to endorse the proposed standard or requirement.

“(ee) EFFECT OF PETITION.—A proposed standard or requirement developed under subclause (II) may differ from the proposed standard or requirement described in a petition published under item (aa).

“(II) COORDINATION TO DEVELOP PROPOSED STANDARD OR REQUIREMENT.—After the expiration of the public comment period for the petition under subclause (I), any interested Governor of a Great Lakes State may work in coordination with the Great Lakes Commission to develop a proposed standard of performance or other requirement applicable to a discharge referred to in the petition.

“(III) REQUIREMENTS.—A proposed standard of performance or other requirement under subclause (II)—

“(aa) shall be developed—

“(AA) in consultation with representatives from the Federal and provincial governments of Canada;

“(BB) after notice and opportunity for public comment on the petition published under subclause (I); and

“(CC) taking into consideration the preliminary assessment, if any, of the Great Lakes Commission under clause (i)(III);

“(bb) shall be specifically endorsed in writing by—

“(AA) the Governor of each Great Lakes State, if the proposed standard or requirement would impose any additional equipment requirement on a vessel; or

“(BB) not fewer than 5 Governors of Great Lakes States, if the proposed standard or requirement would not impose any additional equipment requirement on a vessel; and

“(cc) in the case of a proposed requirement to prohibit 1 or more types of discharge regulated under this subsection, whether treated or not treated, into waters within the Great Lakes System, shall not apply outside the waters of the Great Lakes States of the Governors endorsing the proposed requirement under item (bb).

“(iii) PROMULGATION BY ADMINISTRATOR AND SECRETARY.—

“(I) SUBMISSION.—

“(aa) IN GENERAL.—The Governors endorsing a proposed standard or requirement

under clause (ii)(III)(bb) may jointly submit to the Administrator and the Secretary for approval each proposed standard of performance or other requirement developed and endorsed pursuant to clause (ii).

“(bb) INCLUSION.—Each submission under item (aa) shall include an explanation regarding why the applicable standard of performance or other requirement is—

“(AA) at least as stringent as a comparable standard of performance or other requirement under this subsection;

“(BB) in accordance with maritime safety; and

“(CC) in accordance with applicable maritime and navigation laws and regulations.

“(cc) WITHDRAWAL.—

“(AA) IN GENERAL.—The Governor of any Great Lakes State that endorses a proposed standard or requirement under clause (ii)(III)(bb) may withdraw the endorsement by not later than the date that is 90 days after the date on which the Administrator and the Secretary receive the proposed standard or requirement.

“(BB) EFFECT ON FEDERAL REVIEW.—If, after the withdrawal of an endorsement under subitem (AA), the proposed standard or requirement does not have the applicable number of endorsements under clause (ii)(III)(bb), the Administrator and the Secretary shall terminate the review under this clause.

“(dd) DISSENTING OPINIONS.—The Governor of a Great Lakes State that does not endorse a proposed standard or requirement under clause (ii)(III)(bb) may submit to the Administrator and the Secretary any dissenting opinions of the Governor.

“(II) JOINT NOTICE.—On receipt of a proposed standard of performance or other requirement under subclause (I), the Administrator and the Secretary shall publish in the Federal Register a joint notice that, at minimum—

“(aa) states that the proposed standard or requirement is publicly available; and

“(bb) provides an opportunity for public comment regarding the proposed standard or requirement during the 90-day period beginning on the date of receipt by the Administrator and the Secretary of the proposed standard or requirement.

“(III) REVIEW.—

“(aa) IN GENERAL.—As soon as practicable after the date of publication of a joint notice under subclause (II)—

“(AA) the Administrator shall commence a review of each proposed standard of performance or other requirement covered by the notice to determine whether that standard or requirement is at least as stringent as comparable standards and requirements under this subsection; and

“(BB) the Secretary shall commence a review of each proposed standard of performance or other requirement covered by the notice to determine whether that standard or requirement is in accordance with maritime safety and applicable maritime and navigation laws and regulations.

“(bb) CONSULTATION.—In carrying out item (aa), the Administrator and the Secretary—

“(AA) shall consult with the Governor of each Great Lakes State and representatives from the Federal and provincial governments of Canada;

“(BB) shall take into consideration any relevant data or public comments received under subclause (II)(bb); and

“(CC) shall not take into consideration any preliminary assessment by the Great Lakes Commission under clause (i)(III), or any dissenting opinion under subclause (I)(dd), except to the extent that such an assessment or opinion is relevant to the criteria for the applicable determination under item (aa).

“(IV) APPROVAL OR DISAPPROVAL.—Not later than 180 days after the date of receipt

of each proposed standard of performance or other requirement under subclause (I), the Administrator and the Secretary shall—

“(aa) determine, as applicable, whether each proposed standard or other requirement satisfies the criteria under subclause (III)(aa);

“(bb) approve each proposed standard or other requirement, unless the Administrator or the Secretary, as applicable, determines under item (aa) that the proposed standard or other requirement does not satisfy the criteria under subclause (III)(aa); and

“(cc) submit to the Governor of each Great Lakes State, and publish in the Federal Register, a notice of the determination under item (aa).

“(V) ACTION ON DISAPPROVAL.—

“(aa) RATIONALE AND RECOMMENDATIONS.—If the Administrator and the Secretary disapprove a proposed standard of performance or other requirement under subclause (IV)(bb), the notices under subclause (IV)(cc) shall include—

“(AA) a description of the reasons why the standard or requirement is, as applicable, less stringent than a comparable standard or requirement under this subsection, inconsistent with maritime safety, or inconsistent with applicable maritime and navigation laws and regulations; and

“(BB) any recommendations regarding changes the Governors of the Great Lakes States could make to conform the disapproved portion of the standard or requirement to the requirements of this subparagraph.

“(bb) REVIEW.—Disapproval of a proposed standard or requirement by the Administrator and the Secretary under this subparagraph shall be considered to be a final agency action subject to judicial review under section 509.

“(VI) ACTION ON APPROVAL.—On approval by the Administrator and the Secretary of a proposed standard of performance or other requirement under subclause (IV)(bb)—

“(aa) the Administrator shall establish, by regulation, the proposed standard or requirement within the Great Lakes System in lieu of any comparable standard or other requirement promulgated under paragraph (4); and

“(bb) the Secretary shall establish, by regulation, any requirements necessary to implement, ensure compliance with, and enforce the standard or requirement under item (aa), or to apply the proposed requirement, within the Great Lakes System in lieu of any comparable requirement promulgated under paragraph (5).

“(VII) NO JUDICIAL REVIEW FOR CERTAIN ACTIONS.—An action or inaction of a Governor of a Great Lakes State or the Great Lakes Commission under this subparagraph shall not be subject to judicial review.

“(VIII) GREAT LAKES COMPACT.—Nothing in this subsection limits, alters, or amends the Great Lakes Compact to which Congress granted consent in the Act of July 24, 1968 (Public Law 90-419; 82 Stat. 414).

“(IX) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Great Lakes Commission \$5,000,000, to be available until expended.

“(C) MINIMUM PACIFIC REGION REQUIREMENTS.—

“(i) DEFINITION OF COMMERCIAL VESSEL.—In this subparagraph, the term ‘commercial vessel’ means a vessel operating between—

“(I) 2 ports or places of destination within the Pacific Region; or

“(II) a port or place of destination within the Pacific Region and a port or place of destination on the Pacific Coast of Canada or Mexico north of parallel 20 degrees north latitude, inclusive of the Gulf of California.

“(ii) BALLAST WATER EXCHANGE.—

“(I) IN GENERAL.—Except as provided in subclause (II) and clause (iv), the owner or operator of a commercial vessel shall conduct a complete ballast water exchange in waters more than 50 nautical miles from shore.

“(II) EXEMPTIONS.—Subclause (I) shall not apply to a commercial vessel—

“(aa) using, in compliance with applicable requirements, a type-approved ballast water management system approved by the Secretary; or

“(bb) voyaging—

“(AA) between or to a port or place of destination in the State of Washington, if the ballast water to be discharged from the commercial vessel originated solely from waters located between the parallel 46 degrees north latitude, including the internal waters of the Columbia River, and the internal waters of Canada south of parallel 50 degrees north latitude, including the waters of the Strait of Georgia and the Strait of Juan de Fuca;

“(BB) between ports or places of destination in the State of Oregon, if the ballast water to be discharged from the commercial vessel originated solely from waters located between the parallel 40 degrees north latitude and the parallel 50 degrees north latitude;

“(CC) between ports or places of destination in the State of California within the San Francisco Bay area east of the Golden Gate Bridge, including the Port of Stockton and the Port of Sacramento, if the ballast water to be discharged from the commercial vessel originated solely from ports or places within that area;

“(DD) between the Port of Los Angeles, the Port of Long Beach, and the El Segundo offshore marine oil terminal, if the ballast water to be discharged from the commercial vessel originated solely from the Port of Los Angeles, the Port of Long Beach, or the El Segundo offshore marine oil terminal;

“(EE) between a port or place of destination in the State of Alaska within a single Captain of the Port Zone;

“(FF) between ports or places of destination in different counties of the State of Hawaii, if the vessel may conduct a complete ballast water exchange in waters that are more than 10 nautical miles from shore and at least 200 meters deep; or

“(GG) between ports or places of destination within the same county of the State of Hawaii, if the vessel does not transit outside State marine waters during the voyage.

“(iii) LOW-SALINITY BALLAST WATER.—

“(I) IN GENERAL.—Except as provided in subclause (II) and clause (iv), the owner or operator of a commercial vessel that transports ballast water sourced from waters with a measured salinity of less than 18 parts per thousand and voyages to a Pacific Region port or place of destination with a measured salinity of less than 18 parts per thousand shall conduct a complete ballast water exchange—

“(aa) not less than 50 nautical miles from shore, if the ballast water was sourced from a Pacific Region port or place of destination; or

“(bb) more than 200 nautical miles from shore, if the ballast water was not sourced from a Pacific Region port or place of destination.

“(II) EXCEPTION.—Subclause (I) shall not apply to a commercial vessel voyaging to a port or place of destination in the Pacific Region that is using, in compliance with applicable requirements, a type-approved ballast water management system approved by the Secretary to achieve standards of performance of—

“(aa) less than 1 organism per 10 cubic meters, if that organism—

“(AA) is living, or has not been rendered nonviable; and

“(BB) is 50 or more micrometers in minimum dimension;

“(bb) less than 1 organism per 10 milliliters, if that organism—

“(AA) is living, or has not been rendered nonviable; and

“(BB) is more than 10, but less than 50, micrometers in minimum dimension;

“(cc) concentrations of indicator microbes that are less than—

“(AA) 1 colony-forming unit of toxigenic *Vibrio cholera* (serotypes O1 and O139) per 100 milliliters or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

“(BB) 126 colony-forming units of *Escherichia coli* per 100 milliliters; and

“(CC) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

“(dd) concentrations of such additional indicator microbes and viruses as may be specified in the standards of performance established by the Administrator under paragraph (4).

“(iv) GENERAL EXCEPTIONS.—The requirements of clauses (ii) and (iii) shall not apply to a commercial vessel if—

“(I) complying with the requirement would compromise the safety of the commercial vessel;

“(II) design limitations of the commercial vessel prevent a ballast water exchange from being conducted in accordance with clause (ii) or (iii), as applicable;

“(III) the commercial vessel—

“(aa) is certified by the Secretary as having no residual ballast water or sediments onboard; or

“(bb) retains all ballast water while in waters subject to those requirements; or

“(IV) empty ballast tanks on the commercial vessel are sealed and certified by the Secretary in a manner that ensures that—

“(aa) no discharge or uptake occurs; and

“(bb) any subsequent discharge of ballast water is subject to those requirements.

“(D) ESTABLISHMENT OF STATE NO-DISCHARGE ZONES.—

“(i) STATE PROHIBITION.—Subject to clause (ii), after the effective date of regulations promulgated by the Secretary under paragraph (5), if any State determines that the protection and enhancement of the quality of some or all of the waters within the State require greater environmental protection, the State may prohibit 1 or more types of discharge regulated under this subsection, whether treated or not treated, into such waters.

“(ii) APPLICABILITY.—A prohibition by a State under clause (i) shall not apply until the date on which the Administrator makes the applicable determinations described in clause (iii).

“(iii) PROHIBITION BY ADMINISTRATOR.—

“(I) DETERMINATION.—On application of a State, the Administrator, in concurrence with the Secretary (subject to subclause (II)), shall, by regulation, prohibit the discharge from a vessel of 1 or more discharges subject to regulation under this subsection, whether treated or not treated, into the waters covered by the application if the Administrator determines that—

“(aa) prohibition of the discharge would protect and enhance the quality of the specified waters within the State;

“(bb) adequate facilities for the safe and sanitary removal and treatment of the discharge are reasonably available for the water and all vessels to which the prohibition would apply;

“(cc) the discharge can be safely collected and stored until a vessel reaches a discharge facility or other location; and

“(dd) in the case of an application for the prohibition of discharges of ballast water in a port (or in any other location where cargo,

passengers, or fuel are loaded and unloaded)—

“(AA) the adequate facilities described in item (bb) are reasonably available for commercial vessels, after considering, at a minimum, water depth, dock size, pumpout facility capacity and flow rate, availability of year-round operations, proximity to navigation routes, and the ratio of pumpout facilities to the population and discharge capacity of commercial vessels operating in those waters; and

“(BB) the prohibition will not unreasonably interfere with the safe loading and unloading of cargo, passengers, or fuel.

“(II) CONCURRENCE WITH SECRETARY.—

“(aa) REQUEST.—The Administrator shall submit to the Secretary a request for written concurrence with respect to a prohibition under subclause (I).

“(bb) EFFECT OF FAILURE TO CONCUR.—A failure by the Secretary to concur with the Administrator under subclause (I) by the date that is 60 days after the date on which the Administrator submits a request for concurrence under item (aa) shall not prevent the Administrator from prohibiting the relevant discharge in accordance with subclause (III), subject to the condition that the Administrator shall include in the administrative record of the promulgation—

“(AA) documentation of the request submitted under item (aa); and

“(BB) the response of the Administrator to any written objections received from the Secretary relating to the proposed standard of performance during the 60-day period beginning on the date of submission of the request.

“(III) TIMING.—The Administrator shall approve or disapprove an application submitted under subclause (I) by not later than 90 days after the date on which the application is submitted to the Administrator.

“(E) MAINTENANCE IN EFFECT OF MORE-STRINGENT STANDARDS.—In any case in which a requirement established under this paragraph is more stringent or environmentally protective than a comparable requirement established under paragraph (4), (5), or (6), the more-stringent or more-protective requirement shall control.”.

(2) REPEALS.—

(A) IN GENERAL.—Effective beginning on the date of enactment of this Act, the following provisions of law are repealed:

(i) Section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711).

(ii) Public Law 110-299 (33 U.S.C. 1342 note).

(B) CONFORMING AMENDMENTS.—Section 1102 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4712) is amended—

(i) in subsection (c)(1), by inserting “(as in effect on the day before the date of enactment of the Vessel Incidental Discharge Act of 2018)” after “section 1101(b)”; and

(ii) in subsection (f)(1)(B), by inserting “(as in effect on the day before the date of enactment of the Vessel Incidental Discharge Act of 2018)” after “section 1101(c)”.

(b) REGULATIONS FOR USE OF MARINE POLLUTION CONTROL DEVICES.—Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended—

(1) by striking the section designation and heading and all that follows through “For the purpose of” in subsection (a) and inserting the following:

“SEC. 312. MARINE SANITATION DEVICES; DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF VESSELS.

“(a) DEFINITIONS.—In”;

(2) in subsection (a)—

(A) in paragraph (7), by striking “devices or of vessels” and inserting “devices, marine pollution control device equipment, or vessels”; and

(B) in paragraph (13), in the matter preceding subparagraph (A), by inserting “, except as provided in subsection (p),” after “means”;

(3) in subsection (g)—

(A) by inserting “or marine pollution control device equipment” after “marine sanitation device” each place it appears;

(B) in paragraph (1)—

(i) by inserting “or equipment” after “such device”; and

(ii) by inserting “or equipment” after “test device”; and

(C) in paragraph (2)—

(i) by inserting “or equipment” after “the device” each place it appears; and

(ii) in the fourth sentence, by inserting “or equipment” after “device” each place it appears; and

(4) in subsection (h)—

(A) in paragraph (1), by inserting “and marine pollution control device equipment” after “marine sanitation device”;

(B) in paragraph (2), by inserting “or any certified marine pollution control device equipment or element of design of such equipment” after “such device”;

(C) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting the subparagraphs appropriately;

(D) by striking “(h) After” and inserting the following:

“(h) SALE AND REALE OF PROPERLY EQUIPPED VESSELS; OPERABILITY OF CERTIFIED MARINE SANITATION DEVICES.—

“(1) IN GENERAL.—Subject to paragraph (2), after”;

(E) by adding at the end the following:

“(2) EFFECT OF SUBSECTION.—Nothing in this subsection requires certification of a marine pollution control device for use on any vessel of the Armed Forces.”.

(c) ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—Section 312(k) of the Federal Water Pollution Control Act (33 U.S.C. 1322(k)) is amended—

(A) by striking the second sentence and inserting the following:

“(3) STATES.—

“(A) IN GENERAL.—This section may be enforced by a State or political subdivision of a State (including the attorney general of a State), including by filing a civil action in an appropriate Federal district court to enforce any violation of subsection (p).

“(B) JURISDICTION.—The appropriate Federal district court shall have jurisdiction with respect to a civil action filed pursuant to subparagraph (A), without regard to the amount in controversy or the citizenship of the parties—

“(i) to enforce the requirements of this section; and

“(ii) to apply appropriate civil penalties under this section or section 309(d), as appropriate.”;

(B) by striking “(k) The provisions of this” and inserting the following:

“(k) ENFORCEMENT AUTHORITY.—

“(1) ADMINISTRATOR.—This section shall be enforced by the Administrator, to the extent provided in section 309.

“(2) SECRETARY.—

“(A) IN GENERAL.—This”;

(C) in paragraph (2) (as so designated)—

(i) in subparagraph (A), by striking “operating and he may utilize by agreement” and inserting “operating, who may use, by agreement”;

(ii) by adding at the end the following:

“(B) INSPECTIONS.—For purposes of ensuring compliance with this section, the Secretary—

“(i) may carry out an inspection (including the taking of ballast water samples) of any vessel at any time; and

“(ii) shall—

“(I) establish procedures for—  
“(aa) reporting violations of this section;  
and

“(bb) accumulating evidence regarding those violations; and

“(II) use appropriate and practicable measures of detection and environmental monitoring of vessels.

“(C) DETENTION.—The Secretary may detain a vessel if the Secretary—

“(i) has reasonable cause to believe that the vessel—

“(I) has failed to comply with an applicable requirement of this section; or

“(II) is being operated in violation of such a requirement; and

“(ii) the Secretary provides to the owner or operator of the vessel a notice of the intent to detain.”.

(2) PRESERVATION OF FEDERAL ENFORCEMENT AUTHORITY.—Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended—

(A) in subsection (a)(3), by striking “318” and inserting “312(p), 318”;

(B) in subsection (c), by striking “318” each place it appears and inserting “312(p), 318”;

(C) in subsection (d), in the first sentence—  
(i) by striking “318” and inserting “312(p), 318,”; and

(ii) by striking “State,” and inserting “State,”; and

(D) in subsection (g)(1)(A), by striking “318” and inserting “312(p), 318”.

(3) PRESERVATION OF PUBLIC ENFORCEMENT AUTHORITY.—Section 505(f) of the Federal Water Pollution Control Act (33 U.S.C. 1365(f)) is amended by striking “(5) certification” and all that follows through the period at the end and inserting the following: “(5) a standard of performance or requirement under section 312(p); (6) a certification under section 401; (7) a permit or condition of a permit issued under section 402 that is in effect under this Act (including a requirement applicable by reason of section 313); or (8) a regulation under section 405(d).”.

(4) REVIEW.—Section 509(b) of the Federal Water Pollution Control Act (33 U.S.C. 1369(b)) is amended by adding at the end the following:

“(4) DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), any interested person may file a petition for review of a final agency action under section 312(p) of the Administrator or the Secretary of the department in which the Coast Guard is operating in accordance with the requirements of this subsection.

“(B) VENUE EXCEPTION.—Subject to section 312(p)(7)(C)(v), a petition for review of a final agency action under section 312(p) of the Administrator or the Secretary of the department in which the Coast Guard is operating may be filed only in the United States Court of Appeals for the District of Columbia Circuit.”.

(d) LOGBOOK REQUIREMENTS.—Section 11301(b) of title 46, United States Code, is amended by adding at the end the following:

“(13) when a vessel fails to carry out ballast water management requirements as applicable and pursuant to regulations promulgated by the Secretary, including when the vessel fails to carry out ballast water management requirements due to an allowed safety exemption, a statement regarding the failure to comply and the circumstances under which the failure occurred, made immediately after the failure, when practicable to do so.”.

(e) QUAGGA MUSSEL.—Section 42(a)(1) of title 18, United States Code, is amended, in the first sentence, by inserting “of the quagga mussel of the species *Dreissena*

rostriformis or *Dreissena bugensis*,” after “*Dreissena polymorpha*,”.

(f) COASTAL AQUATIC INVASIVE SPECIES MITIGATION GRANT PROGRAM AND MITIGATION FUND.—

(1) DEFINITIONS.—In this subsection:

(A) COASTAL ZONE.—The term “coastal zone” has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(B) ELIGIBLE ENTITY.—The term “eligible entity” means—

(i) a State;

(ii) a unit of local government;

(iii) an Indian Tribe;

(iv) a nongovernmental organization; and

(v) an institution of higher education.

(C) EXCLUSIVE ECONOMIC ZONE.—The term “Exclusive Economic Zone” means the Exclusive Economic Zone of the United States, as established by Presidential Proclamation 5030, dated March 10, 1983 (16 U.S.C. 1453 note).

(D) FOUNDATION.—The term “Foundation” means the National Fish and Wildlife Foundation established by section 2(a) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(a)).

(E) FUND.—The term “Fund” means the Coastal Aquatic Invasive Species Mitigation Fund established by paragraph (3)(A).

(F) PROGRAM.—The term “Program” means the Coastal Aquatic Invasive Species Mitigation Grant Program established under paragraph (2)(A).

(G) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(2) GRANT PROGRAM.—

(A) ESTABLISHMENT.—The Secretary and the Foundation shall establish a program, to be known as the “Coastal Aquatic Invasive Species Mitigation Grant Program”, under which the Secretary and the Foundation shall award grants to eligible entities in accordance with this paragraph.

(B) PURPOSES.—The purposes of the Program are—

(i) to improve the understanding, prevention, and mitigation of, and response to, aquatic invasive species in—

(I) the coastal zone; and

(II) the Exclusive Economic Zone;

(ii) to support the prevention and mitigation of impacts from aquatic invasive species in the coastal zone; and

(iii) to support the restoration of Pacific Island habitats, marine, estuarine, and Great Lakes environments in the coastal zone and the Exclusive Economic Zone that are impacted by aquatic invasive species.

(C) USE OF GRANTS.—

(i) IN GENERAL.—A grant awarded under the Program shall be used for an activity to carry out the purposes of the Program, including an activity—

(I) to develop and implement procedures and programs, including permissible State ballast water inspection programs, to prevent, detect, control, mitigate, and rapidly or progressively eradicate aquatic invasive species in the coastal zone or the Exclusive Economic Zone, particularly in areas with high numbers of established aquatic invasive species;

(II) to restore habitat impacted by an aquatic invasive species;

(III) to develop new shipboard and land-based ballast water treatment system technologies and performance standards to prevent the introduction of aquatic invasive species;

(IV) to develop mitigation measures to protect natural and cultural living resources, including shellfish, from the impacts of aquatic invasive species; or

(V) to develop mitigation measures to protect infrastructure, such as hydroelectric infrastructure, from aquatic invasive species.

(ii) PROHIBITION ON FUNDING LITIGATION.—A grant awarded under the Program may not be used to fund litigation in any matter.

(D) ADMINISTRATION.—Not later than 90 days after the date of enactment of this Act, the Foundation, in consultation with the Secretary, shall establish the following:

(i) Application and review procedures for awarding grants under the Program.

(ii) Approval procedures for awarding grants under the Program, including a requirement for consultation with—

(I) the Secretary of the Interior; and

(II) the Administrator.

(iii) Performance accountability and monitoring measures for activities funded by a grant awarded under the Program.

(iv) Procedures and methods to ensure accurate accounting and appropriate administration of grants awarded under the Program, including standards of recordkeeping.

(E) MATCHING REQUIREMENT.—Each eligible entity that receives a grant under the Program shall provide, in cash or through in-kind contributions from non-Federal sources, matching funds to carry out the activities funded by the grant in an amount equal to not less than 25 percent of the cost of the activities.

(F) FUNDING.—The Secretary and the Foundation are authorized to use the amounts available in the Fund to award grants under the Program.

(3) MITIGATION FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the “Coastal Aquatic Invasive Species Mitigation Fund”, consisting of such amounts as are appropriated or credited to the Fund in accordance with this paragraph or section 9602 of the Internal Revenue Code of 1986.

(B) TRANSFERS TO FUND.—

(i) APPROPRIATION.—There is authorized to be appropriated from the Treasury to the Fund, for each fiscal year, an amount equal to the amount of penalties assessed for violations of subsection (p) of section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) during the preceding fiscal year.

(ii) ADDITIONAL AUTHORIZATION.—In addition to the amounts transferred to the Fund under clause (i), there is authorized to be appropriated to the Fund \$5,000,000 for each fiscal year.

(C) USE OF FUND.—Subject to appropriations, the amounts in the Fund shall be available to the Secretary and the Foundation to award grants under the Program.

(g) GREAT LAKES AND LAKE CHAMPLAIN INVASIVE SPECIES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(B) AQUATIC NUISANCE SPECIES.—The term “aquatic nuisance species” has the meaning given that term in subsection (p)(1) of section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322).

(C) DIRECTOR.—The term “Director” means the Director of the Great Lakes National Program Office established by section 118(b) of the Federal Water Pollution Control Act (33 U.S.C. 1268(b)).

(D) GREAT LAKES AND LAKE CHAMPLAIN SYSTEMS.—The term “Great Lakes and Lake Champlain Systems” includes—

(i) Lake Champlain; and

(ii) all bodies of water (including wetlands) within—

(I) the Great Lakes System (as defined in section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3))); or

(II) the Lake Champlain drainage basin (as defined in section 120(g) of the Federal Water Pollution Control Act (33 U.S.C. 1270(g))).



(E) PROGRAM.—The term “Program” means the Great Lakes and Lake Champlain Invasive Species Program established under paragraph (2)(A).

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Administrator shall establish within the Great Lakes National Program Office a program, to be known as the “Great Lakes and Lake Champlain Invasive Species Program” —

(i) in collaboration with—

(I) the Director of the United States Fish and Wildlife Service;

(II) the Administrator of the National Oceanic and Atmospheric Administration;

(III) the Director of the United States Geological Survey; and

(IV) the Secretary of the department in which the Coast Guard is operating; and

(ii) in consultation with—

(I) the head of Great Lakes Aquatic Non-indigenous Species Information System of the National Oceanic and Atmospheric Administration; and

(II) the head of Great Lakes Environmental Research Laboratory of the National Oceanic and Atmospheric Administration.

(B) PURPOSES.—The purposes of the Program shall be—

(i) to monitor for the introduction and spread of aquatic nuisance species into or within the Great Lakes and Lake Champlain Systems;

(ii) to detect newly introduced aquatic nuisance species prior to the establishment of the aquatic nuisance species in the Great Lakes and Lake Champlain Systems;

(iii) to inform, and assist with, management and response actions to prevent or stop the establishment or spread of an aquatic nuisance species;

(iv) to establish a watch list of candidate aquatic nuisance species that may be introduced or spread, and that may survive and establish, within the Great Lakes and Lake Champlain Systems;

(v) to monitor vectors likely to be contributing to the introduction or spread of aquatic nuisance species, including ballast water operations;

(vi) to work collaboratively with the Federal, State, local, and Tribal agencies to develop criteria for prioritizing and distributing monitoring efforts;

(vii) to develop, achieve type approval for, and pilot shipboard or land-based ballast water management systems installed on, or available for use by, commercial vessels operating solely within the Great Lakes and Lake Champlain Systems to prevent the spread of aquatic nuisance species populations within the Great Lakes and Lake Champlain Systems; and

(viii) to facilitate meaningful Federal and State implementation of the regulatory framework in this subsection, including monitoring, shipboard education, inspection, and compliance conducted by States.

(3) METHODOLOGY.—The Program shall seek—

(A) to build on—

(i) existing aquatic nuisance species monitoring efforts; and

(ii) efforts to develop criteria for prioritizing and distributing monitoring efforts, geographically and among taxa, in the Great Lakes and Lake Champlain Systems;

(B) to advance early detection and monitoring, and capacity to control the establishment and spread, of aquatic nuisance species within the Great Lakes and Lake Champlain Systems;

(C) to identify opportunities to interdict the introduction and spread of aquatic nuisance species through sound science and technological advancements;

(D) to assess the risk of aquatic nuisance species introduction and spread via the range

of vectors active within the Great Lakes and Lake Champlain Systems;

(E) to advance the development of type-approved ballast water management system (as defined in subsection (p)(1) of section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) equipment for commercial, non-seagoing vessels that operate solely within the Great Lakes System (as defined in section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3)));

(F) to immediately make available to the public information regarding—

(i) the detection of new aquatic nuisance species within the Great Lakes and Lake Champlain Systems; or

(ii) the spread of aquatic nuisance species within the Great Lakes and Lake Champlain Systems;

(G) to annually submit to appropriate individuals and entities in each affected region a report describing the findings and activities of the Program;

(H) to identify roles and responsibilities of Federal agencies in aquatic nuisance species monitoring and response; and

(I) to provide resource assistance to States implementing State-level programs to enter into partnerships with Federal agencies in enforcing the requirements under subsection (p) of section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322).

(4) COLLABORATION.—In carrying out and developing the Program, the Director shall collaborate with—

(A) applicable Federal, State, local, and Tribal agencies; and

(B) such other research entities or stakeholders as the Director determines to be appropriate.

(5) DATA AVAILABILITY.—The Director shall—

(A) make the data collected under the Program available on a publicly accessible internet website, including in an annual summary report; and

(B) in coordination with the entities identified under paragraph (4), develop communication and notification protocols for the purpose of communicating the range of aquatic nuisance species and any identification of a new aquatic nuisance species introduced to the Great Lakes and Lake Champlain Systems.

(6) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than December 31, 2019, the Director shall submit to Congress a report summarizing the outcomes of activities carried out under the Program.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) a description of activities carried out under the Program, including an explanation of how those activities help to achieve the purposes described in paragraph (2)(B);

(ii) an analysis of Federal, State, and local efforts to enhance multidisciplinary approaches to achieve the purposes described in paragraph (2)(B);

(iii) recommendations relating to activities that would contribute to achievement of the purposes described in paragraph (2)(B); and

(iv) recommendations to improve the efficiency and effectiveness of the Program.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the Program \$50,000,000 for each of fiscal years 2019 through 2023.

(h) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 1102(f) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4712(f)) is amended by striking paragraph (2) and inserting the following:

“(2) BALLAST WATER REPORTING REQUIREMENTS.—

“(A) IN GENERAL.—The owner or operator of a vessel subject to this title shall submit to the National Ballast Information Clearinghouse, by not later than 6 hours after the arrival of the vessel at a United States port or place of destination, the ballast water management report form approved by the Office of Management and Budget numbered OMB 1625-0069 (or a successor form), unless the vessel is operating exclusively on a voyage between ports or places within contiguous portions of a single Captain of the Port Zone.

“(B) MULTIPLE DISCHARGES.—The owner or operator of a vessel subject to this title may submit a single report under subparagraph (A) for multiple ballast water discharges within a single port or place of destination during the same voyage.

“(C) ADVANCE REPORT TO STATES.—A State may require the owner or operator of a vessel subject to this title to submit directly to the State, or to an appropriate regional forum, a ballast water management report form—

“(i) not later than 24 hours prior to arrival at a United States port or place of destination in the State, if the voyage of the vessel is anticipated to exceed 24 hours; or

“(ii) before departing the port or place of departure, if the voyage of the vessel to the United States port or place of destination is not anticipated to exceed 24 hours.

“(3) VESSEL REPORTING DATA.—

“(A) DISSEMINATION TO STATES.—On receipt of a ballast water management report under paragraph (2), the National Ballast Information Clearinghouse shall—

“(i) in the case of a form submitted electronically, immediately disseminate the report to interested States; or

“(ii) in the case of a form submitted by means other than electronically, disseminate the report to interested States as soon as practicable.

“(B) AVAILABILITY TO PUBLIC.—Not later than 30 days after the date of receipt of a ballast water management report under paragraph (2), the National Ballast Information Clearinghouse shall make the data in the report fully and readily available to the public in a searchable and fully retrievable electronic format.

“(4) REPORT.—

“(A) IN GENERAL.—Not later than July 1, 2019, and annually thereafter, the Secretary shall prepare and submit a report in accordance with this paragraph.

“(B) CONTENTS.—Each report under this paragraph shall synthesize and analyze the data described in paragraph (1) for the preceding 2-year period to evaluate nationwide status and trends relating to—

“(i) ballast water delivery and management; and

“(ii) invasions of aquatic nuisance species resulting from ballast water.

“(C) DEVELOPMENT.—The Secretary shall prepare each report under this paragraph in consultation and cooperation with—

“(i) the Task Force; and

“(ii) the Smithsonian Institution (acting through the Smithsonian Environmental Research Center).

“(D) SUBMISSION.—The Secretary shall—

“(i) submit each report under this paragraph to—

“(I) the Task Force;

“(II) the Committee on Commerce, Science, and Transportation of the Senate; and

“(III) the Committee on Transportation and Infrastructure of the House of Representatives; and

“(ii) make each report available to the public.



“(5) WORKING GROUP.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish a working group, including members from the National Ballast Information Clearinghouse and States with ballast water management programs, to establish a process for compiling and readily sharing Federal and State commercial vessel reporting and enforcement data regarding compliance with this Act.”.

(2) Section 1205 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4725) is amended—

(A) in the third sentence, by striking “Compliance” and inserting the following:

“(c) EFFECT OF COMPLIANCE.—Compliance”;

(B) in the second sentence, by striking “Nothing” and inserting the following:

“(b) EFFECT OF TITLE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), nothing”;

(C) in the first sentence, by striking “All actions” and inserting the following:

“(a) CONSISTENCY WITH ENVIRONMENTAL LAWS.—All actions”; and

(D) in subsection (b) (as so designated), by adding at the end the following:

“(2) EXCEPTION.—Any discharge incidental to the normal operation of a vessel, including any discharge of ballast water (as those terms are defined in subsections (a) and (p)(1) of section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322)), shall be regulated in accordance with that section.”.

#### **TITLE X—HYDROGRAPHIC SERVICES AND OTHER MATTERS**

##### **SEC. 1001. REAUTHORIZATION OF HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998.**

(a) REAUTHORIZATIONS.—Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended—

(1) in the matter before paragraph (1), by striking “There are” and inserting the following:

“(a) IN GENERAL.—There are”;

(2) in subsection (a) (as designated by paragraph (1))—

(A) in paragraph (1), by striking “surveys—” and all that follows through the end of the paragraph and inserting “surveys, \$70,814,000 for each of fiscal years 2019 through 2023.”;

(B) in paragraph (2), by striking “vessels—” and all that follows through the end of the paragraph and inserting “vessels, \$25,000,000 for each of fiscal years 2019 through 2023.”;

(C) in paragraph (3), by striking “Administration—” and all that follows through the end of the paragraph and inserting “Administration, \$29,932,000 for each of fiscal years 2019 through 2023.”;

(D) in paragraph (4), by striking “title—” and all that follows through the end of the paragraph and inserting “title, \$26,800,000 for each of fiscal years 2019 through 2023.”; and

(E) in paragraph (5), by striking “title—” and all that follows through the end of the paragraph and inserting “title, \$30,564,000 for each of fiscal years 2019 through 2023.”; and

(3) by adding at the end the following:

“(b) ARCTIC PROGRAMS.—Of the amount authorized by this section for each fiscal year—

“(1) \$10,000,000 is authorized for use in the Arctic—

“(A) to acquire hydrographic data;

“(B) to provide hydrographic services;

“(C) to conduct coastal change analyses necessary to ensure safe navigation;

“(D) to improve the management of coastal change; and

“(E) to reduce risks of harm to subsistence and coastal communities associated with increased international maritime traffic; and

“(2) \$2,000,000 is authorized for use to acquire hydrographic data and provide hydrographic services in the Arctic necessary to

delineate the United States extended Continental Shelf.”.

(b) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Section 306 of such Act (33 U.S.C. 892d) is further amended by adding at the end the following:

“(c) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Of amounts authorized by this section for each fiscal year for contract hydrographic surveys, not more than 5 percent is authorized for administrative costs associated with contract management.”.

##### **SEC. 1002. SYSTEM FOR TRACKING AND REPORTING ALL-INCLUSIVE COST OF HYDROGRAPHIC SURVEYS.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall—

(1) develop and implement a system to track and report the full cost to the Department of Commerce of hydrographic data collection, including costs relating to vessel acquisition, vessel repair, and administration of contracts to procure data;

(2) evaluate measures for comparing cost per unit effort in addition to measures of cost per nautical square mile; and

(3) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on which additional measures for comparing cost per unit effort the Secretary intends to use and the rationale for such use.

(b) DEVELOPMENT OF STRATEGY FOR INCREASED CONTRACTING WITH NONGOVERNMENTAL ENTITIES FOR HYDROGRAPHIC DATA COLLECTION.—Not later than 180 days after the date on which the Secretary completes the activities required by subsection (a), the Secretary shall develop a strategy for how the National Oceanic and Atmospheric Administration will increase contracting with nongovernmental entities for hydrographic data collection in a manner that is consistent with the requirements of the Ocean and Coastal Mapping Integration Act (Public Law 111–11; 33 U.S.C. 3501 et seq.).

##### **SEC. 1003. HOMEPORT OF CERTAIN RESEARCH VESSELS.**

(a) ACCEPTANCE OF FUNDS AUTHORIZED.—The Secretary of Commerce may accept non-Federal funds for the purpose of the construction of a new port facility, including obtaining such cost estimates, designs, and permits as may be necessary to facilitate the homeporting of the R/V FAIRWEATHER in accordance with title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77; 115 Stat. 775) at a location that during such homeporting shall be under the administrative jurisdiction of the Under Secretary of Commerce for Oceans and Atmosphere.

(b) STRATEGIC PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a strategic plan for implementing subsection (a).

(c) ACCEPTANCE OF FUNDS AUTHORIZED.—The Secretary may accept non-Federal funds for the purpose of the construction of a new port facility, including obtaining such cost estimates, designs, and permits as may be necessary to facilitate the homeporting of a new, existing, or reactivated research vessel in the city of St. Petersburg, Florida, at a location that during such homeporting shall be under the administrative jurisdiction of the Under Secretary of Commerce for Oceans and Atmosphere.

(d) STRATEGIC PLAN REQUIRED.—Not later than 180 days after the date of the enactment

of this Act, the Secretary shall develop and submit to Congress a strategic plan for construction or acquisition of the facilities needed to allow for an oceanographic research vessel to be homeported in St. Petersburg, Florida. The strategic plan shall include an estimate of funding needed to construct such facilities.

Mr. McCONNELL. So for the information of the Senate, the modification that occurred was necessary to fix a technical error that omitted a number of important charts and tables from the bill.

#### **TO CORRECT THE ENROLLMENT OF S. 140**

Mr. McCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 51.

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 51) to correct the enrollment of S. 140.

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

Mr. McCONNELL. 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. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 51) was agreed to.

(The concurrent resolution is printed in today's RECORD under “Submitted Resolutions.”)

#### **ORDER OF BUSINESS AND BIPARTISAN ACCOMPLISHMENTS**

Mr. McCONNELL. Madam President, the Senate's final order of business this week will be to confirm Michelle Bowman, the President's choice to serve on the Federal Reserve Board.

As I highlighted in recent days, we have before us a nominee whose skills and background are tailor-made for the responsibilities of the office. Ms. Bowman has extensive experience in community banking, and the seat to be filled is intended for an expert in that very field.

My colleagues hardly need me to illustrate any further the role that small community banks play in the lives of family farms, small businesses, and communities all across our country. It is time to take an important step for them and confirm this well-qualified nominee.

Yesterday, we passed legislation to reauthorize the Coast Guard by an overwhelming bipartisan majority. The Senate took action to reaffirm the critical security, interdiction, and rescue missions that keep America safe and to streamline duplicative regulations at the same time.

The provision to clarify the regulation of vessel incidental discharge delivered a much needed victory for the communities and small maritime businesses, including so many in my State of Kentucky, that rely on America's inland waterways for their livelihood. The reauthorization delivered some well-earned certainty to the brave men and women of the U.S. Coast Guard, whose commitment to service should make all of us proud.

Of course, the Coast Guard legislation was just the very latest installment in a long list of bipartisan successes passed by this Senate in this Congress on behalf of the American people.

The big battles may be what captivate the press, and Republicans are certainly proud of our signature accomplishments, like historic tax reform and confirming Justice Gorsuch and Justice Kavanaugh, but at the same time, it is frequently overlooked how many of this Congress's achievements have been thoroughly bipartisan.

Republicans and Democrats together passed landmark legislation that marshaled more resources to the frontlines of communities fighting against opioids, more specialized training and resources for first responders, greater access to grant support for State and local authorities, and more support for treatment, recovery, and workforce re-entry programs to heal the wounds of this devastating epidemic.

Together we reformed some of the excesses of Dodd-Frank and lightened the load on local lenders.

Together we ended the cycle of chronic continuing resolutions for defense funding that denied certainty to our Armed Forces and eroded our readiness. We rebuilt a regular appropriations process. It featured the largest year-on-year defense funding increase in 15 years and the biggest pay raise for servicemembers in nearly a decade.

Together we made new investments to start rebuilding our Nation's infrastructure.

Together, we brought new resources and new reforms to the systems that serve our veterans. Together, we improved comprehensive sanctions to target maligned behavior throughout the international system. We passed major bills to combat sex trafficking, improve school safety, expand opportunities for vocational and technical training, and extend the right to try new medical treatments to those with terminal illnesses.

This isn't even an exhaustive list. Clearly, the Senate has proved to be fertile soil for bipartisan work. It has made life better for the American people in tangible ways. We should all take pride in this, and we need to keep up this momentum for the remainder of this year as we consider more legislation and confirm more nominees. We will need it throughout the next Congress. We will need to work across the aisle within this body, and this Repub-

lican Senate and Democratic House will need to learn to collaborate as well. This long list of accomplishments offers just the blueprint we will need.

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. PAUL. Madam 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.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### MOTION TO DISCHARGE—S.J. RES. 65

Mr. PAUL. Pursuant to the Arms Export Act of 1976, I move to discharge the Foreign Relations Committee from further consideration of S.J. Res. 65, relating to the disapproval of the proposed foreign military sale to the Government of Bahrain.

The ACTING PRESIDENT pro tempore. The motion is now pending.

Mr. PAUL. Madam President, I ask unanimous consent that until 12:15 p.m., the time be equally divided by opponents and proponents, with the first 30 minutes for opponents of the bill and the last 30 minutes for proponents of the bill.

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

The PRESIDING OFFICER. The Senator from Maryland.

#### SPECIAL COUNSEL INVESTIGATION

Mr. CARDIN. Madam President, I rise to discuss the firing of Attorney General Jeff Sessions by President Trump immediately after the midterm elections, as well as the ongoing Justice Department investigation by Special Counsel Robert Mueller into Russian interference in the 2016 U.S. Presidential elections.

The only transparency to be found in the Trump White House is the President's disdain for the Mueller investigation into the 2016 elections. After multiple guilty pleas and convictions among the President's campaign advisers on this ongoing investigation, President Trump remains relentless in his campaign to find any way possible to limit the scope of the ongoing investigation.

I did not support Jeff Sessions' nomination to be Attorney General, but he followed the law and rightly recused himself from overseeing the work of Mr. Mueller and his team of professional investigators. Deputy Attorney General Rod Rosenstein should continue to oversee the Mueller investigation. Deputy Attorney General Rosenstein has shown his fidelity to the rule of law with the much needed announce-

ment of a special counsel to investigate potential criminal activity and collusion between the Trump campaign and the Russian Government in the 2016 elections. His choice of Robert Mueller was solid. Mr. Mueller served as the FBI Director under both Democratic and Republican Presidential administrations. He has a well-earned reputation as a nonpartisan professional.

Let me remind my colleagues that when Deputy Attorney General Rosenstein made the special counsel appointment in May of 2017, he wrote:

I determined that it is in the public interest for me to exercise my authority and appoint a Special Counsel to assume responsibility for this matter. . . . What I have determined is that based upon the unique circumstances, the public interest requires me to place this investigation under the authority of a person who exercises a degree of independence from the normal chain of command. . . . Considering the unique circumstances of this matter, however, I determined that a Special Counsel is necessary in order for the American people to have full confidence in the outcome. Our Nation is grounded on the rule of law, and the public must be assured that government officials administer the law fairly. Special Counsel Mueller will have all appropriate resources to conduct a thorough and complete investigation, and I am confident that he will follow the facts, apply the law and reach a just result.

That is what Mr. Rosenstein said when he appointed Mr. Mueller as special counsel. Now we know just how right Deputy Attorney General Rosenstein was to worry about protecting the independence and integrity of the special counsel's investigation so that the rule of law would be followed and the special counsel could follow the facts, apply the law, and reach a just result regardless of what the President wants. Indeed, at every turn, President Trump has tried to undermine the rule of law and interfere with this investigation. He has relentlessly criticized the Mueller investigation in the court of public opinion, somehow characterizing it as a "witch-hunt" by conflicted, "angry Democrats," notwithstanding the dozens of guilty pleas and convictions already obtained by the special counsel, as well as Mr. Mueller's professional, nonpartisan legacy of service.

The new Acting Attorney General, Matthew Whitaker, who is an unconfirmed political appointee, is already on the record making inflammatory comments on how to limit the scope of the investigation and cut off resources. He should immediately recuse himself from the investigation. Serious legal questions have been raised about the legality and constitutionality of the designation by President Trump of Mr. Whitaker, who has not been confirmed by the Senate and is heading a Cabinet Department. The Constitution's appointment clause requires all principal officers of the government to be nominated and have the advice and consent of the Senate.

This action by President Trump imperils the very leadership of the Justice Department and its day-to-day operations and calls into question any decisions made by Mr. Whitaker during his temporary service. The Senate already confirmed Deputy Attorney General Rosenstein on an overwhelming bipartisan basis, by a 94-to-6 vote, in April of 2017. Under Justice Department guidance and current law, Deputy Attorney General Rosenstein, who has served with distinction under both Democratic and Republican administrations and was nominated by President Trump, should be designated as the Acting Attorney General until such time as the President nominates and the Senate confirms a successor to former Attorney General Sessions.

Under the current oversight of Deputy Attorney General Rosenstein, Special Counsel Mueller's investigation must continue until its conclusion. The President must stop trying to impede its progress. Congress has a responsibility to finally take legislative action to protect the investigation from meddling by the White House, especially from interference by the President.

The Senate has an obligation to pass legislation that would ensure the independence of the special counsel, provide judicial review for the removal of the special counsel, and require additional reporting to Congress and the American people on the special counsel's investigations, documents, and ultimate findings. S. 2644 does exactly that and is a bipartisan bill that passed the Judiciary Committee by a vote of 14 to 7 in April of 2018. It has sat on the Senate's calendar for more than 6 months. The full Senate should be able to vote on this measure immediately given the active and ongoing interference by President Trump into the special counsel's investigation.

I hope my colleagues agree that the special counsel should be allowed to finish his work without interference. No one under the Constitution—not even the President—is above the law, and Congress cannot allow the President to obstruct the special counsel's investigation.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SASSE). Without objection, it is so ordered.

#### CRIMINAL JUSTICE REFORM

Mr. DURBIN. Mr. President, I would like to share with the Senate and those following this debate a story about a man named Alton Mills.

Alton Mills was a young African American in the city of Chicago. He was an above-average high school student. It looked like he might even go on to higher education, but he had

some bad luck when it came to employment and jobs, and he made a stupid decision. He made a stupid decision by becoming part of a gang in the neighborhood that was selling drugs.

As a result of that, he was arrested and convicted of the possession and sale of a small amount of narcotics. The sentence was suspended because he had had no previous criminal record.

It happened a second time. Again, he didn't serve a day in jail. It was suspended with the promise that he would never do it again, but he stumbled and did it a third time. As a result of that, in 1994, at the age of 24, Alton Mills was given a mandatory sentence of life in prison. He had never been involved in a violent crime. He had never used a firearm, and he never was a drug kingpin but had been involved in the sale of drugs. At the age of 24, he received a life sentence for the three incidents I just mentioned.

How could we have ever reached a point at which a person would be sent to jail for life for those three crimes?

We reached that point because 25 years ago we did something that was just plain wrong. You will seldom hear a Senator say this in the course of a speech, but I am going to say it. The worst vote I ever cast in my life in the House or in the Senate was for the 100-to-1 sentencing disparity between crack cocaine and powder cocaine. In other words, if you took the same amount of cocaine and if it were in a powder form, sitting next to the same amount of cocaine in a crystallized form that could be smoked and if you were arrested for the possession of one or the other, the sentence for crack cocaine was 100 times what it was for powder cocaine.

Why did we do that? Why did we have such a gross disparity? It was because we were frightened.

As a Member of the House of Representatives, I remember it well. They came to us and said that there was a new form of cocaine on the streets. It cost 5 bucks, and it was heavily addictive. If a mother were to ingest this cocaine while being pregnant, it could harm the fetus for life. So do something.

At about that same time, there was this great scandal here in Washington, DC, of an outstanding basketball player at the University of Maryland, named Len Bias, who overdosed on drugs and died. People were talking about his career in the NBA and this great talent, and he was dead. It had nothing to do with crack cocaine, but it was part of the environment and part of the overreaction that took place among politicians in Washington. I was one of them. I voted for that 100-to-1 disparity and said we had to accept a hard, tough message right now. We did—100 to 1.

It didn't have any measurable impact on drug sales in the United States, but it had a measurable impact on the number of people who were incarcerated in the United States and the

lengths of their incarcerations. Those votes that I and many like me cast on both sides of the aisle resulted in mandatory sentences for people like Alton Mills—life sentences. Let me tell you how the Alton Mills story ends before I go on.

After serving 24 years in prison for those three street sales, Alton Mills came to my attention through a criminal defense attorney named—of all things—MiAngel Cody. She was Alton's angel. That is for sure. She fought for him, and she believed that he deserved better than to spend the rest of his life rotting in prison for those stupid decisions he made in his early life. I appealed to President Obama to commute his sentence, and the President agreed to do that. So, after all of that service behind bars, Alton Mills was released.

What is he doing today?

He is a mechanic at the Chicago Transit Authority. He repairs the buses that I ride on. He got married. He is now working with his daughter and his new grandchild. He is contributing to society. He is a community college student, where he is pursuing an associate's degree. Finally, his life is on the right track. If he had not received a pardon, Alton Mills would have died in prison because of our existing Federal sentencing laws.

Yesterday, something happened which is remarkable. President Donald Trump had a press conference with representatives of law enforcement and announced that he was going to support legislation, which I have been working on for quite some time with Senator LEE and Senator GRASSLEY, to change the sentencing provisions that I have described to you. What an amazing coalition—DURBIN on the Democratic side, GRASSLEY and LEE on the Republican side, and now President Trump. The stars are lined up in a way that we seldom see in Washington, DC.

What we are going to set out to do with this bill, if we can pass it in the closing weeks of this session, is to give a chance to thousands of people who are still serving sentences for non-violent offenses involving crack cocaine under the old 100-to-1 ruling to petition individually, not as a group, to the court for a reduction in the sentencing.

I have been through this. It is not easy. They have to go right back to the U.S. Attorney's Office that prosecuted them to get the thumbs up and approval to go forward. Many times, they turn to victims, if there are victims in the crime, before any decision is made. They turn to the judges, particularly those sentencing judges who are still on the bench. If they clear all of those hurdles, they have a chance for reductions in their sentences.

Senator GRASSLEY and I are about to introduce legislation that President Trump endorsed yesterday, and we will begin working to build bipartisan support to pass it before we leave. Congress needs to pass this legislation. We have a different drug crisis facing us

today. It isn't crack cocaine anymore. It is an opioid epidemic. It is a Federal epidemic. It is the deadliest drug epidemic that we have ever faced.

We have a totally different view of drugs than we did when Alton Mills was sentenced. In those days, most of the defendants were people of color—primarily African Americans. Yet today this opioid epidemic has gone far beyond the hood. It has gone far beyond the inner city. It affects suburbs, even the wealthiest of suburbs, and towns—rural towns—no matter how small they are.

People are starting to think anew about what to do with drug addiction. Is our goal to put people in prison for drug addiction or is our goal to end the addiction? We know that in some cases those who have been imprisoned will not use again. Many times, they will. We know, if people go successfully through treatment, they may be spared the addiction, and it may save their lives. We are coming of age when it comes to drugs in America.

What we try to do with this bill is also to take into consideration criminal defendants who meet certain limited criteria, such as with drug offenses, which is the No. 1 prosecution offense in our Federal system. It takes into consideration drug offenders who are not kingpins, who are not the bosses and are not involved in any violence in the crime, when there is no gun involved and if they are willing to cooperate with the government in closing down the drug operation. If they meet all of those criteria, we say that the court can take that into consideration in sentencing. I think that is a good thing.

I think, in Alton Mills' situation, it would have resulted in a much, much different sentence than what he faced before the commutation by President Obama.

We also want to make certain that in the future those who were sentenced under the old 100-to-1 disparity, as I mentioned earlier, could petition the government for a reconsideration of their sentencing on an individual basis. There will be no guarantee that they will be released, but they will have the opportunity to petition in those situations. I think this is a step in the right direction.

The bill also contains provisions which, I think, are extraordinary when it comes to prison reform. What are we going to do with all of these people? Most of those who are in prison will be coming out someday. Will they come out to commit another crime or create another victim? That would be a failure of the system completely.

Two Senators—one Republican, Senator JOHN CORNYN of Texas, and one Democrat, Senator SHELDON WHITEHOUSE of Rhode Island—came together with the prison reform bill that has already passed the House with 386 votes, and we have improved it some in the Senate. Basically, it gives to those who are in prison an incentive to develop

skills and training and education levels that will serve them when they leave in order to reduce recidivism and reduce the commission of crime in the future.

I think that is humane. It is sensible. It says to those who truly want to turn their lives around that we are going to give you a chance to prove it. Prove it with your actions, and we will give you a chance to be released earlier and have a chance to go into society in a positive way.

We brought these two together—criminal sentencing and prison reform. It doesn't happen very often around here. The last time we had any measurable impact on the subject was 8 years ago. It was 8 years ago when I introduced my first bill on criminal sentencing reform. I think that bill worked, which, incidentally, I cosponsored with former Senator Jeff Sessions. It gave the individuals an opportunity to petition for early release. In many cases, it saved their lives and gave them a chance. We are back with a bipartisan bill that is called the FIRST STEP Act. This bill, I think, deserves our consideration in the Senate as quickly as possible.

Do you see this empty Senate floor? This is a place to do business. We have some business to do. In the 3 weeks we will be in session at the end of November and in the month of December, we can easily pass this legislation. I sat down with Senator GRASSLEY and Republican and Democratic leaders from the House. They are anxious—we are all anxious—to bring this up. I am going to plead with Senator MCCONNELL and ask everyone to join me to put this measure on the calendar. I believe it will have strong bipartisan support. Democrats and Republicans will join in an effort endorsed by President Trump. How about that for your headline? You don't see that sort of thing happening very often. We have a chance to do it here with this revised FIRST STEP Act.

I thank all those who have worked so hard on it, starting with MIKE LEE, my original cosponsor. I would add to that CHUCK GRASSLEY, who has been a terrific partner from start to finish in making this a bipartisan effort. Special thanks to Senators Cornyn and Whitehouse for marrying up their prison reform package with our sentencing reform package. This could be significant. It could be one of the most important things we do when it comes to criminal justice, not only this year but for a long time.

I commend my colleagues for their cooperation on that, and I hope we can get this job done in the closing weeks of this session.

I yield the floor.

The PRESIDING OFFICER. The Republican whip.

#### SENATE ACCOMPLISHMENTS

Mr. CORNYN. Mr. President, I know looking back on the last 2 years since the 2016 election, time has flown, but it is important to reflect on what we have

been able to accomplish, and, really, it is pretty remarkable. These are not just political accomplishments; these are things that have improved the lives of our constituents—the American people.

As time is running out on the 115th Congress leading up to the holidays, yesterday I spoke about some of our larger accomplishments. Today I want to highlight some of the other important accomplishments we have made. Because they weren't particularly controversial, you didn't see them reported in cable news or in the media or the subject of massive social media campaigns. In addition, there are the economic gains we have seen from passing historic tax reform to the regulatory rollback we have seen, which has unleashed the American economy. We have also passed important public safety legislation, like the opioid legislation, which is designed to help thousands of Americans suffering from drug addiction. It is important to remember the grim statistic that last year alone, 72,000 Americans died from drug overdoses, 50,000 died from opioid overdoses, which include prescription drugs, fentanyl and heroin, most of which come from Mexico. I will touch on that in a moment.

A little over a year ago, the gulf coast of Texas sustained a rain event the likes of which we hope we will never see again. This was called Hurricane Harvey, but instead of damaging winds, in addition, we had incredible amounts of rain, with catastrophic flooding that left Texans dealing with months-long recovery efforts that are still going on today.

I was proud to join with not only my Texas colleagues but also colleagues across the aisle in both Chambers to pass three separate disaster relief bills totaling \$147 billion for Hurricane Harvey aid, as well as the other natural disasters affecting other parts of the country. About \$30 billion of that, I think, is Texas-specific, more or less, in terms of the needs, in terms of the resources that were required not only to recover but also to help mitigate future threats. We know it does little good to fix the problem today if it is going to be repeated tomorrow, and we know Hurricane Harvey is not the last hurricane and the last rain event we are going to have. So we authorized a coastal study that will ultimately lead us to construction of a coastal spine that will help protect the important gulf coast region, where most of the refining capacity in the country is located—and we know that is a national priority—as well as the flood mitigation projects I mentioned a moment ago, by authorizing and funding the Army Corps of Engineers.

We tried to listen—and I did in Texas—to what our constituents said they needed most, and we passed two other pieces of legislation particularly relating to the disaster.

First, we made houses of worship eligible for certain FEMA grants to help

them rebuild after disasters. The second was a tax relief provision similar to the one we passed after Hurricane Katrina, which gave Texans the ability to deduct their property damage costs and access retirement savings on an emergency basis without penalties. Providing that relief was a big help to my constituents.

Disasters tend to bring out the best in all of us because it causes us to do things we didn't know we could actually do. The Texas spirit was perhaps one of the things that was most reassuring following the disasters, and it never wavered.

We saw that spirit again rallied around a community after an unthinkable act of violence at Sutherland Springs, TX, that left 26 people dead and 20 more wounded. Because the U.S. Air Force had failed to upload a felony conviction for domestic violence into the FBI's criminal background check system, the shooter in that case was able to acquire multiple firearms by simply lying about his criminal background record. So we came together, in a bipartisan way, to pass a bill I introduced called the Fix NICS Act—NICS is the National Instant Criminal Background Check System, hence the name—that fixed or at least took great strides toward fixing our broken background check system to ensure that violent criminals can't easily acquire firearms when they are convicted and ineligible under existing law.

We saw that resiliency arise out of another tragedy at Santa Fe High School, where we passed the STOP School Violence Act. I am not suggesting that by passing legislation, we are going to magically wave our wand and stop acts of violence, but we can do things that provide planning, training, safety infrastructure, and law enforcement support for our schools to make them a less soft target.

In an open society, I doubt we will ever be able to stop all acts of violence, but I think these are intended and will have a constructive effect and actually save lives.

A third way we spoke on the issue of public safety in our communities was through another bill I introduced called the Project Safe Neighborhoods Act that was signed into law earlier this year. It passed the Senate unanimously. People think everything is divided here along political lines. Well, we actually pass legislation like this unanimously in the Senate. It authorized the Project Safe Neighborhoods Program at the Department of Justice, which aims to reduce violent crimes by pairing local, State, and Federal law enforcement officials with Federal prosecutors and using tough Federal laws to prosecute gun crimes. These partnerships are proven to reduce violent crimes and deserve our full support. We have also come together to provide help to victims of crime and for the vulnerable.

The President has signed into law three bills I introduced that built upon

my work when I was attorney general of Texas. The first is called the SAFER Act, which is aimed at reducing the backlog of untested rape kits in forensic labs. The second is called the Justice Served Act, which assists law enforcement in prosecuting the most difficult cold cases using the seemingly magical power of DNA testing in forensic labs. The third is a bill I championed called the PROTECT Our Children Act, which reauthorizes important resources combating child exploitation online.

Perhaps the best news story of the last couple of years has been our economy, how it has come roaring back. We have tried to reduce the regulatory burden on employers and job seekers alike, including in the three bills the President has signed into law.

These were targeted bills not designed to change Western civilization but to address specific, real problems that will improve the lives of the people we work for. One of those is the New HOPE Act, which is an occupational licensing reform bill that gives States the tools to reduce barriers to certain professions. It makes no sense because of licensing requirements to basically bar people from doing things they can learn how to do without overly burdensome licensing and training requirements which essentially are designed to protect incumbents.

We have also passed the Jobs for Our Heroes Act, which makes it easier for our veterans to get commercial driver's licenses.

We passed the American Law Enforcement Heroes Act to make sure veterans can get hired by local law enforcement agencies when they come out of the military with the very skills that are needed by our local law enforcement. We know all of our police agencies are working hard to try to recruit good, qualified people to keep our communities safe. They struggle with that, and this will help make that better.

In each of these cases, we tried to listen to the needs of Texans and people across the country and to translate that into legislation that will improve their lives. They don't get top billing on the national news, but they deserve our support, as do the people whom I came in contact with in my State who have inspired these laws.

As we close out the 115th Congress and move into a new Congress in January, these are the types of things we can continue to do together. Because of the midterm elections, our friends in the other body, the House of Representatives—now that Ms. PELOSI will presumably be the next Speaker—have an important decision to make: Do they want to make noise, do they want to harass the President or do they want to work with us to make laws that improve the quality of life for the people we represent? I hope they choose the latter, and, clearly, there is more we can and should do together to help the American people.

I know I am running out of time. I am going to come back a little later on to talk about the caravans that are coming up from Central America through Mexico and what we need to do together to address those.

At this time, I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Kentucky.

S.J. RES. 65

Mr. PAUL. Mr. President, I rise today to call for an end to the U.S. involvement in the war in Yemen. There might be a good excuse for not knowing there is a war in Yemen because the media seems to be preoccupied with other things, but we have been involved with supporting the Saudi coalition, the Saudi alliance with nine other nations, including Bahrain, which has been bombing Yemen.

You might not know much about Yemen, either. Yemen is one of the poorest countries on the planet. There are about 17 million people who live on the edge of starvation there. This year they suffered an epidemic of cholera. Over 1 million people had cholera, and thousands of people died. This is a country so impoverished that even when there is no war in Yemen, they live on the very edge of being able to survive. The pictures are heartrending. If you see the pictures of the small children with their swollen bellies—swollen because they don't have enough protein so that the fluid literally drains from their blood system into their bellies. The pictures are heartrending, and your tax dollars are supporting this war.

So I think there ought to be a debate. That is what I stand up today to do: to force a debate over whether we should be involved with aiding and abetting the Saudi coalition in this war in Yemen.

Our Founding Fathers intended that Congress would debate war. It is very, very clear. If you read the Federalist papers, if you read the Constitution, if you read any of the Founding Fathers, if you read any of the first eight Presidents, they said explicitly again and again that the prerogative to declare war was Congress's—that it was specifically taken from the President. It is specifically forbidden for the President to go to war without the permission of Congress.

We have been having a little bit of this debate. About a month ago we had a debate, and, you know what, the administration argued that bombs are not war, that refueling planes that bomb people is not war, that we are not involved with hostilities in Yemen because we don't have troops marching on the ground with muskets. I think it is an absurd notion that you can be refueling bombing planes, supplying the bombs, and, as bombs are raining down on people and civilians are killed and the ones who survive pick up a scrap of the bomb that says "Made in U.S.," tell them we are not involved with the war in Yemen.

Madison, among the Founding Fathers, was quite clear in saying that

the executive branch is the branch most prone to war; therefore, we have, with studied care, vested the power to declare war in Congress. We haven't obeyed that constitutional maxim for a long time. For a long time we have basically abdicated our role. Both parties, Republican and Democrats, have let Presidents, Republican and Democratic, do what they will.

This war started under the previous President, and this war continues under the current President. Yet Congress doesn't have the spine, doesn't have the will to stand up and say: It is our job to declare war. It is our job to represent the people, to listen to the people, and decide whether we should be at war.

The Constitution in article I, section 8 says "Congress shall declare war." It is unequivocal. Yet here we are, involved in yet another war. We are involved in a war in Yemen. We have been involved in a war in Syria. We have also been involved in a war in Libya. We have also now been at war with people in Afghanistan, who had nothing to do with 9/11, 18 years later. These wars go on and on because Congress—and specifically the Senate—doesn't do their job.

We have heard people on television yelling "do your job, do your job" at their legislators. That is fine, but let's debate what our job is. The Constitution is very clear that one of our jobs is to declare war, and we have abdicated that responsibility and have not lived up to it.

I would like to have a direct vote on whether we should be involved in Yemen, a direct vote on whether we either declare war or we don't, but that is forbidden because I am in the minority—not in the minority party but in the minority ideologically. The vast majority of this body doesn't care about directing foreign policy; they say that the President has unitary authority, and the Commander in Chief can do whatever he or she wants. That is what the vast majority of these people believe. So they will vote against this because they do not believe Congress really should tell the President when we go to war.

I would like to vote directly that we should not be at war in Yemen; we should not be involved with supplying, refueling, supplying bombs to the Saudis, the Bahrainis and their coalition. I am forbidden from that vote, but because of a 1976 law called the Arms Export Control Act, I am able to object to arms sales.

We have done this twice in the last year. We objected in a bipartisan way to the sale of arms to Saudi Arabia because we thought their war was unjust, indiscriminate, killing civilians, and not in America's best interests. The first time we had the vote, we got a little over 20 votes to say that we should not be continuing to sell arms to the Saudis while they continue this abomination—20 something votes out of 100. We lost overwhelmingly. We had an-

other vote about 2 or 3 months ago, and we got 47 votes. Now we have the killing and dismemberment of a journalist and dissident by the name of Jamal Khashoggi—something so brazen, so bizarre, so uncivilized that people are now coming together.

In the last few weeks we have quit refueling planes, yet the bombs continue to drop. We are still supplying the bombs.

Things are beginning to change. There is a movement among the public to hold their representatives accountable and say: Why are we at war in Yemen? Why don't you vote on whether we should be at war in Yemen? Why do you abdicate your responsibility to the President?

It is harder for someone like me because the President is of my party and I agree with him on many different issues. But where is the other side? The other side should be rising up and saying: This is a usurpation of power. The President is taking upon himself power that is not his. We should be rising up unanimously in saying: Enough is enough; we are taking back this power.

People talk about this all the time. People pretend to be believers in congressional checks and balances. There are always groups out there for checks and balances. This is a check and a balance. This is a time in which the Senate can tell the President what to do. But watch the votes. Many of the people you see on TV say: We should stand up, and the President this and the President that. On this issue, which is an honest issue of disagreement with the President, stand up and restrict his power. Stand up and tell the President that the Constitution says that war shall be declared by Congress.

But watch the votes here. We will not get a direct vote on the war, though; we will get an indirect vote. We will not even get to vote today on Saudi arms; they are afraid to bring up Saudi arms because they think we might win. But we will vote on one of the coalition partners. The Bahrainis are part of a nine-country coalition fighting this war. They have had casualties, they have dropped bombs, and they have been on the ground in Yemen. They are part of the fighting coalition.

So the resolution today will be specifically about not selling one set of arms sales to Bahrain. The other side will look for all kinds of excuses to say: No, oh, my goodness, Bahrain has been a great ally. I am not disputing that. What I am disputing is that they are getting the message that we are unhappy. We supply them with all of their arms, all right. We get to host our Navy there, great. I am not asking that we end our alliance. I am not asking that we sanction them. I am only saying to stop one sale of arms to send a message that we are done with the war in Yemen, that we are no longer going to sell weapons to countries that are fighting this war in Yemen, and that the war must come to a close.

Some will argue: Well, it is already kind of winding down; we are no longer

refueling their planes. Yet, since Secretary Pompeo said about 3 weeks ago that the Saudi coalition should quit bombing civilian centers, the Saudis have dropped 200 bombs on Hodeida. Hodeida is a city where most of the humanitarian effort and food comes in. Yemen depends—80 percent of its food must be imported. It comes through this one port, for the most part.

The Saudis—since we admonished them, since Secretary Pompeo said that they need to cease and desist from bombing civilian centers—have dropped 200 more bombs on the city of Hodeida, where humanitarian aid comes in. It must stop. Someone must take a stand and say: Enough is enough; we are against the humanitarian disaster in Yemen.

They will argue: Well, then vote on that. I can't have a direct vote on that. They will not let me vote on whether we should be at war in Yemen. I am allowed to vote only on this one small thing. This is a proxy vote. This is a vote that represents whether we should be at war in Yemen. It is an incredibly important vote. It is an attempt to grab back power from the Presidency. It is an attempt to have a check and balance on all Presidents of all parties of all beliefs.

I don't think we should ever sell one arm—one musket, one shotgun—to create a job. Our arms industry is for our national defense. It is a unique industry that is not an entirely private enterprise industry. The arms manufacturer, the military industrial complex is supported overwhelmingly by tax dollars. I am not for anybody being able to buy an F-16. I am not for selling F-16s to Russia or to China, but I am also not for selling any more to Saudi Arabia. I am not for fixing their planes. I am not for giving them replacement parts. Their air force would be shut down in a matter of months if we stopped funding them.

People say: That is too dramatic. You are doing things—they have been such a great ally. We had a Senator yesterday rise at our lunch, and he said: Well, we know he is not a democrat. We know he doesn't believe in representative government. We know he is a thug. Of course they execute and crucify people—crucify people—in Saudi Arabia. It is the best we can do, and we need him vis-a-vis Iran. What will happen? Iran will take over the world if we don't combat them in every little misbegotten civil war in the Middle East.

Here is the point, and this is the point which we should debate and which nobody debates: Who is more evil—the Revolutionary Guard and the Ayatollah of Iran or the Saudi Arabia Kingdom? If you look at it objectively, Saudi Arabia has spent over \$100 billion teaching hatred of Christians, Hindus, and Jews around the world. They have opened tens of thousands of madrassas. The Haqqani network that has actually killed our soldiers in Afghanistan is supplied with money from the Saudis.



The Taliban has gotten money from the Saudis. There was a report that a Saudi royal dropped off a check for \$267 million to the Taliban at one point. So we are fighting these people, and we are arming these people. We should not be arming the enemy.

It is not just one side; the other side has admitted this as well. It is not just Republicans saying this; in a cable that was leaked, Hillary Clinton said that Saudi Arabia was the “most significant source of funding to Sunni terrorist groups worldwide.”

What is it like to live in Saudi Arabia? We might ask Baqir al-Nimr. He was arrested at 17 at a protest. He is still in jail and is scheduled to be executed. They have a real “gloriful” way of executing you in Saudi Arabia: They chop your head off, and then they crucify you. So his head will be chopped off, and then his body will be displayed in a crucifixion post. That is what they will do to him. He was 17 when he was arrested. They have beheaded minors in Saudi Arabia. Oh, but we buy their oil, and we are such good friends with their sheikhs and their Kings.

In Saudi Arabia right now, there are 3,000 people in prison who have not gotten a trial. There are nearly 1,000 people who have been in prison for 3 years without a trial—3 years without a trial, 1,000 people, and yet we continue to say: Oh, yes, but they oppose Iran.

Who is worse—Iran or Saudi Arabia? Maybe neither one of them is good. Do you want to send your son or daughter to fight for the Iranian Revolutionary Guard? No. Do you want to send your son or daughter to fight for the Saudi Kings who crucify people? No. Maybe we don't always have to pick sides. Maybe there is a time that comes when the thousand-year-old war between Sunni and Shia—let them fight it. Is there a reason we always have to send our sons and daughters to the Middle East?

People used to say we have to do it for oil, which was offensive to me. We are doing it for oil and oil profits? We are now independent of their oil. We export oil. We do not need Saudi Arabia.

People say: We have to have them, or Iran will take over the world. Saudi Arabia and their coalition partners spend eight times more on military than Iran does. What happens every time we send a dollar to Saudi Arabia? Iran then asks Russia for stuff. So it is an arms race that is fueled by both of the larger outside powers with their proxies, and everything is a proxy war.

But if you fool yourself into thinking that Saudi Arabia is the good guy and Iran is the bad guy, you have to ask yourself about the \$2 billion that Saudi Arabia is spending in India—\$2 billion over a 2-year period—teaching hatred of Hindus, hatred of Jews, hatred of Christianity, teaching that violent jihad is OK.

Hundreds of millions of dollars, billions of dollars are spent by the Saudis, and people say: We can make a buck,

and we can create a job. I, for one, would not try to create one job by selling arms to people who are our enemy. I don't care about jobs if we are going to have to sell arms to our enemies. The arms belong to the American people, and the arms should be seen as a national security asset. We don't sell arms to Russia, we don't sell arms to China, and we shouldn't sell arms to the Saudis who teach hatred of Christianity.

There are Saudi cities you can't even go to. Christians can't go to Mecca or Medina. You can't carry a Bible in Saudi Arabia. If you try to visit Saudi Arabia and bring a Bible in, you will be rejected at the border. This is not what we are for.

Even those who have advocated for the war are now admitting there is no military solution. Recently, Secretary Pompeo said: No military solution in Yemen; let's cease the bombing. General Mattis has said the same thing—no military solution. But they are not getting the signal. We are telling them there is no military solution, we are telling them to quit bombing civilian areas, and they are still bombing the areas. Since Secretary Pompeo told them a few weeks ago to quit bombing civilian areas, they dropped 200 bombs on Hodeidah. The Saudis aren't getting the message.

The Bahrainis are part of the coalition. Send them a message. I am not saying we sanction Bahrain. I am not saying we kick them out as an ally. I am not saying we end our relationship with the Bahrainis. I am saying don't sell them arms one time. Do you think they will get the message? See, that is a message of strength. A lot of people around here talk about, we must have peace through strength, and we need to have a strong military. Well, do you know what? We need to have a strong foreign policy that says that we are not going to be pushed around by a bunch of two-bit dictators in the Middle East, that we are not going to be led astray and reject all of our values by sending arms into a war where civilians are being killed by the thousands. Seventeen million people in Yemen live on the edge of starvation. The city that a lot of the humanitarian aid comes in through, Hodeidah, is blockaded by the Saudis.

I think that when we make decisions on foreign policy, they first should be made here. The Constitution intended that we declare war and that, really, foreign policy come from the people through the Congress, both House and Senate. If we were to have that debate, we would ask the question: Is our involvement in the war in Yemen in our national security interests? Is our national security enhanced by being at war in Yemen? I think the answer is unequivocally no.

To those who say “Well, we must combat Iran,” Iran is being combatted by Saudi Arabia, but Iran is not a threat to come across the ocean to see us. Guess who has come across the

ocean. Do you remember 9/11? Do you remember who the hijackers were? Fifteen of nineteen of them were from Saudi Arabia. Do you remember the 28 pages of the “9/11 Report” that they wouldn't let the American public read for years and years and years, for over a decade? You can now read those, and the implication is that Saudi Arabia was involved in 9/11, perhaps in the financing, perhaps in the planning. We actually voted overwhelmingly to allow American people's—descendants of those who died on 9/11 to actually sue Saudi Arabia over this because of the implication that, yes, the 28 pages show that they were involved.

So what we should be debating here is, is there a national security risk, or is there a national security enhancement? Is it better for our country? Is it good for America to be involved in the war in Yemen, or does it actually enhance the risks that we will be involved in further war and further drawn into the Middle East?

If you look at the history of our involvement in the Middle East—and President Trump gets this very well. One of the things he says over and over again is that the Iraq war was a mistake, that it was a geopolitical blunder of immeasurable proportions. Why? It is the same thing that has happened over and over in the Middle East: We go in and we topple a strongman. The strongman has a horrible human rights record, and we say we are bringing freedom and democracy. Do you know what we get? We topple the strongman, and we get chaos.

Even decades later, in Afghanistan decades later, we still have chaos. You have chaos in Iraq, you now have chaos in Syria, you have chaos in Yemen, you have chaos in Libya, but it is not made better by our intervention, it is actually made worse. Out of the chaos comes more terrorism. Terrorism loves chaos. It is sort of like, nature abhors a vacuum; well, terrorism loves a vacuum. Terrorism grows and thrives and becomes more organized when they have a vacuum.

My fear in Yemen is that, as the war goes on, as both sides destroy each other in a war that has no real end, then maybe al-Qaida of Yemen will come back and al-Qaida of Yemen will become a dominant player.

Where did ISIS come from? People said ISIS was from Iraq. ISIS grew in Syria, from Raqqa. They started there and moved into Iraq because even after 15 years, the Iraqis were feckless to stop them, but they grew in the chaos of Syria.

Who did we supply, in Syria, with weapons? There was another post from Hillary Clinton to Podesta saying: We have to do something about Saudi Arabia and Qatar because they are indiscriminately supplying arms to al-Qaida and ISIS in Syria.

So because we always think we have to be involved—there can never be a time when we are not fighting on one side or the other—we get involved in



the lesser of the two evils, and so often, the lesser of the two evils is—guess what—still evil. So what has happened is we are drug into everybody's war—war on end in the Middle East—with-out resolution. They have been killing each other for a thousand years, and we think somehow siding with the Sunnis against the Shia is going to bring this war to a conclusion.

The thing is, I think it has been a mistake, and I think it has been counterproductive. I think the war in Yemen is counterproductive. I think our involvement there is leading to more chaos. I think the Senate has abdicated their duty and their role. Under article I, section 8, the Senate is allowed to and should be deciding when we go to war.

People talk about checks and balances, and we should be involved. Somehow we should check the President, who is assuming too much authority. This is your chance today. This is the check-and-balance. This is your proxy vote on the war in Yemen. There will be no direct one because they won't allow it. This will be a proxy vote because it will be about weapons to Bahrain because we are not being allowed a direct vote on the war in Yemen. We should be. It should be one of the most important things we do in the Senate, and that is to direct foreign policy, to decide when we go to war. It is probably the most important thing we do under the Constitution, and we have abdicated it for decade after decade.

I think the American people's frustration with Saudi Arabia is growing. I think the American people want a loud message sent. If you send any other message—some are proposing sanctions on killers. Well, they are in jail, and in all likelihood, they are going to be executed. So we are going to sanction a bunch of people who are in jail and are going to be executed? The Saudis will laugh at that. That is weakness.

Even in the last 3 weeks since Secretary Pompeo said "You need to quit; you need to cease and desist from bombing civilian areas," the Saudis have dropped 200 bombs on civilian areas in Hodeidah. They are not getting the message. If we want to send them a message and send them a message loud and clear, we need to tell them no more arms. The next time they post a weapons sale to Saudi Arabia, we will do the same thing. But this is about the entire coalition of nine countries that are involved in this. Today, it will be about Bahrain, but today is really about Yemen. It is about the question I began this with.

My call today is to end the U.S. involvement in the war in Yemen. We should have debated this in advance. We should have debated this before we got involved in the war in Yemen. Yet there is this creeping mission that happens all the time: The wars begin with the executive branch, they creep and grow larger and larger, and we abdicate our duty and role to vote on these

things. Today is an opportunity to say: Enough is enough. The war in Yemen should end.

It won't be the direct message I would like to send to Saudi Arabia, but it will be an indirect message. If this resolution were to pass, yes, it would be a loud and clear message that we are serious. But what will happen—and watch closely—is that many Members will say: Oh, Bahrain is our ally. We can't do this to our ally.

I am not talking about ending our relationship with Bahrain. I am not talking about never selling arms to them. I am talking about one time, today, don't send them arms. What is the drama about? That, to me, is a very modest step—one time, do not sell our arms. They can be sold in 6 months. Quit bombing Yemen, pull out of the coalition, stop the fight, and we will talk about arms sales.

One time, we should stand up and should send a message from the Senate to the President that we are in charge. Under Article I, Section 8, a declaration of war comes from Congress. We have abdicated that role for too long.

My hope is that today there will be enough of us to send a message, and the message should be loud and clear: The United States should end its involvement in the war in Yemen.

I thank the Presiding Officer.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I ask unanimous consent to speak for 5 minutes with the chairman as well, the chairman of the Foreign Relations Committee, split between us.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Madam President, reserving the right to object. We had an agreement to have an hour's worth of debate, where the opponents of the bill were given 30 minutes and the proponents of the bill were given 30 minutes, and the unanimous consent allowed me the remaining 30 minutes. The time period has expired. I think we ought to go by some rules and structure around here. Those who are against the bill should come in the allotted time. The time was used by all kinds of other people talking about things not related to the debate. It does a disservice to the debate that we did that.

Mr. MENENDEZ. Madam President, if I may, through the Chair, say to the Senator, No. 1, there was nobody on the floor when the Senator made a motion to ultimately reserve all the time in opposition to the end. Had I been on the floor, had I known such a motion was going to be made, I would have objected to that. There was a certain lack of courtesy in that regard.

I say to the Senator, an opposition now will be remembered as an opposition in the future when the Senator is seeking an opportunity. All we are asking for is 5 minutes. If the Senator needs more time to make a final comment—

Mr. PAUL. I think a fair response is that we will grant an additional 5 minutes to opponents of the bill, and if you allow me to conclude in 5 minutes, I am fine with that.

I will respond to the objection to include what I have stated. If that is acceptable, I remove my objection to the modified motion.

The PRESIDING OFFICER. Does the Senator from New Jersey so modify his request?

Mr. MENENDEZ. I do.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Jersey.

Mr. MENENDEZ. I rise in opposition to the resolution. As we evaluate the resolution, we have to consider the characteristics of a specific military system and the context in which it will be used, as well as how we utilize arms sales as a foreign policy tool.

I have much in common with Senator PAUL on the question of Yemen. I have moved in his direction. The Saudis had their opportunity. I am promoting legislation, with several of our colleagues, on a bipartisan basis, to deal with exactly that. If I am the one holding up arms sales to Saudi Arabia, as we speak, as the ranking member on the Foreign Relations Committee, that is why it has not come to the floor because I am not letting it go through unless the administration breaks through a hold at the end of the day, which would violate all of the existing processes we have.

This vote is not Yemen. It is not Saudi Arabia. It is not the United Arab Emirates. It is Bahrain. Bahrain is a critical ally to us. It hosts the U.S. Navy's Fifth Fleet, providing a vital naval base from which the United States protects its national security interests in the gulf and throughout the region, and its willingness to host our naval forces also places Bahrain at greater risk from attack from Iran and terrorist groups seeking to do harm to the United States. It is also a security partner as it comes to piracy, al-Qaida, ISIS, and Iran. It hosted an Israeli UNESCO delegation in late June.

I have great disagreement with the Bahrainians as it relates to their human rights record. It is abhorrent. We are going to continue to fight on that issue with them. At the end of the day, halting the sale of weapons intended to defend Bahrain's security is not the solution in this particular case.

I will close and yield the balance of time to the chairman. Arms sales to foreign countries provide the United States and this body with important influence and leverage on those countries' views and activities on foreign policy. Sometimes, if used smartly, they can shift a country's actions in a positive direction.

As I said, I am currently opposing an important arms sale to Saudi Arabia due to my concern the Saudis are using these weapons in a specific context inappropriately. Civilian casualties are

on the rise, and the weapons sale is not part of a comprehensive strategy to end the Civil War in Yemen. I urge us, on this particular occasion, to oppose this particular resolution, and I probably will stand with the Senator when the moment comes as it relates to denying the Saudis arms sales, particularly in the midst of what they are doing in Yemen.

With that, I yield to the distinguished Senator of Foreign Relations.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Madam President, I want to thank the ranking member for his comments, his friendship, and welcome him back. I look forward to his leadership on foreign policy issues for many years.

I share his views. I have concerns about the trajectory that Saudi Arabia is on right now. I have concerns about the war in Yemen. We have had hearings. We have people on our committee who are trying to take steps to deal with the war in Yemen.

Obviously, we are very upset with what has happened with the journalist. I think a price needs to be paid. The administration today sent out notice that they were sanctioning 17 individuals who were involved. Hopefully, additional steps will be made.

I asked for a high-level briefing with Mattis, Pompeo, and Gina Haspel to come in as soon as we get back, to share with us what is happening with Saudi Arabia on both fronts, both Yemen and what is happening as it relates to the journalist who was assassinated, in my opinion, at the direction of the Crown Prince of Saudi Arabia. I have a lot of concerns.

I think when you have concerns, though, you address those concerns to the people you have concerns with. Bahrain is not one of those. Bahrain certainly has had some issues with human rights, and we have dealt with those. It is a city state in the Persian Gulf where we have 7,800 men and women in uniform who are protecting our interests there, who are a buffer against Iran.

For us to block sales, offensive sales, to the country of Bahrain that is housing one of our most important naval bases over something that has nothing to do with them but has something to do with another country is not a pragmatic nor a sensible step. I hope we will oppose this. I think we will.

I understand the frustrations of the Senator from Kentucky. I do. He shared those many times in the Foreign Relations Committee. I do understand those, but it seems to me that taking something out on a country that is unrelated to what is happening is a very inappropriate and not a mature step for the U.S. Senate to take, and hopefully we will defeat this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Let's be very clear. Bahrain does have something to do with

the war in Yemen. They are part of a nine-country coalition. They have lost soldiers in Bahrain. They have flown bombing missions. Bahrain is an intimate part of the coalition fighting the war.

You might ask yourself, is it enough to do nothing? We are going to put sanctions on people who are in jail. Do you think they care? They are probably going to be beheaded. Sanctions is a way of pretending to do something and doing nothing. The arms sales—I am not saying we never sell arms to Bahrain. I am saying one time we don't. That might get them the message.

People say we don't like the human rights record of Bahrain, it is abominable, but do you think they will react to weakness: Please don't hurt your people, please don't commit atrocities on the majority Shia population?

No, we will sell them arms one time, and they will sit up and say let's have a talk. People respect strength. We don't show strength unless we do something that is more dramatic than putting sanctions on people who are already in prison. This is about Saudi Arabia, but it is also about the coalition of nine countries of which Bahrain is.

If you think meek words will stop the Saudis, listen to this. Three weeks ago, Pompeo said they should cease all bombing of civilian centers. How many bombs have dropped on Hudaydah since he asked them to cease? Two hundred bombs have dropped on Hudaydah—the port where humanitarian aid needs to come in for a starving population—since we told them not to. We said we are not going to refuel their planes anymore. We are not refueling their planes. They are refueling their planes with our planes. Everything they fly is our plane. Their pilots are trained by us. Their mechanics are trained by us. We need to be stronger. It is a sense of weakness. It is a display of weakness not to at least block one arms sales. This is a modest proposal, and it is the least we can do.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Madam President, I move to table the motion to discharge S.J. Res. 65 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) and the Senator from Florida (Mr. NELSON) are necessarily absent.

The PRESIDING OFFICER (Mr. SASSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 21, as follows:

[Rollcall Vote No. 243 Leg.]

#### YEAS—77

Alexander	Gardner	Perdue
Barraso	Graham	Portman
Bennet	Grassley	Reed
Blumenthal	Hassan	Risch
Blunt	Hatch	Roberts
Boozman	Heinrich	Rounds
Brown	Heitkamp	Rubio
Burr	Heller	Sasse
Capito	Hoeven	Schatz
Cardin	Hyde-Smith	Schumer
Carper	Inhofe	Scott
Cassidy	Isakson	Shaheen
Collins	Johnson	Shelby
Corker	Jones	Smith
Cornyn	Kaine	Stabenow
Cortez Masto	Kennedy	Sullivan
Cotton	King	Tester
Crapo	Klobuchar	Thune
Cruz	Kyl	Tillis
Daines	Lankford	Toomey
Donnelly	Manchin	Udall
Duckworth	McCaskill	Warner
Enzi	McConnell	Whitehouse
Ernst	Menendez	Wicker
Fischer	Murkowski	Young
Flake	Murphy	

#### NAYS—21

Baldwin	Harris	Murray
Booker	Hirono	Paul
Cantwell	Leahy	Peters
Casey	Lee	Sanders
Durbin	Markey	Van Hollen
Feinstein	Merkley	Warren
Gillibrand	Moran	Wyden

#### NOT VOTING—2

Coons  
Nelson

The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Michelle Bowman, of Kansas, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2006.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Texas.

#### IMMIGRATION

Mr. CORNYN. Mr. President, I wanted to come back to the floor after speaking a little earlier this morning about the so-called caravan of migrants coming from Central America up through Mexico and who are now located in Tijuana, many of whom will be seeking asylum here in the United States. Coming from Texas with a 1,200-mile common border with Mexico, caravans are not unheard of; in fact, we have many caravans showing up on a daily basis at Border Patrol stations, including unaccompanied children and families.

What has happened is that the cartels—these transnational criminal organizations—have figured out, as part of their business model, that they can make money by shipping migrants up through Mexico into the United States or they can ship drugs from Mexico into the United States or traffic in children and women for sex slavery.

They have figured out that they can make money because of the gaps in our border security, because of the characteristics of our law that make it impossible for us to deter many of the immigrants coming from Central America.

I know that during the recent midterm elections, there was some thought that President Trump or others were just sort of making this issue up in order to energize voters leading up to the midterm elections. Well, I will not comment on the politics of this; I will just say that this is a phenomenon that has been occurring on a daily basis in the recent past. It is because of a glitch in our laws that our Democratic colleagues are well aware of, and that we have tried to fix, but they simply will not cooperate with us in order to fix it.

Basically, what we would do is treat somebody who enters the United States from noncontiguous countries the same way we would if they came into our country illegally from Mexico. That is the long and short of it. But they will not have any part of it because they feel as though this advantages them politically because by enforcing our laws, by securing our borders, they believe that somehow that could be portrayed as anti-immigrant, which is demonstrably false.

About 40 percent of my constituents in Texas are of Hispanic origin, many of whom live along that international border. They understand that the cartels that traffic in people and drugs and contraband are criminal organizations that threaten their security and safety. So I feel very strongly about this issue, and I think somebody needs to speak up and state the facts.

These caravans are bringing thousands of migrants coming from Central American countries, mostly women and children. But you can imagine, if one caravan of several thousand people is successful in breaching our border and entering the United States without regard to our immigration laws, what that will do to encourage further efforts. So this is not a one-off; this isn't just something that is going to happen one time. This will get worse and worse and worse. If you went down to some of these Central American countries and asked them who would like to immigrate to the United States, you are going to see not just hundreds and thousands, but hundreds of thousands, and perhaps millions, of people who would like to come to the United States.

We have to have an orderly way to deal with immigration.

Somebody asked in this last midterm election: What is your position on immigration?

I said: It is really simple. Legal immigration is good; illegal immigration is bad.

So we know that this current caravan is not made up entirely of asylum seekers or people trying to flee poverty and violence in their home countries. It is made up of migrants from other parts of the world who travel to Cen-

tral America so that they can take advantage of that porous border and the pathway to the United States. They come from countries all around the world, including special interest aliens from countries that, unfortunately, are plagued by terrorism. I am not saying we have a bunch of terrorists in this pack; I am just saying it is a vulnerability that could be exploited by anybody who wants to take advantage of these gaps in our law and our lack of security.

It also includes people who have been arrested in the United States and deported back to their home countries, who are reentering the United States in violation of our immigration laws. They have already committed criminal acts, and they are coming back in, disguised, among the larger caravan of Central American immigrants.

One thing the Border Patrol has also made clear is that because the Border Patrol has to deal with this mass of humanity coming up across the border while somehow treating them in a humane fashion, which we all would want them to do, the cartels realize the Border Patrol is all balled up trying to process this caravan of Central American immigrants, so that opens up avenues by which to import illegal drugs into the United States, another money-making proposition for the cartels. Ninety percent of the heroin—an opioid—90 percent of the heroin that comes into the United States comes from Mexico.

Somebody said to me recently: Well, the cartels are commodity agnostic. I thought that was a pretty good way of expressing it. In other words, they are into anything that will make them money. No matter how debased, no matter how cruel, no matter how inhumane, they are willing to do anything to make money.

By not dealing with this issue in a responsible fashion on a nonpartisan basis, we are making the cartels rich. More people have died in Mexico since 2007 than have died in the wars in Afghanistan and in Iraq combined. Incoming President Lopez Obrador has said that he wants to deal with the violence in Mexico as part of his new administration. Frankly, I think we need to help him, but we need to recognize the reality. This is not benign activity; this isn't a mom-and-pop operation where people who want jobs are coming into the United States. This is a big business.

The Wall Street Journal reported earlier this month that two gangs, MS-13 and Barrio 18 now rule over most of El Salvador, terrorizing that country's population. These gangs and the cartels that support them throughout Central America take advantage of a very simple economic principle: supply and demand. So as long as there is demand in the United States for heroin and other illegal drugs, as long as there is a demand for low-wage labor, these gangs will fill that supply. As long as there is a demand for sex slavery, these

gangs and these cartels will meet that supply.

So this makes our relationship with our friends in Mexico very, very important. Our two governments need to work more closely together because U.S. and American interests are interrelated and aligned. This is not just an illegal immigration or drug smuggling problem; it is all of them combined. It is a question of whether the Government of Mexico can actually control or defeat the cartels that threaten the safety and stability of their people in that country and have this business model that I mentioned.

So our partnership with Mexico—under the administration of President Lopez Obrador, who will be sworn in on December 1; I hope to be there at that inauguration—must continue to grow and evolve because the gangs, the cartels that hurt and kill people in Mexico and then threaten our security and safety here in the United States are going to also evolve and adapt to make sure they can maintain their dominance in the region. That is why programs like the Merida Initiative are vital to our collective success in combating this multiheaded monster.

It is clear we should take into account how to combat the flow of illicit drugs into the United States and how we can help restore the relationship—our relationship—with those communities and those countries and law enforcement personnel in Central America.

This crisis extends far beyond how to treat the flood of migrants that come across the border. This is not a political issue alone, as some would have it. People act as though the President dreamed this issue up in order to gain advantage or energize his base during the recently passed midterm elections.

In Texas, communities along our border rely heavily on legitimate trade and travel across our ports of entry. It is really important. That is why NAFTA and the renegotiation of the U.S.-Mexico-Canada trade agreement was so important, and it is important to the entire country because 14 million jobs depend on trade with Mexico and Canada. You can imagine, if our ports of entry are clogged with caravan after caravan of tens, hundreds, thousands—maybe hundreds of thousands—of migrants from Central America seeking asylum in the United States, we are not going to have much legitimate trade and commerce across those ports of entry, and it is going to harm not only my State, but the United States as a whole.

We can't forget that our border communities are critically important, and any solution we find must somehow balance our normal compassion for people who are vulnerable and people who are seeking a better life with the rule of law and our ability to protect our own sovereignty by securing our borders and controlling illegal immigration into the United States.

In the coming weeks, I hope we can work with the administration to determine a course of action that addresses the real needs of legitimate asylum seekers without rewarding illegal activity and making the drug cartels even richer than they are now and encouraging and condoning more and more violence, which harms people all across the region. We need to send a message that the United States alone cannot bear the burden of this mass migration, and we need to ensure that those who seek to enter the United States do so legally. We will work with our partners in Central America and Mexico to try to find solutions that will allow migrants to return safely to their home countries or find resettlement solutions in safe countries until the day I know they would hope for, when they could safely return home.

I yield the floor.

Mr. ROBERTS. Mr. President, I rise today in support of confirming Michelle Bowman to fill the community bank specialist seat on the Federal Reserve Board of Governors.

Miki is the perfect choice to be the first occupant of this seat on the Fed's Board. She comes from a long line of community bankers.

In 1882, Miki's great-great-grandfather helped start her family-owned bank, Farmers and Drovers, in Council Grove, KS.

She worked at Farmers and Drovers Bank from 2010 until January 2017, when she assumed her current position as the State Bank Commissioner of Kansas.

Prior to moving back to Kansas in 2010, Miki worked in Washington, DC, for Kansas' native son, Senator Bob Dole.

Miki also has experience working in the executive branch.

She was appointed by President Bush to positions at the Federal Emergency Management Agency and at the Department of Homeland Security.

This diversity of experience will serve her well in her upcoming role with the Federal Reserve.

While we have made progress in providing regulatory relief to our Nation's community banks, it is critical that we keep it up and build on that work.

Community banks did not cause the financial crisis and should not be regulated as if they did.

Miki understands where the pain points are for community banks and will be a strong advocate for common-sense, risk-based regulation.

I urge my colleagues to vote in favor of her nomination when she comes to the floor for a final vote this afternoon.

Thank you.

Mr. CRAPO. Mr. President, I rise to speak on the nomination of Commissioner Michelle Bowman to be a Member of the Board of Governors of the Federal Reserve System.

The Federal Reserve is charged with ensuring financial institutions are safe and sound, promoting financial stability and carrying out U.S. monetary policy.

Decisions made by the Federal Reserve have a significant impact on the economy, businesses, and households across the Nation.

Commissioner Bowman is highly qualified to fill the Federal Reserve Board role reserved for a person with community banking experience.

Commissioner Bowman has served as the State Bank Commissioner of Kansas since February 2017.

Prior to that, she worked as a vice president at Farmers and Drovers Bank, a Kansas-based community bank with \$175 million in assets.

She has also previously served in a number of government roles, including as a staffer in both the Senate and House, as well as in various roles at the Department of Homeland Security.

Commissioner Bowman learned banking from the frontlines to the back office at Farmers and Drovers Bank, an institution with which her family first became involved in 1882.

As a former community banker and bank regulator, she is intimately familiar with the business of banking, its regulatory framework, and how regulators' decisions impact banks and the communities in which they operate.

She knows firsthand the unique relationships that community banks foster with their local communities, often operating through relationship banking to provide access to credit, support employment, and promote economic growth.

In her nomination hearing, Commissioner Bowman noted, "I have witnessed firsthand how the regulatory environment created in the aftermath of the crisis has disadvantaged community banks."

"If confirmed, I will bring this perspective to my work at the Board to ensure that rules preserve the resiliency of the financial system, but are appropriately tailored to the size, complexity and risk of an institution."

I am encouraged by the attention she has paid to the need to appropriately tailor regulations and the potential consequences of not doing so.

In May, the President signed into law S. 2155, the Economic Growth, Regulatory Relief, and Consumer Protection Act.

This bill tailors regulations for midsized and regional banks and provides meaningful relief to community banks.

Commissioner Bowman brings a unique expertise and perspective to the Federal Reserve as it continues implementing key provisions of the bill.

The Federal Reserve also sets U.S. monetary policy.

In her confirmation hearing, Commissioner Bowman reassured the Banking Committee that her decisions would be based on sound economic policies.

This is significant during a period of monetary policy normalization at the Fed.

I am confident she will contribute positively toward the Federal Reserve fulfilling its mission.

I will be voting in favor of Commissioner Bowman's nomination today, and I urge my colleagues to do the same.

Mr. SANDERS. Mr. President, 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. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Bowman nomination?

Mr. GARDNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. MURPHY) and the Senator from Florida (Mr. NELSON) are necessarily absent.

The PRESIDING OFFICER (Mr. PERDUE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 244 Ex.]

#### YEAS—64

Alexander	Gardner	Murkowski
Barrasso	Graham	Perdue
Bennet	Grassley	Peters
Blunt	Hassan	Portman
Boozman	Hatch	Risch
Burr	Heitkamp	Roberts
Capito	Heller	Rounds
Carper	Hoeven	Rubio
Cassidy	Hyde-Smith	Sasse
Collins	Inhofe	Scott
Coons	Isakson	Shaheen
Corker	Johnson	Shelby
Cornyn	Jones	Sullivan
Cotton	Kaine	Tester
Crapo	Kennedy	Thune
Cruz	Kyl	Tillis
Daines	Lankford	Toomey
Donnelly	Lee	Warner
Enzi	Manchin	Wicker
Ernst	McCaskill	Young
Fischer	McConnell	
Flake	Moran	

#### NAYS—34

Baldwin	Harris	Sanders
Blumenthal	Heinrich	Schatz
Booker	Hirono	Schumer
Brown	King	Smith
Cantwell	Klobuchar	Stabenow
Cardin	Leahy	Udall
Casey	Markey	Van Hollen
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murray	Wyden
Feinstein	Paul	
Gillibrand	Reed	

#### NOT VOTING—2

Murphy	Nelson
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The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Nevada.

## LEGISLATIVE SESSION

## MORNING BUSINESS

Ms. CORTEZ MASTO. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

## REMEMBERING EMILY FAY REESE

Ms. CORTEZ MASTO. Mr. President, I rise to honor a dear friend. Her name was Emily Fay Reese, who passed away on November 3 at the young age of 44 after 8 years of battling colon cancer.

Emily was a source of strength and a beacon of light in the Reno community. She radiated love and kindness to every person she met, and her loss will be felt by every single person whose life she touched.

She loved and adored her three children, Madeline, KJ, and Thomas, who are living legacies and testaments to the amazing person that Emily was.

“Live life, love life, and impact others,” these are the words Emily lived by and wanted to share with the rest of the world. During her life, she embodied this simple message—giving life and love, doing all she could to make a difference in the lives of others. She did this first as a public school teacher, and after her cancer diagnosis she became a person on a mission to educate us all about the importance of accessible, affordable, and quality healthcare for everyone.

Before her passing, Emily wished for her friends and family to honor her by voting. She recognized how consequential elections were to building a better future for her children and her country. Emily was proud that she was able to vote early and cast her ballot to make sure her voice was heard in Nevada. Even in the final days of her life, she continued to fight for all of us.

Her advocacy was one way for her to impact others, and she fought to protect the healthcare of Nevadans by using her diagnosis to openly talk about what it was like to live with a terminal diagnosis and the difference that the Affordable Care Act had made in extending and improving the quality of her life. She reminded us that the ACA meant that she could spend her time with her children instead of worrying about bills and bankruptcy.

The last time I saw Emily was here, on Capitol Hill, just a few months ago. She was advocating on behalf of our fellow Nevadans who rely on Medicaid to get the care they need. She was here to oppose massive funding cuts to the program that she said was saving her life. She was here to speak out against a lawsuit that would take away protections from Americans with preexisting conditions and to fight for people like her who didn't have a voice. She was a “Battle Born” woman, and with grace,

dignity, and courage, she bore her fight against cancer and for healthcare for every American.

Emily was a fighter; she was a mother; and she was a friend. I will be forever grateful for the time she spent in giving voice to the voiceless and for her commitment to bettering the lives of those who, like her, need their healthcare protected.

Today and every day, I honor Emily's memory and continue to fight to protect healthcare for every Nevadan so that those who are struggling with illness can focus on their fights to get better, can spend time with their families, and live out their lives with dignity.

Emily's legacy lives on through every life she has touched, including mine. Emily's legacy will continue to live on through each of us and through her beautiful family. I know she will continue to bless us with her profound light, which will guide us and give us strength through the good times and the bad. Knowing Emily was a blessing, and I thank her for her friendship.

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. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

## GUN VIOLENCE

Mr. CASEY. Mr. President, I come to the floor, as I have many times in the last several years—and I know I am not alone in this—to talk about, unfortunately, yet another mass shooting. This one occurred in my home State—in Allegheny County, PA, in the southwestern corner of our State, in the city of Pittsburgh, in a community known as Squirrel Hill.

I come here to do a couple of things—to honor the victims of this mass shooting and the individuals who were injured, of course; to offer condolences to the grieving families again; to express gratitude for the law enforcement and medical professionals who responded to the scene; and, of course, to stand with the community in the face of hate and terror.

On this occasion, this deadly mass shooting occurred in one community, but it also occurred in a house of worship. It resulted in the deaths of 11 innocent Pennsylvanians. It left six people injured, including four law enforcement officers who were responding to the scene. It was a targeted, hateful attack on the Jewish community within the Squirrel Hill community in the city of Pittsburgh. It was an act of violence that we must work to ensure never happens again.

It was just a couple of weeks ago, long before election day, on Saturday, October 27, that three congregations—the Tree of Life, the Dor Hadash, and the New Light—were engaged in Shabbat morning services at the Tree of Life Synagogue in the Squirrel Hill neighborhood, which is a residential part of the city of Pittsburgh. As these worshippers were engaged in services, what played out was the most deadly act of violence against the Jewish community in American history. These congregants were targeted for one reason—because of their religious beliefs, because they happened to be Jewish. Their lives were changed forever by one hateful act of terror, as were the lives of those who were injured.

So our deepest condolences are with the 11 families of the victims of this attack. Here are the names of the 11: Joyce Fienberg, Richard Gottfried, Rose Mallinger, Jerry Rabinowitz, Cecil Rosenthal and his brother David Rosenthal, Bernice and Sylvan Simon, Daniel Stein, Melvin Wax, and Irving Younger. May their memories be blessings to their families and community. It is difficult to even begin to adequately express the hurt that this community has endured, the horror that these families have endured, and the hurt that is still part of this community.

Maybe one of the best ways to convey not just our condolences and our sympathy but also our solidarity with those who faced that horror and that danger and that hate is to talk about what those folks did in that dark, dark hour. It literally was about an hour, maybe a little more than that, on that Saturday morning.

We, of course, at this time—and so many have since that date—pay tribute to those in law enforcement who confronted the murderer with uncommon valor. We pay tribute, as well, to the emergency service professionals—nurses and doctors and others—who ministered to those who were wounded and tried their best to minister to those who were dying.

All of these individuals—and it is impossible to name all of them whether they are in law enforcement or are medical professionals or are emergency personnel—were, at that moment, as they always are, servants in the most profound meaning of the word. These were servants who came forward to help in that darkness. They came forward to save and to comfort. As the great hymn “The Servant Song” tells us, these were servants who were holding the light for these individuals in the nighttime of their fear. That is what that song, “The Servant Song,” reminds us of.

So, when a gunman with very powerful weapons was shooting directly at individuals—targeting them—in a house of worship, where there was no protection at all for those who were victims and for those who were targets but who survived and had to wait what must have seemed like an eternity for

help because the gunman was in control of that scene for a period of time, they were in that nighttime of their fear. Those servants came forward to bring some light to that darkness, to bring light to that nighttime of their fear.

People all over the world have marveled at the strength, the resolve, and the love of the people of Pittsburgh—a community, as they have said so many times since, that is stronger than hate and, I would argue, that is stronger than ever.

We are thinking about those families. We are thinking about those who gave so much in that hour of tragedy and horror and death and darkness. We also have to do more than that. Commendation and sympathy and condolences and solidarity and being determined to try to prevent this from ever happening again is all important, but we have to do more. We have to also act—maybe it is better to say “take action”—to enact commonsense policies, laws, and other policies that will at least reduce the likelihood that these acts of violence will, in fact, continue to occur.

This problem of mass shootings is a uniquely American problem that has to be solved by the American people, of course, through their elected representatives at every level of government but, maybe most especially, by those who are here in the U.S. Senate and in the other body, the House of Representatives, in working with the executive branch. I believe we have to take action. No single law and no series of measures, even if they were to be enacted into law, will remove the possibility that these mass shootings and other examples of horrific gun violence will suddenly vanish from the Earth and never happen again. Yet there are steps we can take that will, for sure, reduce the likelihood.

The point I have made all along is that we have to take enough action, even a series of actions, that might prevent one fewer of these incidents in which kids are killed in school, as we saw 6 years ago in Newtown, CT, at Sandy Hook Elementary School, or one less example of people being gunned down in a nightclub or in another school in Florida or now in a synagogue in Pittsburgh.

What do we need to do?

We could start with measures that have broad-based support. Some of them are supported by 80 to 90 percent of the American people. We could require universal background checks. I think that that is about a 90-to-10 issue, maybe. We could ban military-style assault weapons. There are millions of them on our streets already. There are weapons of war on our streets and in our communities. We could also limit high-capacity magazines that allow hundreds of rounds to be fired in just a matter of seconds or minutes. We must keep guns out of the hands of dangerous people—suspected terrorists and individuals convicted of

hate crimes, stalking, domestic violence, and dating violence.

These policies can't prevent every act of violence or replace what has been lost at the Tree of Life Synagogue or in communities across the Nation, the most recent, of course, being in California, but we can take action. I don't think it is in the best interest of the American people to surrender to this problem, to surrender to this uniquely American problem, and just throw up our hands and say that there is nothing we can do, as some might say, about mass shootings or that there is nothing we can do, some might argue, to prevent losing over 30,000 lives a year to gun violence. I think we can take action. I think we can do more. At a minimum, we have to try. All of the measures I have mentioned—you could add more, like plugging the loophole which says that if you are too dangerous to get on an airplane because you happen to be a terrorist or we have a reasonable suspicion, a well-grounded suspicion, that you are a terrorist and you can't get on an airplane, why would that same individual be allowed to have a weapon? It doesn't make a lot of sense. We have some work to do, as legislators and as Americans, to try to reduce the likelihood that these attacks will continue.

None of the measures that I have outlined here today—and we could add more to the list—are in any way inconsistent with the Second Amendment or in any way would undermine the right of a law-abiding American to purchase a firearm and to use a firearm for self-protection or for hunting or whatever else.

We have to take action at long last. It has been too long. There have been too many tragedies, too many lives lost, and the response by Congress for years now—you could even say for even decades—has been to throw up their hands and say: There is nothing we can do. I don't believe that about America—that the most powerful Nation in the world can do nothing on this issue. We need to do more.

We need to debate it on this floor again, but do something we haven't done in a substantial way in at least 6 years, and that is to have votes on this floor that deal with this issue.

We have to solve a lot of problems in the weeks that remain in this Congress and in the new Congress, but one of them is this: to begin to solve this problem from which only America has suffered. It is difficult, it is contentious, and it is certainly not a problem that has an easy solution, but to do nothing, which is basically what Congress has done for far too long, is not in the best interest of the American people. I would argue it is inconsistent with our values, and it is inconsistent with who we are.

As we express condolences for those who have loved and lost—those families who have suffered either the loss of a loved one or are still suffering because a loved one is injured, the law

enforcement who were injured in this incident—and as we commend and salute the good work of law enforcement, the good work of medical service professionals—those professionals who are on our streets every day, saving people—as we do all of that and offer those words of sympathy and condolences and commendation, let us also be determined as a people to begin to reduce the likelihood that we are going to be the only country in the world that continually suffers and endures mass shooting after mass shooting, losing lives all throughout these many years and just in the last couple of months.

I think that is a challenge, but, also, solving that problem is a mission worthy of a great country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASIDY). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LANKFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### BUDGET REFORM

Mr. LANKFORD. Mr. President, earlier this year, Congress created a bipartisan committee—eight Republicans, eight Democrats, half from the House, half from the Senate. Their mission was to reform the budget process. It was an acknowledgement that our debt is climbing, and there is no structure in place to even address that debt, and any time our debt is addressed, it seems to be somewhat haphazard or accidental or some ad hoc committee is formed to go after debt every 10 years or so. This is spiraling, and we need to have something done, and it needs to be built into the structure.

Starting in April, these 16 Members of Congress started to meet, with these instructions: “to significantly reform the budget and appropriations process”—significantly reform the process. The idea was simple. We are getting a bad budget product; we probably need to look at the budget process and be able to find out what is happening with the process.

You see, this process that we have was started in 1974. Right after Watergate, Congress created this new process with a budget, with a President's budget, with authorizing bills, with appropriating bills, and they would all work together for great transparency. It was a great plan on paper, but since 1974, it has worked only four times—four times.

Year after year, Americans keep saying the same thing: Why isn't the budget working again? Why is everything climbing? And every year, Congress says the same thing: We will fix it next year, next year, next year, next year. At some point, we have to admit it is a bad process, and we are not going to get a better product out of it. We have



to fix that process, so we started meeting.

Today, we had our first set of votes on how we are going to significantly reform the budget process. We started meeting at about 10:30 this morning, and after 15 amendments and debate, the hearing was suspended at lunch for a week because a few of the Members wanted to fly home early for Thanksgiving, so now we will have to finish that work next week. It signaled me again that we don't seem to be serious in this body about dealing with debt and deficits, that even the groups selected to reform the process couldn't finish debate without breaking early for Thanksgiving.

So far, the only agreements to do significant reform—remember, that is the mandate; the only agreements that have been set so far have been to do budgets every 2 years rather than every year but still keep reconciliation and appropriations every year, change the membership of the Senate Budget Committee, and then to add a new, optional, bipartisan budget pathway in case some future Congress has lightning strike and they want to be able to try it. Those are the only agreements we have had so far. I don't know if that sounds like significant budget reform to you, but it doesn't to me. That sounds like just shifting things around.

For months we have researched the history of the budget process. We have identified different options that are out there. We have tried to figure out how we have gotten into this unworkable spot of budget deficits that we are in and how to fix it. For months we have worked on this. Then, as we got to this point, suddenly everyone started backing up to the status quo and saying: We will just try harder again.

It will not work just to try harder. The process has to change.

You see, we met with the leadership of the Congressional Budget Office and asked some very blunt questions about our debt and deficit that Americans inherently know the answer to. They can just feel it. We asked for simple, straightforward numbers. The Congressional Budget Office reported back to us that if we want to get back to the historic levels of debt and deficit that we have had for the past 50 years, if we want to get just to that level, we will have to start cutting or taxing \$630 billion every year, starting in 2019, just to get back to the historic levels we have been at. If we want to stay just at this level of debt to GDP, just remain in this position that we are in right now of overwhelming debt, we will have to cut or tax an additional \$400 billion every single year just to tread water. The reason for that is our interest rates are continuing to go up, and on \$21 trillion in total debt right now, as our interest rates tick back up, we will soon be approaching \$1 trillion in interest payments each year. That is more than all of our discretionary spending combined.

People ask the question: Why is the debt increasing suddenly? They look at

things like the tax bill and ask: Is that the tax bill? No, it is not the tax bill from last year. In fact, after the tax bill from last year and the tax changes that were made for this year, there is actually more revenue coming into the Federal Treasury this year, after the tax changes, than there were last year. Let me run that by you again. Everyone seems to want to blame the tax bill for the increasing debt and deficit. There is more revenue coming into the Treasury this year than last year, even after the tax cuts, because the tax cuts spurred economic activity. More people have jobs, more people are paying taxes, more people are making money, so they are paying additional taxes. So even with the cut, more revenue is coming in. It is not about the tax cut; it is about skyrocketing interest on a \$21 trillion debt, and there is nothing we can do about that other than begin to address it seriously.

It has been predictable. CBO has seen it for years, and it is here. The simple mandate of the Budget Reform Committee was to bring out a significant reform in the process so that we can address this together, but so far this has been one of the most frustrating processes that I have had in my short time here in the Senate because most don't want to solve it because the decisions will be hard.

Let me lay out some of the options I think do fix this. What are some of the hard choices? The first thing I have heard over and over again in this budget reform process is that we need to get to a bipartisan process. I agree. Republicans and Democrats alike are going to have to look at the debt and deficit and say: We have to be able to work together. There seem to be all of these different gimmicks for how we are going to try to work together when we are avoiding the one simple way. There is one simple way to make sure we do things in a bipartisan manner; it is called passing the law.

Right now, the budget, as it is done every year, is not law. The Senate writes a budget, the House writes a budget, neither of them are actually passed as law.

The President never signs them. The President creates a budget, the House creates a budget, the Senate creates a budget, and then everyone kind of debates for a year, and then we get to appropriations and fight over appropriations at the end of the year because those are actually law.

Well, here is the simple solution. If you want to avoid government shutdowns, if you want to end all of the end-of-the-year fighting, if you want to make budgeting an actually bipartisan process, there is a simple solution: Make the budget the law. I know that may sound overly simplistic to people who are outside of this Senate body, and many people may think the budget is already a law, but it is not. It is not a law, because without a law, you can create partisan documents and debate it and hash it around for a full year and

then go fight at the very end of the year before the government shutdown happens, when there is lots of pressure.

The simple way to resolve this at the beginning is to make the fight about the budget at the beginning of the year—long before there is a discussion of government shutdowns. Make the budget itself a law. Push the House and the Senate and the White House to sit down early in the year—before May 31—resolve how we are going to spend, what we are going to do, what is the plan, what are we going to save, and then pass it as a law. When that happens, then all of the work can happen after that. Then you do all of the appropriations bills. Then you talk about what you are going to save. Then you fight through all the details of it. But you have established the big deal that takes away the fight at the end and moves the fight to the beginning. But, for some reason, most everyone on this committee is fighting with the one simple, obvious answer: Make the budget a law instead of a partisan political document every year. That has not worked.

Let's fight it out early. We are going to have budget fights. We have disagreements in this body. Fine, let's have our disagreements, but let's have them early rather than holding the entire country hostage at the end of the year right as we approach a government shutdown. Let's lay out in the budget debt-to-GDP targets. Then we look at the gross domestic product—that is GDP. What do we produce in total as a country? What is the total amount of debt we can handle as a country?

Let's create a plan and then, throughout the course of the year, actually execute that plan. That is what every family and what every business does. They look at the revenue that is coming in. If they have debt, such as their mortgage or cars, they plan and allot for that. We don't. The budget is a political document, and then we make up spending as we go through the year without a significant plan. Let's make the budget a law, create our debt-to-GDP targets in it, and then execute those throughout the course of the year.

Most Americans have heard something about appropriations bills. They have heard that on some news report or something. The 1921 Budget and Accounting Act requires that we do a certain number of appropriations bills. Right now, 12 bills are required. It breaks up the major parts of government spending into 12 little spots.

Basically, we have 12 different bills set aside for spending. We never have a single bill set aside for saving. Let me run that past my colleagues again. There is no plan for a bill that is set aside for savings. So one of the things I have recommended, in addition to making the budget a law to force everyone to actually have the fight early rather than late, is to add a 13th bill, to do our 12 appropriations bills, and



the 13th bill will be a bill that is set aside every session of Congress that is focused on what we are going to save, forcing Congress every session to have to stop and have the debate. How are we going to save money? What are we going to do? Each Congress can decide how much they want to save, but every Congress has to work a little bit on this.

Currently, every time we fight debt—it may be once a decade that we have a big meeting on debt. We are never going to get ahold of \$21 trillion trying to fight it once a decade; we are going to have to do it little by little by little and chip it away.

This Congress, just like the last Congress, just like the one before, didn't do significant work on debt reduction because there was no deadline and the work is hard. If I know anything about this Congress from the short time I have been here, it is that it will not do anything until it has to. So if we created in law a requirement that every session of Congress, there has to be this what I call the 13th bill—this bill that is designed to say that Congress has to debate how much they are going to save and where they are going to save—it would at least force that moment where we have to resolve things.

There has been no dialogue so far on how we really reform the debt limit. The debt limit is only an American invention. It was designed to control our spending and control our debt, but I can assure you it has not worked since 78 times we have raised the debt limit. The debt limit has become a debt cliff and a big fight rather than something that actually controls our spending.

If we would put in place something to actually cause Congress to have a vote on debt, I would be glad to deal with the debt limit—it is drama every time—and substitute it for something that is really going to reduce our debt burden. But that is not the discussion. The discussion in the committee is not about trying to actively reduce our debt or to put into a plan a way to reduce our debt; it is just, what can we do to take out the debt ceiling vote entirely because it is tricky. That doesn't help us. That is not significant reform, just removing something because it is tricky. Significant reform on our budget process is when we replace it with something that is effective.

Every year, the President of the United States since 1921 has submitted something called the President's budget. Millions of dollars are spent compiling this big, giant document that no one reads. It becomes a big political document. Every single President has put one out every year since 1921, and not a single one of them has ever passed—not one—but lots of time and attention is spent on the "President's budget".

There is a simpler way to do this. Have the President turn over their priorities, turn over the agency issues that they see on spending. It is perfectly acceptable for the President to

do that. But don't create this big pomp-and-circumstance, expensive process of having this giant President's budget that really means nothing.

How about shifting our budgeting and our whole process to the calendar year rather than the fiscal year? Many Americans don't know that Congress runs from October 1 until September 30. Guess what. It is the middle of November right now. Our appropriations are not done for this year. They are not done for last year. We have carried them over on something called a continuing resolution—what we hear people refer to as a CR—just like was done the year before, just like was done the year before, and just like was done the year before.

Congress actually functions on the calendar year, but we pretend to function on a fiscal year. That just guarantees that every October, November, and December, we have budget chaos as we try to figure out how to run the system. How about this for a simple solution: Why don't we actually run it on a calendar year, because that is how we actually do it, including this year. That would mean we would actually plan and structure for that. That is significant budget reform. But currently the conversation in the budget reform committee is, no, we will try it again next year, and we will see if we can make September 30 work. It won't, by the way, but no one wants to actually make the shift.

There has been a lot of debate about something called reconciliation. Reconciliation is a process that is intensely broken. It was designed by the Budget Act to be something to really focus on debt and deficit, but it has become a fight with our Parliamentarian and with each other about how to stick in something that is not debt and deficit related.

Why don't we simplify the language? Why don't we clean up the reconciliation process? Why don't we make it what it was designed to be and make sure it is clear so that reconciliation is used by every Congress to deal with debt and deficit? It is a doable task. We have laid out multiple different proposals for how to do that. So far, they have all been turned down.

We have to figure out a way to get better numbers. If we can't get better numbers, we are not going to get better results. We have to get real numbers from the Congressional Budget Office and from Joint Tax. We have to allow Joint Tax and other groups to do dynamic scoring so we get a predictive way to look at the spending and the tax and see what happens.

We have to have real consequences if Congress doesn't do a budget. Americans know if Congress doesn't do a budget, they just leave town and say: We didn't get it done this year. How about this for a simple idea that would be effective even today, if we were doing it. There is a set deadline in statute, in law, when the budget has to be completed, when the appropriations

bills have to be completed, and when they have to be signed. If those milestones or deadlines are not hit, Congress cannot adjourn, cannot leave town. I don't care if Thanksgiving is approaching—you set a deadline, and if it is not completed by that deadline, Congress has to be in session every day, including weekends, until it is done. That is a simple solution.

If Congress is in session every single day, at some point, they will say: I want to go home and see my family, so we need to get this resolved. I would agree. There is not a pressure point better than forcing Congress to stay in town and stay in session until the work is done. We will see if that is actually added to the proposal, but so far, that is trending away from just saying to Congress in the future and now, no, we will try to get that done, but I am not sure we really will.

If we want to end government shutdowns, then keep Congress in session. If we want to end long continuing resolutions, keep Congress in session until it is done. It is a pretty straightforward process. It would benefit our economy. It would benefit this Congress.

Even simple things—it is fascinating to me. There is an internal process called vote-arama. It is awful. If you are ever here in the Senate watching it or around it, it is terrible. It is around the budget process, and it is an endless debate/vote, but none of the votes actually count. They are all messaging votes. They don't actually do anything. But anyone can bring up anything at any time, and we go through this endless series of messaging votes, trying to make each other look bad politically. It is a terrible process.

It is fixable. In fact, we brought up an amendment today in the process—one of those 15 amendments that were debated before people left early for Thanksgiving—we brought up an amendment today to fix the vote-arama, and it failed because folks on the other side wanted to have messaging votes just in case it came up.

In the last vote-arama that happened—an all-night, perpetual, meaningless vote series—the last vote in the vote-arama was a messaging vote: Should we end vote-aramas or not? It passed unanimously. Everyone in this Chamber says they hate it, but when there was a real option to get rid of it, they kept it because the status quo is easier than change.

Significant budget reform was the mandate. That has not happened so far—not even small budget reform has happened so far. We will come back after Thanksgiving. We will have another series of amendments. We have an opportunity to get this right and to fix a very broken process. I will pray that over Thanksgiving, Members of this body and of the House determine that \$21 trillion worth of debt needs significant reform, not just tweaks around the edges, and that when we come back after Thanksgiving, people

will actually approach this seriously instead of the flippant way it has been approached so far. We have to get this done. I commend us to get it done.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## IMMIGRATION

Mr. INHOFE. Mr. President, a few weeks ago, there was a lot of media attention on the caravan from Central America coming up through Mexico and making its way to the United States intending to declare asylum or to cross the border illegally. This is kind of interesting because people don't realize that we have within our laws that if a person declares asylum, it has to be acted upon as a matter of routine. We have heard all about people declaring asylum. They get a court date, and then they are not showing up for court. We know that happens—it is really a no-brainer—but nonetheless it has been going on and on and on.

In fact, the law prescribes that anyone coming to this country to seek asylum will be coming into the country through other countries, and they must first go to whatever country they go through before coming to the United States. In other words, someone coming from Central America, if they are coming through Mexico, should not go to the United States but to Mexico to seek asylum.

Now, asylum is not very well-defined. Anyone can come in and say: My life is in danger, and therefore I need the opportunity to come across the border into the United States. We all know what happens. Back in my real life, I spent some 20 years on the border. I was a builder-developer, and I know how the border works. I know the border agents. I have spent time down there. They wonder why we don't have a solution.

Anyway, we are told that migrants are escaping violence and persecution, but once they get to this country and someone asks, they say, no, in reality, they are seeking the economic opportunities that we taxpayers are paying for in the United States or they maybe want to reunite with their families. I think anyone within earshot right now would want to do the same thing for their families. So this has been going on for a long time, and while this caravan has rightfully garnered a lot of attention, it is really part of a much larger problem.

In fiscal year 2018 alone, more than 396,000 people were caught illegally crossing our southern border by Customs and Border Protection agents—an average of more than 7,500 a week.

They come because they know our border is porous and, if caught, they can always game our legal system and stay. They have been doing it now for years. While the problems are not new, the caravan brings a renewed spotlight to our vulnerabilities. We have to secure our borders, and we have to tackle the policies that encourage abuse of our immigration system.

After decades of seeing our border breached over and over again, voters responded very actively to President Trump when he was pledging to address our immigration crisis by building a wall. Here is the thing: Walls work. We know they work. We are about the only one who doesn't have walls. We are talking about walls that have been in discussion, proposed by this President and proposed by many of us in this body. DHS estimates a wall will deter 90 percent of illegal crossers. So walls do work. We know they work. Nearly 2,000 miles—the figure they have been using and I believe is pretty accurate—will take an estimated \$25 billion to fully secure our southern border.

I have heard my colleagues describe how we couldn't pay for a wall and, after all, we don't need to grow our deficit or use tax dollars to pay for it. That is why I am introducing the Wall Act of 2018, to build the wall and secure our border. We have talked this over and determined this will work. It is very simple. It provides \$25 billion—actually, more than that—for a wall by eliminating Federal benefits going to illegal immigrants.

We have a lot of liberals in both bodies of Congress who are going to say we can't do that. Liberals are always great about giving things away, and I think of Margaret Thatcher when I think about this: Socialism is a wonderful thing, until we run out of other people's money to give away. That is exactly what is happening right now.

Under current law, noncitizens who are not allowed to work are able to receive the earned-income tax credit—a refundable tax credit. They are eligible because applicants do not need to provide work-authorized Social Security numbers. Very simply, prior to 2003, the Social Security Administration routinely issued Social Security numbers to anyone needing a driver's license or a bank account. We have stopped that now, but those numbers still exist and allow for illegal immigrants to obtain Social Security numbers and receive this refundable tax credit and possibly other Federal benefits.

More significantly, the bill we are introducing would require the tax filers themselves to provide a work-authorized Social Security number to receive the refundable child tax credit. Now, under the law, filers only have to provide a Social Security number for a dependent they are claiming to receive a tax credit and a refundable portion. That is under the current law. An illegal parent with legal dependents at the end of a tax year could get a child tax

credit check for as much as \$1,400 per child, and that check comes from Uncle Sam. By closing these loopholes, we can save billions of dollars a year. We can also save even more taxpayer dollars by ensuring the integrity of other Federal welfare programs like SNAP and TANF. By mandating that all States use the E-Verify system, we can add an additional layer of integrity to ensure the legal work-eligible status of benefit recipients.

These are commonsense reforms. You have to ask the question, Why would we not do this? Only those legally in this country and eligible for work should be receiving Federal benefits that are intended to get people out of poverty and get them back to work. This is something that actually would work, and they are all common sense. It is one of the things that falls into the category of "why don't we do it." We have an opportunity to go ahead and do it now. Only those who are legally in this country and eligible for work should be receiving Federal benefits intended to get people out of poverty and into jobs.

Finally, in this bill is actually an additional amount that is out there that we should be taking advantage of. This bill will increase the minimum penalty for every illegal border crossing. Over the past 5 years, there has been an average of 500,000 illegal border crossings each year. By raising the minimum penalty on illegal border crossings, the Federal Government would raise revenue by as much as \$15 billion over a 10-year period. All of this more than pays for a wall.

Our President rightfully demanded a wall not be paid for with hard-working Americans' tax dollars, and my bill fulfills that commitment by not altering a single earned benefit for any American citizen or lawful immigrant.

I was having a news conference last week on this bill. Someone said: Well, the President has said Mexico should pay for it. In a way, this fulfills that commitment, too, because it is being paid for by benefits that would otherwise go to illegals who would not be getting the benefits. So it is the best of both worlds, and it is a solution to the problem. It is what American families deserve, but even more, it is what the hard-working, lawful men and women who are abiding by our immigration process deserve.

So that is the bill we are going to be introducing and we will be hearing a lot about. One thing people say has not been resolved is, how do you come up with \$25 billion for a wall? It is easy. It can be done. The figures match. It is the right thing to do for our lawful Americans.

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. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NOMINATION OF MICHELLE BOWMAN

Mr. BROWN. Mr. President, this week this body began rubberstamping yet another Trump nominee who will help unravel Wall Street reform and who will give big banks free rein again. This White House increasingly looks like a retreat for Wall Street executives.

Michelle Bowman is about to become a member of the Board of Governors of the Federal Reserve. We should be aware that the only reason this slot is open is because of the obstruction of President Obama's Federal Reserve nominees in the last Congress. President Trump will have already nominated six of the seven Board slots. There are other nominees we could be voting on who would enjoy more broad bipartisan support and have a direct impact on saving and creating American jobs—people such as the four bipartisan nominees to the Export-Import Bank, blocked by two or three Members of the Senate doing the bidding of the White House, costing us thousands.

This is coming from business interests, the Chamber of Commerce, the National Association of Manufacturers, the Wall Street Journal, and places like that. This is costing us thousands of good-paying manufacturing jobs because of an ideological hangup on this side, because of complicity in the majority leader's office, and because somebody at the White House has a problem with the Export-Import Bank. Nobody can understand what it is.

These nominees have strong bipartisan support. Instead of voting on that to create jobs immediately—immediately in my State, we are voting on someone who will make it easier for the Fed to roll back and water down more consumer protections.

Ms. Bowman failed during a hearing to provide the committee any insight on her views on monetary policy, regulation, and financial instability—in other words, all of the issues that affect our economy that she will make decisions on.

We have seen what is happening at the Fed. We have heard their plans for rolling back rule after rule after rule. Vice Chair Quarles came to our committee. Last week he said the Fed will weaken stress tests and living wills for the largest banks.

We see what is happening in other ways. The Fed put out its proposal to implement the bank giveaway bill enacted earlier this year. It rolls back rules on banks with over \$250 billion in assets. But do you know what else it does? Get this. The Fed announced plans to weaken rules for foreign megabanks. These are banks such as Santander, Deutsche Bank, and UBS. These are foreign banks. Think about "Make America great again." These

are foreign banks, big foreign banks—foreign banks that are huge into the hundreds of billions of dollars in assets internationally and a good size in this country. They have broken Federal law time and time and time again.

What does the White House do? What does the majority leader do? He says it is OK to give these foreign banks a break, and then we have to be preached to about making America great? How does that make any sense that the President of the United States sends these nominees up here who come out of this swamp at the White House? These nominees, pure and simple, look like a retreat of Wall Street executives at the White House—excuse me, a retreat of foreign bank CEOs at the White House. They come up here, and we weaken the rules that protect Americans.

We side with foreign banks that have broken the law instead of siding with American consumers. Something is very, very wrong on that.

I worry for our country. I worry for our economy. I know what happened. There may be collective amnesia on the Senate Banking Committee, but I remember what happened. The ZIP Code my wife and I live in had more foreclosures in 2007 than any ZIP Code in the United States of America.

I see the residue from those foreclosures. I know people lost their homes. I know people lost their savings. I know people lost their jobs. I see what those homes look like. I know they have high levels of lead-based paint. Does anybody at the Fed care about that? No, they want more deregulation. They want to help the foreign banks at the expense of people in my neighborhood. It is bad economics. It is morally outrageous.

I suggest the absence of a quorum.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 544.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Stephen Alexander Vaden, of Tennessee, to be General Counsel of the Department of Agriculture.

##### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant 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 nomination of Stephen Alexander Vaden, of Tennessee, to be General Counsel of the Department of Agriculture.

Mitch McConnell, Johnny Isakson, Mike Rounds, Thom Tillis, Mike Crapo, Pat Roberts, John Hoeven, David Perdue, Tim Scott, John Cornyn, Roy Blunt, Cory Gardner, Tom Cotton, Jerry Moran, John Barrasso, Roger F. Wicker, John Boozman.

#### LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session. The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 939.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Karen Dunn Kelley, of Pennsylvania, to be Deputy Secretary of Commerce.

##### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant 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 nomination of Karen Dunn Kelley, of Pennsylvania, to be Deputy Secretary of Commerce.

Mitch McConnell, Johnny Isakson, Mike Rounds, Thom Tillis, Mike Crapo, Pat Roberts, John Hoeven, David Perdue, Tim Scott, John Cornyn, Roy Blunt, Cory Gardner, Tom Cotton, Jerry Moran, John Barrasso, Roger F. Wicker, John Boozman.

#### LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session. The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 626.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Thomas Alvin Farr, of North Carolina, to be United States District Judge for the Eastern District of North Carolina.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant 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 nomination of Thomas Alvin Farr, of North Carolina, to be United States District Judge for the Eastern District of North Carolina.

Mitch McConnell, Chuck Grassley, Lamar Alexander, John Cornyn, James M. Inhofe, John Kennedy, Mike Crapo, Roger F. Wicker, Mike Rounds, Michael B. Enzi, David Perdue, John Boozman, Tim Scott, Lindsey Graham, James E. Risch, Steve Daines, Thom Tillis.

### LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 1141.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jonathan A. Kobes, of South Dakota, to be United States Circuit Judge for the Eighth Circuit.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant 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 nomination of Jonathan A. Kobes, of South Dakota, to be United States Circuit Judge for the Eighth Circuit.

Mitch McConnell, Jerry Moran, Mike Crapo, Steve Daines, Richard Burr, James E. Risch, Thom Tillis, John Thune, Roger F. Wicker, John Hoeven, David Perdue, Pat Roberts, John Barasso, Mike Rounds, Lamar Alexander, John Boozman, John Cornyn.

### LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 1064.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Kathleen Laura Kraninger, of Ohio, to be Director, Bureau of Consumer Financial Protection for a term of five years.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant 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 nomination of Kathleen Laura Kraninger, of Ohio, to be Director, Bureau of Consumer Financial Protection for a term of five years.

Mitch McConnell, Jerry Moran, Mike Crapo, Steve Daines, Richard Burr, James E. Risch, Thom Tillis, John Thune, Roger F. Wicker, John Hoeven, David Perdue, Pat Roberts, John Barasso, Mike Rounds, Lamar Alexander, John Boozman, John Cornyn.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls for the cloture motions be waived.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that with respect to the Bowman nomination, the motion to reconsider be considered made and laid upon the table and that the President be immediately notified of the Senate's action.

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

Mr. MCCONNELL. Mr. President, 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. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. YOUNG). Without objection, it is so ordered.

### 100TH ANNIVERSARY OF LATVIA'S INDEPENDENCE

Mr. GRASSLEY. Mr. President, the people who have called themselves Latvians have been in existence for centuries and centuries, but the nation state that we call Latvia has only existed for 100 years. So I come to the floor to express the fact that on Saturday, the Republic of Latvia celebrates 100 years as a country.

As cochair of the Senate Baltic Freedom Caucus, I recognized the centenary of Estonia and Lithuania in February, and I mentioned that I would be back this November to talk about Latvia's 100th anniversary, like I did Estonia and Lithuania back in February.

On November 18, 1918, the People's Council of Latvia proclaimed independence. However, the establishment of a separate Latvian state did not come out of the blue. The movement toward an independent Latvia was a process of continuous historical development going back to the Latvian national awakening in the 1850s.

At that time, between local German-speaking nobles and the Russian Imperial Government, and divided by the internal political boundaries between the Russian Empire, Latvians did not control their political fate. However, Latvians increasingly began to focus on promoting unity around their distinct language and culture.

With the collapse of the tsarist government in Russia, Latvians began to push for a united autonomous territory, although independence did not yet seem feasible. When the Bolsheviks seized power in Russia and attempted to consolidate control of Latvia, the time came to declare independence. However, as we Americans know well, declaring independence means being prepared to defend that decision of independence.

Much as our Founding Fathers pledged their lives, their fortunes, and their sacred honor to the cause of American independence, the Founding Fathers of Latvia knew they would have to defend their independence with the force of arms. In fact, they had to fight invasions by both Soviets and Germans.

If this sounds familiar, it is because it is pretty much the same story I described in February with the Estonian War of Independence. In fact, the Latvians and Estonians coordinated closely and fought side by side.

Latvia also received help from Lithuania and Poland. Soviet Russia ultimately signed a peace treaty recognizing the independence and sovereignty of Latvia and renouncing forever all claims to the territory that is

now Latvia. Sadly, it wasn't long before the treaty was violated.

Hitler and Stalin agreed to divide up their neighbors between them in the infamous Molotov-Ribbentrop Pact.

The Soviets annexed Latvia and the other Baltics in the lead-up to World War II. Then, of course, Hitler broke his end of the bargain and invaded. At the end of the war, Stalin had taken back the Baltics and made clear he was there to stay.

Despite courageous resistance of the Latvian forest brothers for many years while Latvians held out hope of assistance by the United States and the Western allies, Latvia remained occupied by the Soviet Union for the next 50 years after World War II. However, the United States never recognized the legitimacy of the Soviet occupation of Latvia.

Throughout the Cold War, we maintained diplomatic relations via Embassy staff who had been accredited to the United States by Latvia before the Soviet occupation.

I should note that if anyone is interested in learning more about the Latvian or Baltic history, there are books on the subject written by a professor emeritus at Iowa State University. The professor's name is Andrejs Plakans.

After World War II, Latvians who had fled the Soviets or otherwise found themselves outside their country were unable to go home to a country under foreign occupation.

The Displaced Persons Act allowed refugees to come to the United States, provided they had a sponsor, and about 700 of them came to my home State of Iowa. There is a Latvian-American community in Iowa to this very day.

In fact, the first Latvians to come to the Des Moines area were the family of the current pastor of the Iowa Latvian Evangelical Lutheran Church congregation, Leo Pelds.

After his family's initial arrangements for a job at a creamery in Birmingham, AL, fell through, they heard that Iowa would be a good choice as the climate would be what they were used to. So that family moved to Des Moines. Other Latvians soon arrived, and they sponsored further Latvians until there were 300 to 400 just in the Des Moines area.

The Latvian Society of Iowa was formed in 1950, and the Latvia Lutheran congregation was formed in 1952 after the arrival of the Latvian pastor. Like in other Latvian diaspora communities around the world, cultural events were organized to keep the Latvian culture alive, and a Saturday school was established to teach Latvian language, history, geography, and folk dances. Song festivals have played an important role in the preservation of Latvian culture going back to the national awakening, so naturally there was also a choir.

The Latvian Society of Iowa was part of the larger effort of the Latvian, Estonian, and Lithuanian American communities to keep the plight of the Bal-

tics on the radar of our American political leaders.

Then, in 1991, thanks in part to the external pressure from the United States, as well as the courageous efforts of Latvians themselves and others in the Soviet Union demanding their freedom, the "Evil Empire" collapsed. Latvia is now back in the family of free democratic European nations, where it belongs.

Latvia is a member of NATO in excellent standing, both in terms of meeting its financial commitment of 2 percent of GDP and in terms of its soldiers fighting shoulder to shoulder with Americans and other allies in places like Afghanistan and Iraq.

Even while Latvia is looking toward a bright future, its large neighbor to the east is ruled by a man who sees the fall of the Soviet Union, including losing Latvia, as, in his words, the "major geopolitical disaster of the century."

Those are the words of Vladimir Putin. He appears to be stuck in an old-fashioned way of thinking that assigns smaller countries to the Russian sphere of influence. He bullies neighbors that do not toe the Russian line. In fact, he has even occupied the Ukrainian region of Crimea, which the United States does not recognize, just as we didn't recognize the Soviet occupation of the Baltics.

Vladimir Putin resents the fact that Latvia and the other Baltics naturally choose to align with fellow European countries to their west, with which they share a common European history, culture, and outlook.

Given their past and current experience dealing with KGB thugs like Putin, the Latvians can provide invaluable insight as we grapple with how to combat Russian disinformation. In fact, it is appropriate that Riga is home to NATO's StratCom Centre of Excellence, which provides analysis and solutions for NATO on strategic communications and countering disinformation.

So, as I conclude, I look forward to continuing the strong partnership between Latvia and the United States, and I offer my best wishes to all the Latvians as they celebrate 100 years of Latvian statehood.

I yield the floor.

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. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### BUDGET SCOREKEEPING REPORT

Mr. ENZI. Mr. President, I wish to submit to the Senate the budget scorekeeping report for November 2018. The report compares current-law levels of spending and revenues with the amounts the Senate agreed to in the budget resolution for fiscal year 2018, H. Con. Res. 71, and the Bipartisan Budget Act of 2018, BBA18. This information is necessary for the Senate Budget Committee to determine whether budgetary points of order lie against pending legislation. The Republican staff of the Budget Committee and the Congressional Budget Office, CBO, prepared this report pursuant to section 308(b) of the Congressional Budget Act, CBA.

This is my sixth scorekeeping report this year. My last filing can be found in the CONGRESSIONAL RECORD for July 18, 2018. The information included in this report is current through November 13, 2018.

Budget Committee Republican staff prepared Tables 1-6.

Table 1 gives the amount by which each Senate authorizing committee exceeds or is below its allocation for budget authority and outlays under the most recently adopted budget resolution and the fiscal year 2019 enforceable levels filing. This information is used for enforcing committee allocations pursuant to section 302 of the CBA. For this reporting period, 10 of the 16 authorizing committees are not in compliance with their allocations. The six committees that are fully compliant with their allocations are the committees on Armed Services, Foreign Relations, Rules and Administration, Intelligence, Indian Affairs, and Small Business and Entrepreneurship. The aggregate 10-year reduction in budget authority shown in table 1 is largely the product of savings that are generated at the end of the enforcement window through changes to customs user fees, Miscellaneous Tariff Bill Act of 2018, P.L. 115-239; Orrin G. Hatch Music Modernization Act, P.L. 115-264, or from the sale of oil from the Strategic Petroleum Reserve, America's Water Infrastructure Act of 2018, P.L. 115-270.

Tables 2-3 give the amount by which the Senate Committee on Appropriations is below or exceeds the statutory spending limits. This information is used to determine points of order related to the spending caps found in sections 312 and 314 of the CBA. Appropriations for fiscal year 2018, shown in table 2, are consistent with the statutory limits. Table 3 shows that the Appropriations Committee is currently compliant with spending limits for fiscal year 2019. Currently, seven Appropriations subcommittees are operating under a continuing resolution, the Department of Defense and Labor, Health and Human Services, and Education

Appropriations Act, 2019 and Continuing Appropriations Act, 2019 (P.L. 115-245).

The fiscal year 2018 budget resolution contained points of order limiting the use of changes in mandatory programs in appropriations bills, CHIMPs. Tables 4, 5, and 6 track compliance with these points of order. Tables 4 and 6 show compliance with fiscal year 2018 limits for overall CHIMPs, \$17 billion, and the Crime Victims Fund CHIMP, \$11.2 billion, respectively. Table 5, which tracks the CHIMP limit of \$15 billion for fiscal year 2019, shows the Appropriations Committee has enacted \$7.7 billion worth of full-year CHIMPs for fiscal year 2019. The fiscal year 2019 CHIMPs were contained in the Labor, Health and Human Services, Education and Related Agencies division of P.L. 115-245. This information is used for determining points of order under sections 4102, overall limit, and 4103, Crime Victims Fund CHIMP, of H. Con. Res. 71.

In addition to the tables provided by Budget Committee Republican staff, I am submitting CBO tables, which I will use to enforce budget totals approved by Congress.

Because legislation may still be enacted that would have an effect on fiscal year 2018, CBO provided a report for both fiscal year 2018 and 2019. This information is used to enforce aggregate spending and revenue levels in the budget resolution under section 311 of the CBA. CBO's estimates show that current-law levels of spending for fiscal year 2018 exceed the amounts in last year's budget resolution by \$157.4 billion in budget authority and \$106.3 billion in outlays. Revenues are \$3.2 billion above the revenue floor for fiscal year 2018 set by the budget resolution. Social Security outlays are at the levels assumed by the resolution, while Social Security revenues are \$446 million below these levels.

For fiscal year 2019, CBO annualizes the effects of the current continuing resolution, P.L. 115-245, which provides funding through December 7, 2018. For the enforcement of budgetary aggregates, the Budget Committee historically excludes this temporary funding. As such, the current-law levels are \$307.9 billion and \$198.1 billion below enforceable levels for budget authority and outlays, respectively. Revenues are \$309 million below the level assumed in the budget resolution. Further, Social Security revenues are at the levels assumed for fiscal year 2019, while Social Security outlays are \$2 million above assumed levels for the budget year.

CBO's report also provides information needed to enforce the Senate pay-as-you-go, PAYGO, rule. The PAYGO scorecard shows deficit increases in fiscal year 2019 of \$377 million, \$309 million revenue loss, \$68 million outlay increase, over the fiscal year 2018-2023 period of \$1,101 million, \$698 million revenue loss, \$403 million outlay increase, and over the fiscal year 2018-2028 period of \$105 million, \$689 million revenue

loss, \$584 million outlay decrease. Excluded from these figures are the budgetary effects of two direct spending and revenue bills: the VA Mission Act of 2018, P.L. 115-182, and the Support for Patients and Communities Act, P.L. 115-271. The exclusion of these budgetary effects is the result of the statutory inclusion of explicit directions to exclude the effects from the Senate's PAYGO scorecard. The Senate's PAYGO rule is enforced by section 4106 of H. Con. Res. 71.

Also included in this submission is a table tracking the Senate's budget enforcement activity on the floor since the May 7 enforcement filing. Since my last report, one point of order was raised against a CHIMP provision in the Labor-HHS division of H.R. 6157 during its initial Senate consideration. Pursuant to section 314 of S. Con. Res. 70, the fiscal year 2009 budget resolution, I raised a point of order against a \$390 million Pell grant provision. The point of order was waived by a vote of 68-24.

All years in the accompanying tables are fiscal years.

I ask unanimous consent that the accompanying tables be printed in the RECORD.

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

TABLE 1.—SENATE AUTHORIZING COMMITTEES—ENACTED DIRECT SPENDING ABOVE (+) OR BELOW (–) BUDGET RESOLUTIONS

(In millions of dollars)

	2018	2019	2019–2023	2019–2028
Agriculture, Nutrition, and Forestry				
Budget Authority .....	47	0	0	0
Outlays .....	47	0	0	0
Armed Services				
Budget Authority .....	–33	0	0	0
Outlays .....	–24	0	0	0
Banking, Housing, and Urban Affairs				
Budget Authority .....	0	21	285	382
Outlays .....	0	20	285	382
Commerce, Science, and Transportation				
Budget Authority .....	0	1	38	86
Outlays .....	0	1	35	85
Energy and Natural Resources				
Budget Authority .....	220	0	0	–3
Outlays .....	198	0	0	–3
Environment and Public Works				
Budget Authority .....	0	2	4	–333
Outlays .....	0	2	4	–333
Finance				
Budget Authority .....	21,971	206	991	–919
Outlays .....	5,211	119	988	–919
Foreign Relations				
Budget Authority .....	0	0	–5	–20
Outlays .....	0	0	–5	–20
Homeland Security and Governmental Affairs				
Budget Authority .....	0	0	2	4
Outlays .....	0	43	48	49
Judiciary				
Budget Authority .....	0	0	76	156
Outlays .....	0	0	72	151
Health, Education, Labor, and Pensions				
Budget Authority .....	705	0	–36	–84
Outlays .....	205	0	–36	–84
Rules and Administration				
Budget Authority .....	0	0	0	0
Outlays .....	0	0	0	0
Intelligence				
Budget Authority .....	0	0	0	0
Outlays .....	0	0	0	0
Veterans' Affairs				
Budget Authority .....	7,300	4	3	–729
Outlays .....	1,850	4,402	4,400	3,668
Indian Affairs				
Budget Authority .....	0	0	0	0
Outlays .....	0	0	0	0
Small Business				
Budget Authority .....	0	0	0	0
Outlays .....	0	0	0	0

TABLE 1.—SENATE AUTHORIZING COMMITTEES—ENACTED DIRECT SPENDING ABOVE (+) OR BELOW (–) BUDGET RESOLUTIONS—Continued

(In millions of dollars)

	2018	2019	2019–2023	2019–2028
Total				
Budget Authority .....	30,210	234	1,358	–1,460
Outlays .....	7,487	4,587	5,791	2,976

TABLE 2.—SENATE APPROPRIATIONS COMMITTEE—ENACTED REGULAR DISCRETIONARY APPROPRIATIONS<sup>1</sup>

(Budget authority, in millions of dollars)

	2018	
	Security <sup>2</sup>	Nonsecurity <sup>2</sup>
Statutory Discretionary Limits .....	629,000	579,000
Amount Provided by Senate Appropriations Subcommittee		
Agriculture, Rural Development, and Related Agencies .....	0	23,259
Commerce, Justice, Science, and Related Agencies .....	5,400	54,200
Defense .....	589,320	132
Energy and Water Development .....	21,800	21,400
Financial Services and General Government .....	31	23,392
Homeland Security .....	2,058	45,665
Interior, Environment, and Related Agencies .....	0	35,252
Labor, Health and Human Services, Education and Related Agencies .....	0	177,100
Legislative Branch .....	0	4,700
Military Construction and Veterans Affairs, and Related Agencies .....	10,091	81,900
State Foreign Operations, and Related Programs .....	0	42,000
Transportation and Housing and Urban Development, and Related Agencies .....	300	70,000
Current Level Total .....	629,000	579,000
Total Enacted Above (+) or Below (–) Statutory Limits .....	0	0

<sup>1</sup> This table excludes spending pursuant to adjustments to the discretionary spending limits. These adjustments are allowed for certain purposes in section 251(b)(2) of BBEDCA.

<sup>2</sup> Security spending is defined as spending in the National Defense budget function (050) and nonsecurity spending is defined as all other spending.

TABLE 3.—SENATE APPROPRIATIONS COMMITTEE—ENACTED REGULAR DISCRETIONARY APPROPRIATIONS<sup>1</sup>

(Budget authority, in millions of dollars)

	2019	
	Security <sup>2</sup>	Nonsecurity <sup>2</sup>
Statutory Discretionary Limits .....	647,000	597,000
Amount Provided by Senate Appropriations Subcommittee		
Agriculture, Rural Development, and Related Agencies .....	0	9
Commerce, Justice, Science, and Related Agencies .....	0	0
Defense .....	606,340	129
Energy and Water Development .....	22,440	22,200
Financial Services and General Government .....	0	0
Homeland Security .....	0	9
Interior, Environment, and Related Agencies .....	0	0
Labor, Health and Human Services, Education and Related Agencies .....	0	178,076
Legislative Branch .....	0	4,836
Military Construction and Veterans Affairs, and Related Agencies .....	10,332	86,804
State Foreign Operations, and Related Programs .....	0	0
Transportation and Housing and Urban Development, and Related Agencies .....	0	4,400
Current Level Total .....	639,112	296,463
Total Enacted Above (+) or Below (–) Statutory Limits .....	–7,888	–300,537

<sup>1</sup> This table excludes spending pursuant to adjustments to the discretionary spending limits. These adjustments are allowed for certain purposes in section 251(b)(2) of BBEDCA.

<sup>2</sup> Security spending is defined as spending in the National Defense budget function (050) and nonsecurity spending is defined as all other spending.

TABLE 4.—SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAMS (CHIMPS)

(Budget authority, millions of dollars)

	2018
CHIMPS Limit for Fiscal Year 2018 .....	17,000
Senate Appropriations Subcommittees	
Agriculture, Rural Development, and Related Agencies .....	0

TABLE 4.—SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAMS (CHIMPS)—Continued

(Budget authority, millions of dollars)

2018	
Commerce, Justice, Science, and Related Agencies .....	10,228
Defense .....	0
Energy and Water Development .....	0
Financial Services and General Government .....	0
Homeland Security .....	0
Interior, Environment, and Related Agencies .....	0
Labor, Health and Human Services, Education and Related Agencies .....	6,772
Legislative Branch .....	0
Military Construction and Veterans Affairs, and Related Agencies .....	0
State Foreign Operations, and Related Programs .....	0
Transportation and Housing and Urban Development, and Related Agencies .....	0
Current Level Total .....	17,000
Total CHIMPS Above (+) or Below (–) Budget Resolution .....	0

TABLE 5.—SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAMS (CHIMPS)

(Budget authority, millions of dollars)

2019	
CHIMPS Limit for Fiscal Year 2019 .....	15,000
Senate Appropriations Subcommittees	
Agriculture, Rural Development, and Related Agencies .....	0
Commerce, Justice, Science, and Related Agencies .....	0
Defense .....	0
Energy and Water Development .....	0
Financial Services and General Government .....	0
Homeland Security .....	0
Interior, Environment, and Related Agencies .....	0
Labor, Health and Human Services, Education and Related Agencies .....	7,715
Legislative Branch .....	0
Military Construction and Veterans Affairs, and Related Agencies .....	0
State Foreign Operations, and Related Programs .....	0
Transportation and Housing and Urban Development, and Related Agencies .....	0
Current Level Total .....	7,715

TABLE 5.—SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAMS (CHIMPS)—Continued

(Budget authority, millions of dollars)

2019	
Total CHIMPS Above (+) or Below (–) Budget Resolution .....	–7,285

TABLE 6.—SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAM (CHIMP) TO THE CRIME VICTIMS FUND

(Budget authority, millions of dollars)

2018	
Crime Victims Fund (CVF) CHIMP Limit for Fiscal Year 2018 .....	11,224
Senate Appropriations Subcommittees	
Agriculture, Rural Development, and Related Agencies .....	0
Commerce, Justice, Science, and Related Agencies .....	10,228
Defense .....	0
Energy and Water Development .....	0
Financial Services and General Government .....	0
Homeland Security .....	0
Interior, Environment, and Related Agencies .....	0
Labor, Health and Human Services, Education and Related Agencies .....	0
Legislative Branch .....	0
Military Construction and Veterans Affairs, and Related Agencies .....	0
State Foreign Operations, and Related Programs .....	0
Transportation and Housing and Urban Development, and Related Agencies .....	0
Current Level Total .....	10,228
Total CVF CHIMP Above (+) or Below (–) Budget Resolution .....	–996

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, November 15, 2018.

Hon. MIKE ENZI,  
Chairman, Committee on the Budget,  
U.S. Senate, Washington, DC.  
DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on

the fiscal year 2018 budget and is current through the end of fiscal year 2018. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 71, the Concurrent Resolution on the Budget for Fiscal Year 2018.

Since our last letter dated July 18, 2018, the Congress has not cleared any legislation for the President's signature that affects budget authority, outlays, or revenues in fiscal year 2018.

Sincerely,

KEITH HALL,  
Director.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2018, AS OF SEPTEMBER 30, 2018

(In billions of dollars)

	Budget Resolution	Current Level	Current Level Over/Under (–) Resolution
On-Budget			
Budget Authority .....	3,399.8	3,557.2	157.4
Outlays .....	3,221.3	3,327.6	106.3
Revenues .....	2,497.1	2,500.3	3.2
Off-Budget			
Social Security Outlays <sup>a</sup> .....	849.6	849.6	0.0
Social Security Revenues .....	873.3	872.9	–0.4

Source: Congressional Budget Office.

<sup>a</sup> Excludes administrative expenses paid from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2018, AS OF SEPTEMBER 30, 2018

(In millions of dollars)

	Budget Authority	Outlays	Revenues
Previously Enacted <sup>a b</sup>			
Revenues .....	n.a.	n.a.	2,658,139
Permanents and other spending legislation .....	2,105,225	2,003,386	n.a.
Appropriation legislation .....	0	513,307	n.a.
Offsetting receipts .....	–866,685	–866,685	n.a.
Total, Previously Enacted .....	1,238,540	1,650,008	2,658,139
Enacted Legislation			
Authorizing Legislation			
National Defense Authorization Act for Fiscal Year 2018 (P.L. 115–91) .....	–33	–24	0
CHIP and Public Health Funding Extension Act (P.L. 115–96, Division C) .....	705	205	0
An act to amend the Homeland Security Act of 2002 . . . and for other purposes (P.L. 115–96, Division D) .....	2,100	1,050	0
An act to provide for reconciliation pursuant to title II and V of the concurrent resolution on the budget for fiscal year 2018 (P.L. 115–97) .....	–8,600	–8,600	–143,800
An act making further continuing appropriations for the fiscal year ending September 30, 2018, and for other purposes (P.L. 115–120, Divisions C and D) .....	14,509	1,203	–1,263
Bipartisan Budget Act of 2018 (P.L. 115–123, Divisions A and C–G) <sup>b c d</sup> .....	7,504	4,050	–12,424
Consolidated Appropriations Act, 2018, Divisions M–V (P.L. 115–141) <sup>c</sup> .....	225	203	–348
VA MISSION Act of 2018 (P.L. 115–182) .....	5,200	800	0
Total, Authorizing Legislation .....	21,610	–1,113	–157,835
Appropriation Legislation			
Department of Defense Missile Defeat and Defense Enhancements Appropriations Act, 2018 (P.L. 115–96, Division B) .....	4,686	803	0
Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018 (P.L. 115–123, Division B, Subdivision 1) .....	84,436	11,185	0
Further Extension of Continuing Appropriations Act, 2018, (P.L. 115–123, Division B, Subdivision 3) .....	–315	–315	0
Consolidated Appropriations Act, 2018, Divisions A–L (P.L. 115–141) <sup>c f g</sup> .....	2,259,985	1,663,110	0
Total, Appropriation Legislation .....	2,348,792	1,674,783	0
Total, Enacted Legislation .....	2,370,402	1,673,670	–157,835
Entitlements and Mandatories			
Budget resolution estimates of appropriated entitlements and other mandatory programs .....	–51,440	4,205	0
Total Current Level <sup>b h</sup> .....	3,557,239	3,327,620	2,500,304
Total Senate Resolution <sup>i</sup> .....	3,399,841	3,221,349	2,497,139
Current Level Over Senate Resolution .....	157,398	106,271	3,165
Current Level Under Senate Resolution .....	n.a.	n.a.	n.a.

Source: Congressional Budget Office.

Notes: n.a. = not applicable; P.L. = Public Law.

<sup>a</sup> Includes the budgetary effects of the following acts that affect budget authority, outlays, or revenues and were cleared by the Congress during the 1st session of the 115th Congress, but before the adoption of H. Con. Res. 71, the concurrent resolution on the budget for fiscal year 2018: the VA Choice and Quality Employment Act of 2017 (P.L. 115–46); the Harry W. Colmery Veterans Educational Assistance Act of 2017 (P.L. 115–48); a joint resolution compact relating to the establishment of the Washington Metrorail Safety Commission (P.L. 115–54); the Continuing Appropriations Act, 2018 and Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (P.L. 115–56); the Emergency Aid to American Survivors of Hurricanes Irma and Jose Overseas Act (P.L. 115–57); the Department of Veterans Affairs Expiring Authorities Act of 2017 (P.L. 115–62); the Disaster Tax Relief and Airport and Airway Extension Act of 2017 (P.L. 115–63); the Hurricanes Harvey, Irma, and Maria Education Relief Act of 2017 (P.L. 115–64); and the Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (P.L. 115–72).

<sup>b</sup> Emergency funding that was not designated as an emergency requirement pursuant to section 251(b)(2)(A) of the Deficit Control Act does not count for certain budgetary enforcement purposes. These amounts, which are not included in the current level totals, are as follows:

	Budget Authority	Outlays	Revenues
Disaster Tax Relief and Airport and Airway Extension Act of 2017 (P.L. 115–63) .....	263	263	0
Bipartisan Budget Act of 2018 (P.L. 115–123) .....	2,217	1,469	–509



	Budget Authority	Outlays	Revenues
Total .....	2,480	1,732	—509
<sup>c</sup> The Bipartisan Budget Act of 2018 (P.L. 115–123) contains seven divisions. Division A, Subdivision 2 of Division B, and Divisions C–F contain authorizing legislation, of which the budgetary effects of Subdivision 2 of Division B were designated as being for emergency requirements. Subdivisions 1 and 3 of Division B contain appropriation legislation. Subdivision 1 provided supplemental appropriations for fiscal year 2018 for disaster relief and designated those amounts as being for emergency requirements, and section 158 of Subdivision 3 provided authority for the duration of fiscal year 2018, for the Secretary of Energy to draw down and sell crude oil from the Strategic Petroleum Reserve Division G of P.L. 115–123 provided for the budgetary treatment of Divisions A–F.			
<sup>d</sup> Pursuant to section 232(b) of H.C. Res. 290 (106th Congress), the Concurrent Budget Resolution for Fiscal Year 2001, the budgetary effects related to the Federal Reserve's surplus funds are excluded. As a result, the amounts shown do not include estimated increases in revenues of \$2,450 million in fiscal year 2018, \$2,180 million over the 2018–2022 period, and \$1,750 million over the 2018–2027 period.			
<sup>e</sup> Sections 540–543 of the Department of Homeland Security Appropriations Act, 2017 (Division F of P.L. 115–31), extended several immigration programs through the end of fiscal year 2017. Several continuing resolutions continued those authorities through March 23, 2018, and sections 202–205 of title II of Division M of P.L. 115–141 further extended those programs through 2018. CBO estimates that extending those authorities for the entirety of fiscal year 2018 will increase on-budget direct spending by \$5 million in fiscal year 2018, \$27 million over the 2018–2022 period, and \$53 million over the 2018–2027 period. In addition, CBO estimates that extending those authorities will decrease off-budget direct spending by \$1 million over the 2018–2022 period and by \$7 million over the 2022–2027 period. Further, CBO estimates that continuing those authorities will increase revenues by \$2 million over the 2018–2022 period and by \$7 million over the 2018–2027 period. Consistent with the budgetary treatment of Divisions K–V of P.L. 115–141, the budgetary effects of extending the immigration programs through March 23, 2018, are charged to the Appropriations Committee; the effects of extending the programs for the remainder of fiscal year 2018 are charged to the relevant authorizing committees.			
<sup>f</sup> Pursuant to sections 1001–1004 of the 21st Century Cures Act (P.L. 114–255), certain funding provided to the Department of Health and Human Services (HHS)—in particular the Food and Drug Administration (FDA) and the National Institutes of Health (NIH)—in 2017 through 2026 shall not count for the purposes of complying with provisions of the Deficit Control Act or the Congressional Budget and Impoundment Control Act of 1974. As a result, the amounts shown do not include \$1,056 million in budget authority or \$770 million in associated outlays in fiscal year 2018, specifically, \$60 million in budget authority and \$22 million in outlays for the FDA; and \$996 million in budget authority and \$748 million in outlays for HHS, which includes \$500 million in budget authority for state responses to the opioid abuse crisis and \$496 million for NIH.			
<sup>g</sup> Section 255 of the Departments of Labor, Health, and Human Services, and Education, and Related Agencies Appropriations Act, 2018 (Division H of P.L. 115–141), delayed implementation of the recommendations of the United States Preventive Services Task Force with respect to breast cancer screening, mammography, and prevention. CBO estimates that the delay will increase direct spending (budget authority and outlays) by \$14 million in fiscal year 2019 and by \$6 million in fiscal year 2020. In addition, CBO estimates that section 225 will decrease revenues by \$23 million in fiscal year 2019 (of which \$6 million will be off-budget) and will decrease revenues by \$9 million in fiscal year 2020 (of which \$2 million will be off-budget).			
<sup>h</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the resolution, as approved by the Senate, does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level does not include these items.			
<sup>i</sup> Periodically, the Senate Committee on the Budget revises the budgetary levels in H. Con. Res. 71, pursuant to various provisions of the resolution. The total for the Initial Senate Resolution shown below excludes \$47,660 million in budget authority, \$22,467 million in outlays, and \$150,003 million in revenues assumed in H. Con. Res. 71 for discretionary spending not constrained by the budgetary caps established by the Budget Control Act of 2011 (P.L. 112–25) and subsequently amended, including spending that qualifies for adjustments pursuant to section 4205 of H. Con. Res. 71.			

	Budget Authority	Outlays	Revenues
Initial Senate Resolution .....	3,089,061	3,109,221	2,640,939
Revisions:			
Pursuant to section 311 of the Congressional Budget Act of 1974 and section 3003 of H. Con. Res. 71 .....	—8,600	—8,600	—143,800
Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974 .....	4,686	803	0
Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974 .....	84,436	11,185	0
Pursuant to section 311 and 314(a) of the Congressional Budget Act of 1974 and section 4108 of H. Con. Res. 71 .....	230,553	108,997	0
Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974 .....	—295	—257	0
Revised Senate Resolution .....	3,399,841	3,221,349	2,497,139

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, November 15, 2018.

Hon. MIKE ENZI,  
Chairman, Committee on the Budget,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2019 budget and is current through November 13, 2018. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the allocations, aggregates, and other budgetary levels printed in the Congressional Record on May 7, 2018, pursuant to section 30103 of the Bipartisan Budget Act of 2018 (Public Law 115–123).

Since our last letter dated July 18, 2018, the Congress has cleared and the President has signed the following legislation that has

significant effects on budget authority, outlays, and revenues in fiscal year 2019:

Miscellaneous Tariff Bill Act of 2018 (Public Law 115–239),

Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019 (Public Law 115–244),

Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019 (Public Law 115–245),

Department of Veterans Affairs Expiring Authorities Act of 2018 (Public Law 115–251),

FAA Reauthorization Act of 2018 and Supplemental Appropriations for Disaster Relief Act, 2018 (Public Law 115–254),

America's Water Infrastructure Act of 2018 (Public Law 115–270); and

SUPPORT for Patients and Communities Act (Public Law 115–271).

Sincerely,

KEITH HALL,  
Director.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2019, AS OF NOVEMBER 13, 2018

[In billions of dollars]			
	Budget Resolution	Current Level	Current Level Over/Under (–) Resolution
On-Budget			
Budget Authority .....	3,619.2	3,632.0	12.8
Outlays .....	3,546.4	3,539.3	—7.1
Revenues .....	2,590.5	2,590.2	—0.3
Off-Budget			
Social Security Outlays <sup>a</sup> .....	908.8	908.8	0.0
Social Security Revenues .....	899.2	899.2	0.0

Source: Congressional Budget Office.  
<sup>a</sup> Excludes administrative expenses paid from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2019, AS OF NOVEMBER 13, 2018

	Budget Authority	Outlays	Revenues
Previously Enacted <sup>a b</sup>			
Revenues .....	n.a.	n.a.	2,590,496
Permanents and other spending legislation .....	2,337,789	2,232,677	n.a.
Appropriation legislation .....	0	573,950	n.a.
Offsetting receipts .....	—890,012	—890,015	n.a.
Total, Previously Enacted .....	1,447,777	1,916,612	2,590,496
Enacted Legislation			
Authorizing Legislation			
Economic Growth, Regulatory Relief, and Consumer Protections Act (P.L. 115–174) <sup>c</sup> .....	18	17	—5
VA MISSION Act of 2018 (P.L. 115–182) .....	0	4,400	0
American Innovation \$1 Coin Act (P.L. 115–197) .....	3	3	0
Miscellaneous Tariff Bill Act of 2018 (P.L. 115–239) .....	0	0	—304
Department of Veterans Affairs Expiring Authorities Act of 2018 (P.L. 115–251) .....	4	2	0
FAA Reauthorization Act of 2018 (P.L. 115–254) <sup>d</sup> .....	1	44	0
America's Water Infrastructure Act of 2018 (P.L. 115–270) .....	2	2	0
SUPPORT for Patients and Communities Act (P.L. 115–271) <sup>b</sup> .....	206	119	0
Subtotal, Authorizing Legislation .....	234	4,587	—309
Appropriation Legislation <sup>a</sup>			
Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019 (P.L. 115–244) .....	191,127	145,276	0
Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019 (P.L. 115–245) <sup>a b</sup> .....	1,691,001	1,223,855	0
Supplemental Appropriations for Disaster Relief, 2018 (P.L. 115–254, Division I) .....	1,680	25	0
Subtotal, Appropriation Legislation .....	1,883,808	1,369,156	0
Total, Enacted Legislation .....	1,884,042	1,373,743	—309
Continuing Resolution			
Continuing Appropriations Act, 2019 (P.L. 115–245, Division C) <sup>a b</sup> .....	320,763	190,949	0
Entitlements and Mandatories			
Total Current Level <sup>b</sup> .....	—20,585	57,981	0
Total Senate Resolution <sup>c</sup> .....	3,631,997	3,539,285	2,590,187
	3,619,159	3,546,419	2,590,496

TABLE 2—SUPPORTING DETAIL FOR THE SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2019, AS OF NOVEMBER 13, 2018—Continued

(In millions of dollars)

	Budget Authority	Outlays	Revenues
Current Level Over Senate Resolution .....	12,838	n.a.	n.a.
Current Level Under Senate Resolution .....	n.a.	7,134	309
Memorandum			
Revenues, 2019–2028			
Senate Current Level <sup>c</sup> .....	n.a.	n.a.	33,272,465
Senate Resolution <sup>c</sup> .....	n.a.	n.a.	33,273,213
Current Level Over Senate Resolution .....	n.a.	n.a.	n.a.
Current Level Under Senate Resolution .....	n.a.	n.a.	748

Source: Congressional Budget Office.

n.a. = not applicable; P.L. = Public Law.

<sup>a</sup> Sections 1001–1004 of the 21st Century Cures Act (P.L. 114–255) require that certain funding provided for 2017 through 2026 to the Department of Health and Human Services—in particular the Food and Drug Administration and the National Institutes of Health—be excluded from estimates for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Deficit Control Act) or the Congressional Budget and Impoundment Control Act of 1974 (Congressional Budget Act). Therefore, the amounts shown in this report do not include \$771 million in budget authority, and \$767 million in estimated outlays.

<sup>b</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the resolution, as approved by the Senate, does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level does not include those items.

<sup>c</sup> Pursuant to section 232(b) of H.C. Res. 290 (106th Congress), the Concurrent Budget Resolution for Fiscal Year 2001, the budgetary effects related to the Federal Reserve's surplus funds are excluded. As a result, the amounts shown do not include estimated increases in revenues of \$655 million in fiscal year 2019, \$570 million over the 2019–2023 period, and \$454 million over the 2019–2028 period.

<sup>d</sup> Division I of P.L. 115–254 provided \$1.68 billion in supplemental appropriations for fiscal year 2019, and designated those amounts as being for emergency requirements pursuant to section 251 of the Deficit Control Act. In general, the budgetary effects of authorizing legislation are recorded as direct spending or revenue. However, consistent with the language in Division I, and at the direction of the Senate Committee on the Budget, those budgetary effects are classified as discretionary spending.

<sup>e</sup> Section 30103 of the Bipartisan Budget Act of 2018 required—in the absence of a concurrent resolution on the budget for fiscal year 2019—that the Chair of the Senate Committee on the Budget publish the aggregate spending and revenue levels for fiscal year 2019; those aggregate levels were first published in the Congressional Record on May 7, 2018. The Bipartisan Budget Act of 2018 also allows the Chair of the Senate Committee on the Budget to revise the budgetary aggregates:

	Budget Authority	Outlays	Revenues
Original Aggregates Printed on May 7, 2018: .....	3,547,094	3,508,052	2,590,496
Revisions:			
Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974 .....	921	0	0
Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974 .....	69,464	38,556	0
Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974 .....	0	–214	0
Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974 .....	1,680	25	0
Revised Senate Resolution .....	3,619,159	3,546,419	2,590,496

TABLE 3—SUMMARY OF THE SENATE PAY-AS-YOU-GO SCORECARD FOR THE 115TH CONGRESS, AS OF NOVEMBER 13, 2018

(In millions of dollars)

	2018	2019	2018–2023	2018–2028
Beginning Balance <sup>a</sup> .....	0	0	0	0
Enacted Legislation <sup>b</sup> <sup>c</sup> :				
A Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Incident Auto Lending and Compliance with the Equal Credit Opportunity Act" (S.J. Res. 57, P.L. 115–172) .....	*	*	*	*
Economic Growth, Regulatory Relief, and Consumer Protections Act (S. 2155, P.L. 115–174) <sup>d</sup> .....	*	22	329	490
Trickett Wendler, Frank Mongiello, Jordan McInn, and Matthew Bellina Right to Try Act of 2017 (S. 204, P.L. 115–176) .....	*	*	*	*
An Act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish assistance for adaptations of residences of veterans in rehabilitation programs under chapter 31 of such title, and for other purposes (H.R. 3562, P.L. 115–177) .....	*	*	*	*
VA MISSION Act of 2018 (S. 2372, P.L. 115–182) <sup>e</sup> .....	*	*	*	*
Whistleblower Protection Coordination Act (S. 1869, P.L. 115–192) .....	*	*	*	*
All Circuit Review Act (H.R. 2229, P.L. 115–195) .....	*	*	*	*
American Innovation \$1 Coin Act (H.R. 770, P.L. 115–197) .....	0	3	3	0
Small Business 7(a) Lending Oversight Reform Act of 2018 (H.R. 4743, P.L. 115–189) .....	*	*	*	*
Northern Mariana Islands U.S. Workforce Act of 2018 (H.R. 5956, P.L. 115–218) .....	0	0	0	–3
KWIL Act (S. 2245, P.L. 115–226) .....	*	*	*	*
To make technical amendments to certain marine fish conservation statutes, and for other purposes (H.R. 4528, P.L. 115–228) .....	*	*	*	*
John S. McCain National Defense Authorization Act for Fiscal Year 2019 (H.R. 5515, P.L. 115–232) .....	*	*	*	*
Miscellaneous Tariff Bill Act of 2018 (H.R. 4318, P.L. 115–239) .....	0	304	690	–118
Tribal Social Security Fairness Act of 2018 (H.R. 6124, P.L. 115–243) .....	0	*	–1	–3
Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2019 (H.R. 6157, Division B, P.L. 115–245, Division B) .....	0	0	18	18
Nuclear Energy Innovation Capabilities Act of 2017 (S. 97, P.L. 115–248) .....	*	*	*	*
Department of Veterans Affairs Expiring Authorities Act of 2018 (S. 3479, P.L. 115–251) .....	*	2	*	–3
Elkhorn Ranch and White River National Forest Conveyance Act of 2017 (H.R. 698, P.L. 115–252) .....	*	*	*	*
FAA Reauthorization Act of 2018 (H.R. 302, P.L. 115–254) <sup>f</sup> .....	*	44	42	26
Patients Right to Know Drug Act of 2018 (S. 2554, P.L. 115–263) .....	*	*	–11	–52
Orrin G. Hatch Music Modernization Act (H.R. 1551, P.L. 115–264) .....	0	0	13	–24
Congressional Award Program Reauthorization Act of 2018 (S. 3509, P.L. 115–268) .....	*	*	2	4
America's Water Infrastructure Act of 2018 (S. 3021, P.L. 115–270) .....	0	2	16	–230
SUPPORT for Patients and Communities Act (H.R. 6, P.L. 115–271) <sup>g</sup> .....	*	*	*	*
Hizballah International Financing Prevention Amendments Act of 2017 (S. 1595, P.L. 115–272) .....	*	*	*	*
To authorize the National Emergency Medical Services Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes (H.R. 1037, P.L. 115–275) .....	0	*	*	*
Impact on Deficit .....	*	377	1,101	105
Total Change in Outlays .....	*	68	403	–584
Total Change in Revenues .....	*	–309	–698	–689

Source: Congressional Budget Office.

Notes: P.L. = Public Law, \* = between –\$500,000 and \$500,000.

<sup>a</sup> On May 7, 2018, the Chairman of the Senate Committee on the Budget reset the Senate's Pay-As-You-Go Scorecard to zero for all fiscal years.

<sup>b</sup> The amounts shown represent the estimated effect of the public laws on the deficit.

<sup>c</sup> Excludes off-budget amounts.

<sup>d</sup> Pursuant to section 232(b) of H.C. Res. 290 (106th Congress), the Concurrent Budget Resolution for Fiscal Year 2001, the budgetary effects related to the Federal Reserve's surplus funds are excluded. As a result, the amounts shown do not include estimated increases in revenues of \$655 million in fiscal year 2019, \$570 million over the 2019–2023 period, and \$454 million over the 2019–2028 period.

<sup>e</sup> The budgetary effects of this Act are excluded from the Senate's PAYGO scorecard, pursuant to section 512 of the Act.

<sup>f</sup> Division I of P.L. 115–254 contains the Supplemental Appropriations for Disaster Relief Act, 2018, which provided \$1.680 billion in supplemental appropriations for fiscal year 2019, and designated as an emergency requirement pursuant to section 251 of the Deficit Control Act. At the direction of the Committees on the Budget, and consistent with the language in section 1701, those amounts are shown as discretionary spending.

<sup>g</sup> The budgetary effects of this Act are excluded from the Senate's PAYGO scorecard, pursuant to section 8231 of the Act.

## ENFORCEMENT REPORT OF POINTS OF ORDER RAISED SINCE THE FY 2019 ENFORCEMENT FILING

Vote	Date	Measure	Violation	Motion to Waive	Result
127 .....	June 18, 2018 .....	H.R. 5515—John S. McCain National Defense Authorization Act for Fiscal Year 2019 .....	4106(a)—Senate-Pay-As-You-Go Violation <sup>1</sup> .....	Sen. McConnell (R-KY) <sup>2</sup> .....	81–14, waived
192 .....	August 23, 2018 .....	S. Amdt. #3695 to H.R. 6157, the Defense, Labor, HHS, and Education Appropriations Act <sup>3</sup> .....	314(a) CHIMP with Net-Costs .....	Sen. Leahy (D-VT) .....	68–24, waived

<sup>1</sup> Senator Sanders raised a section 4106(a) of H. Con. Res. 71 (115th Congress) point of order against the bill because the bill would increase the on-budget deficit.

<sup>2</sup> By unanimous consent the Senate proceeded to a roll call vote to waive the point of order.

<sup>3</sup> This surgical point of order would have struck lines 7–8 of page 270 in Division B (Title III) of the substitute amendment, which was related to the Pell Grant program. This provision was a Change in Mandatory Program (CHIMP) estimated to increase spending by \$390 million over 10 years.

S.J. RES. 65

Mr. VAN HOLLEN. Mr. President, as the late Senator John McCain once wrote, “We are a country with a conscience. We have long believed moral concerns must be an essential part of our foreign policy, not a departure from it.” He believed, as I do, that human rights and the rule of law are the cornerstones of a just and free society.

More than any President before him, however, President Trump has shirked our Nation’s values. This is especially true in his engagement abroad; across the globe, President Trump has embraced autocrats and derided our democratic allies.

The Kingdom of Bahrain is no exception to this disturbing trend. Just 2 months into his tenure, President Trump lifted all human rights conditions on a multibillion dollar sale of American fighter jets to Bahrain, imposed by President Obama. President Trump has attached no human rights conditions to any successive arms sale to Bahrain, including the arms identified in S.J. Res. 65.

The message President Trump has sent is clear: Bahrain has a green light to act with total impunity against its citizens. The Trump administration’s decision coincided with an intensified government campaign against civil society and peaceful political opposition. In its 2017 Human Rights Report, the State Department cited Bahrain’s unlawful killings by security forces, arbitrary arrest and detention of civilians, restrictions on freedom of expression, arbitrary citizenship revocation, and limits on Shia political participation, among a litany of other abuses by the state.

I recognize that, in every relationship, the United States must carefully weigh our national security interests. Bahrain is an important strategic partner and hosts our Navy’s Fifth Fleet. The arms identified in S.J. Res. 65 are intended for Bahrain’s territorial defense, which I support. However, I reject the notion, supported by this President, that our values and our interests are at odds. Our values, our willingness to consider the human costs of our actions, are what make the United States and what keep the United States exceptional. President Trump should not have abandoned human rights conditions in our arms sales to Bahrain, which is why I voted against the motion to table S.J. Res. 65.

#### COAST GUARD REAUTHORIZATION BILL

Mrs. FEINSTEIN. Mr. President, today I wish to raise concerns about the Vessel Incidental Discharge Act, known as VIDA, which is included in the Frank LoBiondo Coast Guard Act of 2018.

I voted in favor of the Frank LoBiondo Coast Guard Act of 2018, along

with 93 of my colleagues, because I strongly support the Coast Guard and its mission. The women and men of the Coast Guard provide invaluable services to our Nation, which include homeland security, maritime safety, drug interdiction, search and rescue, and marine environmental protection.

However, the Vessel Incidental Discharge Act title in the Coast Guard authorization bill is a rider that I have long opposed. VIDA imposes a uniform national standard and preempts California law in a way that weakens California’s ballast water management program, which protects coastal waters from pollution and invasive species.

California has one of the most stringent ballast water discharge and management standards in the Nation. It is home to three of the country’s largest and busiest ports with extremely high-volume traffic.

California’s ports are often the first stop for vessels from Asia before they travel up the West Coast. Therefore, California is often the first line of defense against the spread of invasive species and other types of pollution. That is why it has led the Nation in one of the most advanced, stringent ballast water and invasive species management programs—and with much success.

Invasive species wreak havoc on ecosystems and infrastructure, with wide ranging effects from damaging levee systems to crippling commercial fisheries. Due to climate change, warming waters and shifting currents will increase the spread of invasive species, and strong safeguards are needed now more than ever.

This is why I strongly oppose VIDA’s preemption of California’s ballast water program.

For all these reasons, I supported the Frank LoBiondo Coast Guard Act of 2018, but do not support the VIDA provision contained therein. Thank you.

#### VOTE EXPLANATION

Mr. HEINRICH. Mr. President, on October 11, 2018, I was unavoidably absent during rollcall votes Nos. 231, 232, 233, 234, 235, 236, 237, 238, and 239. Had I been present, I would have voted yea on vote No. 238 and nay on rollcall votes Nos. 231, 232, 233, 234, 235, 236, 237, and 239.

#### ASBESTOS BANKRUPTCY TRUST OVERSIGHT

Mr. GRASSLEY. Mr. President, today I wish to highlight the excellent work being done by the Justice Department under this administration in ensuring an accountable asbestos bankruptcy trust system.

In 1994, in response to widespread asbestos litigation in our Nation’s courts, Congress created a system of asbestos bankruptcy trusts. The purpose of these trusts is twofold. First, they provide an effective means for victims of asbestos exposure to obtain compensation from the companies they

worked for years earlier or whose products caused their injuries. This helps provide some measure of justice for those whose lives have been dramatically impacted by asbestos exposure.

At the same time, the companies, who otherwise face crippling liability, obtain a degree of certainty as they emerge from bankruptcy and reenter the stream of commerce.

Most importantly, these trusts are designed to ensure that all victims, current and future, have access to compensation for their injuries.

If the available funds are depleted unfairly through fraudulent claims, abuse, or mismanagement, it is the future victims, or those whose injuries have yet to manifest, who will feel the impact.

Unfortunately, the asbestos bankruptcy trust system has largely lacked any meaningful, independent oversight to ensure that trusts are not deceived into—or willingly engage in—paying erroneous claims to unscrupulous lawyers. For years, I have called out this problem and the need for more sunshine to deter potential abuse.

That is why I applaud the Justice Department’s recent actions to stand up for victims of asbestos exposure by ensuring an accountable trust system.

In a recent letter to 20 State attorneys general who had called for action, the Department forcefully criticized the “problematic lack of transparency in the operation and oversight of asbestos trusts” and acknowledged “alarming evidence” of “fraud and mismanagement inside trusts.”

On September 13, 2018, the Justice Department filed a statement of interest in a case concerning a proposed asbestos bankruptcy trust in North Carolina. The Department objected to the trust’s formation, arguing that the plans failed to include sufficient safeguards to prevent fraud and abuse of the trust funds.

The Department further stated that the United States will object to any plan that “lacks critical provisions to ensure transparency and accountability and to prevent fraudulent claims and mismanagement of the trust funds[.]” This includes ensuring that trusts comply with any obligations under the Medicare Secondary Payer Statute, avoid conflicts of interest, and prevent excessive administrative costs and attorney’s fees.

Shortly thereafter, on September 26, 2018, the Justice Department’s U.S. Trustee Program, for the first time ever, objected to the appointment of a proposed future claimants’ representative in a separate asbestos bankruptcy case based on the candidate’s apparent conflicts of interest and close ties to lawyers representing current claimants.

According to Principal Deputy Associate Attorney General Jesse Panuccio, “[t]o best protect all victims, those appointed in asbestos cases should be held to the same conflicts prohibitions and standards of independence that are

required of other fiduciaries under the Bankruptcy Code.”

I couldn't agree more.

Asbestos bankruptcy trusts are created to compensate victims, not to line the pockets of lawyers who file claims or administer the trusts. Fraudsters and poor management cannot be allowed to cheat victims of asbestos-related diseases out of the assistance Congress established for them.

So I am pleased to see the Justice Department stepping up and using its existing authority to push back against trust plans that fail to put the victims' interests first. I applaud its commitment to investigate conduct related to asbestos trusts that is illegal under Federal law.

It is time the asbestos trust system protects the interests of the victims, as Congress intended.

To be sure, however, Congress's job isn't finished. There are commonsense steps we can take to better ensure that the Department has the tools and authority it needs to police against fraud and mismanagement.

Earlier this year, I cosponsored S. 2564, the PROTECT Asbestos Victims Act, which would codify needed accountability measures for asbestos trust oversight. This bill, introduced by Senator TILLIS, deserves strong bipartisan support. Among other reforms, it strengthens the U.S. Trustee's statutory authority to investigate the administration and operation of trusts. If the U.S. Trustee believes a false claim or demand was paid by the trust, he or she may refer the matter to the U.S. Attorney's Office. It criminalizes a knowingly and fraudulently false claim or representation to a trust. It better ensures that the right people are appointed as future claims representatives, in other words, those who understand that their duty is to future victims, not to their trial lawyer friends.

These are commonsense reforms, and I invite all of my colleagues to join in support.

In the meantime, I fully expect the Justice Department to keep up its great work in protecting asbestos victims and the American taxpayer by policing against waste, fraud, and mismanagement in the asbestos bankruptcy trust system.

#### REMEMBERING JOYCE FIENBERG

Mr. CASEY. Mr. President, today I wish to remember Joyce Fienberg. Joyce was 1 of the 11 people who was violently killed at the Tree of Life Synagogue in Pittsburgh's Squirrel Hill neighborhood.

Joyce Fienberg spent 25 years at the University of Pittsburgh's Learning Research Center, where she focused on child development. She connected with the people she worked with and mentored graduate students. As her colleagues recalled, she was affectionately known as “mom to all of us.”

Throughout her life, Joyce wanted to be where she was needed and where she

could help. After her retirement, she became more involved in the Tree of Life Synagogue, and it became an outlet for her altruism. According to her son, she was a faithful attendee, a minyonaire, the nickname given to those members who attend the prayer quorum daily.

Joyce Fienberg may no longer be with us, but her kindness and her spirit will be remembered by those she knew and whose lives she touched.

#### REMEMBERING DR. RICHARD GOTTFRIED

Mr. CASEY. Mr. President, today I wish to remember Dr. Richard Gottfried. Richard was 1 of the 11 people who was violently killed at the Tree of Life Synagogue in Pittsburgh's Squirrel Hill neighborhood.

Richard Gottfried lived a full life and, in doing so, made this world a better place. Richard and his wife, Dr. Peg Durachko, both dentists, volunteered at the Catholic Charities free dental clinic, helping to ensure access to this vital care for all. Many of the people they helped were immigrants and refugees who had never been to a dentist. Richard, a member of the New Light Congregation, which shared space at Tree of Life, and Peg, a member of St. Athanasius Catholic Church, also helped to counsel couples preparing for marriage, wanting to aid and serve wherever they could.

Richard Gottfried lived his life trying to affect positive change and, through that commitment and dedication, had a direct, positive impact on many lives, a legacy that will endure for years to come.

#### REMEMBERING ROSE MALLINGER

Mr. CASEY. Mr. President, today I wish to remember Rose Mallinger. Rose was 1 of the 11 people who was violently killed at the Tree of Life Synagogue in Pittsburgh's Squirrel Hill neighborhood.

Maya Angelou once said, “My mission in life is not merely to survive, but to thrive; and to do so with some passion, some compassion, some humor, and some style.” By all accounts, Rose Mallinger lived that life. Ninety-seven when she died last month, everyone described Rose as full of life and destined to live to be at least 100 years old. The Tree of Life was the center of her days, and she had been a member of the congregation for over 60 years.

Rose Mallinger was an inspiration to all who met her, and that grace, that vivaciousness of spirit, will live on in the lives she touched.

#### REMEMBERING DR. JERRY RABINOWITZ

Mr. CASEY. Mr. President, I wish to pay tribute to Dr. Jerry Rabinowitz. Jerry was 1 of the 11 people who was

violently killed at the Tree of Life Synagogue in Pittsburgh's Squirrel Hill neighborhood.

General George Patton once said, “It is foolish and wrong to mourn the men who died. Rather we should thank God that such men lived.” Today we thank God for the life of Dr. Jerry Rabinowitz. When gunfire erupted, Dr. Rabinowitz was in a different location, but ran toward the gunfire, knowing there would be people who needed his care. That altruistic impulse cost Dr. Rabinowitz his life, but anyone who knew Dr. Rabinowitz has said he would have done nothing less.

A family physician, Dr. Rabinowitz was guided by a moral compass that never faltered and an inner light that never went out. He embraced AIDS patients in the early years of the epidemic when other doctors shunned them. He made house calls to check in on patients; he believed in treating the whole person. He did not just care for individuals, but for entire families. Three and four generations of families became patients of Dr. Rabinowitz. He also served as president of Dor Hadash, one of the congregations that met at the Tree of Life synagogue.

Dr. Rabinowitz's life ended tragically and far too soon, but the world is a better place for the years Dr. Rabinowitz was in it. His light lives on in all the patients he cared for and all the people he touched, and today we do indeed thank God for the life of Dr. Jerry Rabinowitz.

#### REMEMBERING CECIL AND DAVID ROSENTHAL

Mr. CASEY. Mr. President, I wish to pay tribute to Cecil Rosenthal and David Rosenthal. Cecil and David, who were brothers, were 2 of the 11 people who were violently killed at the Tree of Life Synagogue in Pittsburgh's Squirrel Hill neighborhood.

John-Jacques Rousseau once said, “The person who has lived the most is not the one with the most years but the one with the richest experiences.” By that standard, Cecil and David Rosenthal lived more than almost anyone to grace this earth. They were inseparable from each other and from the Tree of Life Synagogue. Born with intellectual disabilities, they lived together in a community home run by ACHEIVA, an organization that assists people with disabilities, and were beloved throughout their community. Their strengths complemented each other, and they looked out for each other.

Cecil, the more outgoing of the brothers, was known as the unofficial mayor of Squirrel Hill. He was a greeter at the Tree of Life Synagogue and active in the Best Buddies program that pairs college students with people with disabilities. David was more reserved, yet delighted everyone with his keen sense of humor. It was fitting that he became a custodian, as he had a passion for keeping things clean and

a passion for law enforcement. Both have been made honorary Pittsburgh firefighters in honor of their contributions to the community.

David Rosenthal and Cecil Rosenthal embraced life and, in turn, were embraced by it. They never let any limitations hinder them, which is how and why they touched countless lives. Robert F. Kennedy once talked about how, through our actions, we send out ripples of hope and that those ripples come together and make a larger collective difference. Every person who knew Cecil and David are a ripple of hope and through each of these ripples, their love of life, their contributions to their community, and their life of inclusion will live on and continue to positively impact the Squirrel Hill community, the city of Pittsburgh, and beyond.

#### REMEMBERING BERNICE AND SYLVAN SIMON

Mr. CASEY. Mr. President, I wish to pay tribute to Bernice and Sylvan Simon. Bernice and Sylvan were 2 of the 11 people who were violently killed at the Tree of Life Synagogue in Pittsburgh's Squirrel Hill neighborhood.

Bernice and Sylvan Simon were devoted to each other and did everything together. Longtime members of the Tree of Life congregation, their life together began when they were married there in 1956 and it ended there over 60 years later, but those intervening years were years of joy, service, family, and love. That love and devotion served as an inspiration to their children and grandchildren, who hope that it will now serve as an example for all of us.

Today let us remember the great love Bernice and Sylvan Simon shared and carry it forth in our own lives and for the rest of our days.

#### REMEMBERING DANIEL STEIN

Mr. CASEY. Mr. President, today I wish to remember Daniel Stein. Dan was 1 of the 11 people who was violently killed at the Tree of Life Synagogue in Pittsburgh's Squirrel Hill neighborhood.

When Fred Rogers, better known as Mister Rogers, told children to "look for the helpers," he could have been talking about Dan Stein. Whenever and wherever he was needed, for a task big or small, Dan was happy to lend a hand. A longtime member of the New Light Congregation and, for a time, its president, Dan was a fixture at Saturday services. Judaism played a significant role in his life, and he was copresident of the area's Hadassah chapter.

We would all do well to remember Dan Stein's never failing desire to help his friends and neighbors and look for opportunities in our own lives to do more each day.

#### REMEMBERING MELVIN WAX

Mr. CASEY. Mr. President, today I wish to remember Melvin Wax. Melvin

was 1 of the 11 people who was violently killed at the Tree of Life Synagogue in Pittsburgh's Squirrel Hill neighborhood.

Mel Wax approached his life and his days with a kind heart and a generous spirit. Mel was a regular at services and known for arriving early. He knew all the roles and would always step up when needed. The morning he died, he was leading services at New Light, one of the three congregations that met at the Tree of Life Synagogue.

Mel Wax served in the Korean war, and though he talked about how hard it was, he would immediately add that he would do it again so someone else would not have to. Such was the selfless devotion of Mel Wax to his fellow man and his sense of duty.

John McCain said, "Every day, people serve their neighbors and our nation in many different ways . . . It is in this spirit of dedication to others and to our country that I believe service should be broadly and deeply encouraged." Mel Wax lived a life of service to his friends and neighbors. As we go about our days, let us strive to live up to his example.

#### REMEMBERING IRVING YOUNGER

Mr. CASEY. Mr. President, today I wish to remember Irving Younger. Irving was 1 of the 11 people who was violently killed at the Tree of Life Synagogue in Pittsburgh's Squirrel Hill neighborhood.

Irving Younger was a kind soul who was simply happy to help and do whatever was needed. He was always present to greet arrivals at the synagogue and would lend his prayer book if a new congregant at Tree of Life needed it. He had an innate ability to know what was needed and how to help.

Irving Younger's life was rooted in his faith and his family. He would always arrive early for services and stay late, and his visits to his family in California brought him great joy.

Ralph Emerson once said, "You cannot do a kindness too soon because you never know when it will be too late." Irving Younger never failed to do a kindness and that devotion will be remembered by all he touched.

#### HONORING OUR ARMED FORCES

MAJOR BRENT TAYLOR

Mr. LEE. Mr. President, I would like to take a moment to honor the extraordinary life and service of Utah Army National Guard MAJ Brent Taylor. Major Taylor gave the ultimate sacrifice on November 3, 2018, while deployed to Afghanistan. He is survived by his wife Jennie and his seven children Megan, Lincoln, Alex, Jacob, Ellie, Jonathan, and Caroline, to whom he was a devoted husband and father.

Major Taylor's record of service demonstrates his willingness to go above and beyond the call of duty to both his country and the State of Utah. He

joined the Utah Army National Guard in 2003 and received a commission as a second lieutenant from the Brigham Young University Reserve Officer Training Corps in 2006. He distinguished himself in multiple specialties with the Utah National Guard, including intelligence and military police.

Major Taylor was continuously ready to take up the call to arms and deployed four times on missions to Iraq and Afghanistan. He held a variety of roles, including platoon leader, combat adviser, and chief of staff to the Special Operations Advisory Group. Throughout his tours of service, Major Taylor received several awards for his courage, sacrifice, and leadership; he received a Bronze Star in honor of his ability to calmly and safely lead his men through miles of treacherous territory and a Purple Heart for wounds received during an IED attack on his vehicle.

His love of his State and his country was also evident beyond the uniform. Major Taylor gave his time and energy to his community, serving tirelessly as a member of the North Ogden City Council from 2010-2013 and as mayor of North Ogden after being elected in 2013. He was a known to be a hands-on leader, attentive to and beloved by his community.

Last Christmas morning, when snow had fallen all night, Brent was with his city employees plowing roads, so that other families could safely celebrate together and these friends could get home to theirs. He stood as an example to me by continually representing how to best serve your fellow man. For him, service was the best way to show discipleship to God.

After being reelected in 2017, he took a leave of absence from the mayor's office in 2018 and headed back to the battlefield, deploying to Afghanistan. When he announced his leave of absence to the people of North Ogden City before departing for Afghanistan, Major Taylor told them that he felt called to serve his country there and that "service is what leadership is all about." At that time, I presented a flag to Major Taylor and expressed my gratitude for "Utahns who carry our flag into harm's way for the cause of freedom." I pray it was a reminder to him of the love and support our State has for him. I am confident that he stood as an example of the best our flag represents every day of his deployment.

Following Major Taylor's tragic passing, Major Abdul Rahmani, an Afghani pilot with whom he worked, sent a letter to Major Taylor's wife describing the great impact of his life; in his words, he was a "loving, caring, and compassionate man whose life was not just meaningful, it was inspirational . . . he died on our soil but he died for the success of freedom and democracy in both of our countries." Not only that, but Major Taylor exemplified to him the importance of family: "Your husband taught me to love my wife

Hamida as an equal and to treat my children as treasured gifts, to be a better father, to be a better husband, and to be a better man."

While meeting with Jennie and their children this last week, I was deeply moved to hear story after story about this great Utahn. These stories held consistent themes of family, faith, patriotism, and service. His legacy will continue to bless countless people and will continue to encourage and inspire me.

To honor his life and memory, a group of friends, law enforcement officials, and volunteers gathered to carry an American flag to display in Coldwater Canyon on Veterans Day. Members of the North Ogden community and Utahns across the State have all come together to commemorate his life, as is only fitting.

Major Taylor's life will be remembered as an embodiment of courage, sacrifice, and service and love of God, family, and country. It is my privilege to honor him today and to call him friend.

Thank you.

#### RECOGNIZING THE 110TH REGIMENTAL COMBAT TEAM

Mr. TOOMEY. Mr. President, I rise to bring this Chamber's attention to an overlooked part of our Nation's shining legacy during the Battle of the Ardennes in World War II: the heroic actions of the 110th Regimental Combat Team—RCT—28th Infantry Division from December 15–19, 1944.

As the last major German offensive on the Western Front, the Ardennes campaign was crucial for both sides. With the stakes high, the 110th RCT valiantly rose to the occasion. At a devastating cost, the 110th was instrumental in the American victory. Despite being thinly extended across the American front on the Luxemburg border, the 110th RCT held back and slowed the advance of nearly four reinforced German divisions. The Americans were outnumbered nearly ten to one, and were vastly outgunned in artillery and armor.

As records have shown, it was not the unit's weapons or numbers that kept them fighting at this critical juncture of the war but sheer bravery and strength of character. The U.S. Army Center for Military History wrote in 1965 that, "without the gallant bargain struck by the 110th Infantry and its allied units—men for time—the German plans for a coup-de-main at Bastogne would have turned to accomplished fact. In the last analysis . . . the final measure of success and failure would be in terms of hours and minutes won by the Americans and lost to the enemy."

While the 101st Airborne and 82nd Airborne raced to entrench at Bastogne, their defense of the city would not have been possible without the delaying actions of the 110th RCT. As the soldiers of the 110th RCT dug into the hillsides and small towns of Luxem-

burg, holding their position at all costs, the weight of the enemy attack proved deadly. By December 19, the 110th RCT made its last stand at Wiltz with just over 500 soldiers. Following the attack that day, the 110th RCT was effectively destroyed as a fighting force, and the few remaining survivors were sent to fill in other units.

The 4 days that the 110th RCT delayed the Germans proved vital, even as Bastogne was surrounded amid heavy fighting. It was not until nearly a week later, on December 26, when units from Patton's army finally started to break the encirclement and offer relief to the units in Bastogne.

History has shown the 110th RCT to be one of the unsung heroes in the opening days of the Battle of the Bulge, and its gallantry has garnered enthusiastic recommendations from senior leaders, commanding generals, and historians. I am pleased to honor and remember these heroes and provide proper recognition to the lineage of the unit, which resides today within the Pennsylvania Army National Guard.

#### RECOGNIZING THE UNIFORMED SERVICES UNIVERSITY

Mr. VAN HOLLEN. Mr. President, today I wish to recognize the Uniformed Services University of the Health Sciences, USU, as the Nation's first "National Stop the Bleed Campus."

USU is located in Bethesda, MD and is one of our Nation's greatest treasures. As our country's only Federal health sciences university, USU educates, trains, and prepares uniformed health professionals, scientists, and leaders to support the readiness of our Armed Forces. USU is a global leader in state-of-the-art research in traumatic brain injury, posttraumatic stress disorder, precision medicine, rehabilitation and prosthetics, emerging infectious diseases, tropical medicine, and cancer, and its researchers generate high-impact militarily relevant discoveries and products to protect the health of our Forces and strengthen the national health security of the United States.

USU is leading efforts in a nationwide "Stop the Bleed" campaign, launched by the White House on October 6, 2015. This initiative involves several agencies, Federal and private entities, public health groups, and medical societies working collaboratively to educate and empower our citizens on how to stop life-threatening hemorrhage after traumatic injuries, such as car crashes, acts of violence, and natural disasters. Today trauma is the leading cause of death in the U.S. for people between the ages of 1–40. Hemorrhaging, in particular, accounts for almost 40 percent of deaths in the first 24 hours after a traumatic injury.

"Stop the Bleed" aims to teach our citizens how to save lives from major traumatic events, just as a bystander would know how to use CPR to save

someone in cardiac arrest. Through this campaign, the goal is to ensure that the general public knows the "Stop the Bleed" phrase and logo and has access to effective personal and public bleeding control kits that will allow even an untrained person to effectively apply a tourniquet just by learning on the spot.

"Stop the Bleed" directly translates important lessons learned on the battlefield to benefit the American public and is based on a decade of research by the U.S. military. As our country faced a record number of vascular trauma and extremity injuries from high-velocity gunshot wounds and explosive devices during the wars in Iraq and Afghanistan, the U.S. military began to quickly reassess and revamp its tactical combat casualty care. They began to equip troops with individual first aid kits containing tourniquets and newly-developed hemostatic dressings to control severe blood loss. Simultaneously, they revamped training to educate both our medical and nonmedical forces, emphasizing the importance of immediate recognition and control of blood loss with these newly designed tool kits. These efforts paid off. Military studies demonstrated that immediate control of severe blood loss, in fact, saved many lives on the battlefield.

With this knowledge, the military joined forces with members of the Hartford Consensus, a committee formed in the wake of the tragic Sandy Hook school shooting. Together, they worked to push these vital lessons out to the public. That effort led to the White House's launching the "Stop the Bleed" campaign.

As part of this initiative, USU sent teams of its staff and students out into the community to educate the public on how to "Stop the Bleed." Their researchers have published studies looking at the layperson's ability to apply tourniquets and measuring which tactics are most effective for teaching the public how to apply tourniquets. They are conducting a study looking at the usability of several types of dressing to control severe blood loss in the hope of determining which would be easiest for the lay person to apply. USU researchers have found that the layperson will know what to do to "Stop the Bleed" about 50 percent of the time with "just-in-time" training, learning on the spot. If they have just 15 minutes of web-based training, combined with "just-in-time training," the success rate for applying tourniquets rises to 75 percent.

USU researchers have taken the lead in this initiative and developed a mobile "Stop the Bleed" app for the public to use for education on how to stop severe blood loss and for emergency reference in case of a traumatic event that results in life-threatening bleeding. They have developed a website, <https://stopthebleed.usuhs.edu>, with information and resources aimed at bystander education and saving lives. In



addition, the university has installed “Stop the Bleed” kits throughout every floor on its campus, both in Bethesda and local satellite offices, and its regional offices in San Antonio, TX, and San Diego, CA. These kits contain tourniquets, instructions on how to apply them, and other lifesaving tools needed in an emergency.

Because of their ongoing efforts to educate our Nation’s citizens about this lifesaving initiative, I would like to recognize USU as our Nation’s first “National Stop the Bleed Campus,” to encourage others across the country to follow in their footsteps and, ultimately, continue to improve national preparedness in response to traumatic events.

Thank you.

#### TRIBUTE TO JOAN MIDDLETON

Mr. MERKLEY. Mr. President, today, we honor and celebrate Joan Middleton’s commendable service to the Senate Employees’ Child Care Center. On September 30, 2018, Ms. Middleton retired from the Center, where she worked as a floater assistant teacher for no less than 32 years. She was an admired and respected member of the Senate Employees’ Child Care Center Team, her devotion to which was only rivaled by her love for the Washington Redskins.

Ms. Middleton carried important responsibilities at the center, including regularly assisting in each and every classroom, as well as supervising and closing the center each evening. She not only took these responsibilities seriously, but went well beyond the essential tasks of her post. Her deep care for the community was palpable, as was evidenced by her consistent, inclusive, and thoughtful leadership.

Without a doubt, Ms. Middleton played an integral role in each student and faculty member’s day. For the students, she prepared snacks and lunches every day. All faculty went to her for anything from a ballpoint pen to a safety pin, garnering her the name “Ms. Resource” among her colleagues. Whenever anyone had forgotten where to find something or where it belonged, Ms. Middleton knew.

For over three decades, Ms. Middleton was a compassionate adviser who shared her wisdom with the many faculty members she took the time to mentor. While her invaluable institutional knowledge will be missed in her absence, her kind, diligent commitment to the center will live on through those members she guided throughout her tenure. The Senate Employees’ Child Care center is deeply grateful for Ms. Middleton for all the positive ways she shaped the Center and enriched the lives of its students over these past 32 years.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO CHLOE ADKINS

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Chloe for her hard work as an intern in my Casper office. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Chloe is a native of South Dakota. She is a student at Casper College, where she is studying political science. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Chloe for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

##### TRIBUTE TO REATA BECK

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Reata for her hard work as an intern in my Casper office. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Reata is a native of Albin. She is a student at Casper College, where she is studying political science. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Reata for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

##### TRIBUTE TO WILL BRIERRE

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Will for his hard work as an intern in the Environment and Public Works Committee. I recognize his efforts and contributions to my office, as well as to the State of Wyoming.

Will is a native of Oklahoma. He is a graduate student at the George Washington University, where he is studying Environmental Resource Policy. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Will for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.●

#### TRIBUTE TO MICHAEL FROEDGE

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Michael for his hard work as an intern in the Republican Policy Committee. I recognize his efforts and contributions to my office, as well as to the State of Wyoming.

Michael is a native of Indiana. He is a graduate of DePauw University, where he studied political science. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Michael for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.●

##### TRIBUTE TO KATE MINIUM

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Kate for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Kate is a native of Virginia. She is a student at American University, where she is studying justice and law. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Kate for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

##### TRIBUTE TO ELISA PRATHER

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Elisa for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Elisa is a native of California. She is a student at Cerritos College, where she is studying graphic design. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Elisa for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●



# 21ST HONOR FLIGHT NORTHERN COLORADO

• Mr. GARDNER. Mr. President, I stand here today to honor the distinguished veterans of the Northern Colorado Honor Flight who have made their 21st and final flight to Washington, DC. The Colonel Stan Cass Memorial Flight, in honor of Northern Colorado Honor Flight's founder, consisted of over 120 distinguished veterans.

Military service is an exceptional duty to the country. Though these memorials honor our veterans' service, no statue or monument can truly express the level of gratitude we feel for the veterans who risked their lives for our rights to life, liberty, and the pursuit of happiness. When the United States has been threatened, our veterans have stepped up and answered our country's call without reservation or fear.

Twice a year, veterans are able to travel to our Nation's Capital, where we are able to recognize them for their selflessness, fortitude, and bravery. Thirteen years after the founding of the Honor Flight Program, it spans across our country and recognizes veterans from every generation and every branch. In the past decade, Honor Flight Northern Colorado alone was able to take almost 3,000 veterans to Washington, DC.

Please join me in honoring the veterans of the 21st Honor Flight: Robert Hauser, Donald Reisner, Kenneth Sweeney, Philip Bell, Wilbur Doeksen, Edmund Giese, Jr., Orville Markham, Roy Nichols, Lawrence Powers, Wesley Te Winkle, Gloria Atteberry, Walter Babcock, Terrill Bashline, Roger Bates, James Beemer, Anthony Benavidez, Michael Bernard, Gary Blomenkamp, Roger Boltz, Donald Bonenberger, Jimmy Bracking, Richard Bryson, Gerard Bucknall, Bruce Cameron, Cecily Cass, Larry Chartier, Archie Cloud, Jr., William Corbett, Steven Crall, Gregory Cranston, Gary Crego, Gary Cyr Sr., Thomas Danton, Raymond Davis, David DeCamp, Raymond Delgado, Salvatore Delprete, Ronald Dickerhoff, Brian Donahue, Alvin Dorsey, Eugene Eddy, Richard Fischer, Norman Fulton, Gary Garrison, James Gerck, William Gill III, Gregory Goettsch, Larry Goettsch, Allan Gott, Dallas Greenfield, Dennis Hammonds, Rodney Hansen, Gerald Henderson, James Hernandez, Edwin Hollingsworth, Donald Holt, Michael Hughes, Kenneth Iliff, Foy Jolley Jr., Gary Jones, Thomas Keen, James Kennedy, Stephen Kennedy, James Kepler, David Kinion, Mark Kintzley, Galen Konken, Nicholas Kricken, Donald Lambertson, Alec Leavitt, Roland Lei, Samuel Leighton, Robert Magnuson, Joseph Markham, Michael McCormick, Arthur Meek, Wayne Moeller, Juan Montoya, Marino Montoya, Charles Morgan, Richard Myron, Edward Nelson, Clayton Obland, John Ochoa, Dean Olson, Harleigh Pepler, Charles Powers, Albert Pribble, Rodger Price, Roger Ramsey, Paul Richmann, Kenneth Ricker, Robert Riggs, Philip Rouse,

John Rowland, Robert Rowton, Steven Rylant, Rodolfo Sanchez, John Sanger, Martin Sattler, William Schenk, John Schroetlin, Kenneth Schroetlin, Donald Shaffer, Bert Smith, Gerald Smith, Robert Starck, William Starck, Duane Steinbrecher, Billy Thornton, Robert Tomlinson, Larry Torrez, Garlin Trower, Jr., Ernest Tyler, John Vaughn, Eugene Vigil, Antonio Villarreal, John Ward, Howard Willich, William Woods, Steve Zivicky, William Zoller, and Brian Ivers. •

## TRIBUTE TO DR. DOTTY MERRILL

• Mr. HELLER. Mr. President, today I wish to recognize Dr. Dotty Merrill for her work with the Nevada Association of School Boards. Dr. Merrill joined the association as executive director in October 2006, bringing more than 35 years of national, State, and local educational experience affecting K–12 schools and higher education.

Dr. Merrill provides executive leadership to the Nevada Association of School Boards, which represents and serves 107 elected and appointed members of the governing boards in Nevada's 17 school districts. Prior to joining the association, Merrill served as the superintendent of public policy, accountability, and assessment with the Washoe County School District, providing policy and fiscal representation on behalf of the district in the Nevada Legislature from 1999 to 2005.

Additionally, Dr. Merrill has dedicated her life and career to our State's education system and has extensive experience with charter schools, assessment to improve classroom instruction, accountability, State and Federal requirements, and molding collaborative and cooperative relationships among educational communities.

I also want to recognize that, before becoming a district-level administrator, Merrill taught high school English for 15 years and served for 10 years as a high school administrator. As the husband of a teacher and father of four who attended Nevada's public schools, I understand that our educators have one of the most challenging, important, and rewarding jobs, and I am extremely grateful for their work because I have seen firsthand the positive impact that high-caliber teachers have on their students.

Dr. Merrill's holds a doctorate in educational leadership from the University of Nevada, Reno, a master of arts in English from the University of Nevada, Reno, and a bachelor of arts from the University of Arkansas in Fayetteville. She has also been published in several national education journals and currently serves on the editorial board for the National Association of Secondary School Principals.

We all know that a good education is the key to success and a better future, and as Nevada's senior U.S. Senator, I commend Dr. Merrill's dedication to our State's education and academic achievement. •

## TRIBUTE TO ALBERT B. HEAD

• Mr. JONES. Mr. President, today I wish to honor Albert B. Head, a native of Troy, AL. Al has done a great deal for the southeast and the country. His work has been particularly impactful in my home State of Alabama, and I would like to touch on just a few of his accomplishments today.

Al earned his undergraduate degree from Troy State University, majoring in art history and aesthetics, was a star quarterback on Troy State's 1968 NAIA national championship football team, and received his master of liberal arts with a concentration on southern literature from Auburn University at Montgomery.

In 1972, Al joined the Fine Arts Council of Florida and subsequently received a National Endowment for the Arts fellowship to attend Harvard's Arts Administration Institute in 1974. He served as executive director at the Stephen Foster Folklife Center and the Louisiana Division of the Arts before becoming executive director of the Alabama State Council on the Arts, a position he has held with distinction since 1985.

For more than 40 years as a director of three different cultural agencies and as a national arts leader, Al has advocated for the importance of the arts and the necessity of providing State support for the arts. He is the only State arts director to start folk arts programs in three States—Florida, Louisiana, and Alabama—and he has strived to show how important the folk and traditional arts are to defining and giving life to a community.

Al served two terms on the National Assembly of State Arts Agencies board and in 1998 received the Gary Young Award from that organization for his leadership and achievements in promoting the arts nationally. Al has also served as a member of the South Arts board for 38 years, presiding as its chair from 1983–85.

Al established the Alabama Center for Traditional Culture as a division of the Alabama Council on the Arts dedicated to research and presentation of the State's cultural traditions. In 1999, he received the Alumnus of the Year Award from Troy University National Alumni Association and in 2008 received the Distinguished Leadership Award created by Troy University to recognize an alumnus who has rendered outstanding service to the university and the public.

In 2012, he received the National Heritage Fellowship Bess Lomax Hawes Award from the National Endowment for the Arts recognizing his significant contributions to the preservation and awareness of cultural heritage.

Al has developed a reputation as one of the foremost arts agency directors in the Nation, has led the Alabama State Council on the Arts through a period of tremendous growth and accomplishment and has served as a mentor and champion for arts organizations and artists across the State of

Alabama. He will be celebrated in Montgomery on December 6, 2018, and I want to add my voice to the many others thanking him for his work.●

#### TRIBUTE TO RED ARNDT

● Mr. ROUNDS. Mr. President, today I wish to recognize Red Arndt of Luverne, MN, for his many years of leadership to the Lewis & Clark Regional Water System and his commitment to providing safe water to rural America.

He became the public utilities director of Luverne, MN, in 1989 and soon heard about a proposal to bring water from the Missouri River in South Dakota to the surrounding States. At that time, many people believed it would be too expensive and could not be done.

However, Red believed it was possible and needed more research and more support. He recommended that Luverne become one of the first members of the organization that would become the Lewis and Clark Regional Water system. The city council and mayor approved, and the dream of delivering safe and reliable water to rural towns and farms took its first step forward.

It became Red's mission to make that dream come true.

He became one of the only two original directors from 1990 who are still on the project's board and proudly shoveled the first dirt when construction began in 2003.

Over the years, he made hundreds of trips to county, city, and community meetings and to legislatures in several States. He also took over 60 trips to Washington, DC. He would not let the dream die.

He has worked vigorously for the project. He was vice-chairman of the board beginning in 1994 until becoming the board chairman in 2006. He is still the chairman.

Because Red refused to let the Lewis & Clark project die, 14 member communities and rural water projects are receiving water through over 200 miles of pipeline for over 300,000 people across South Dakota, Minnesota, and Iowa. He has helped secure over \$470 million in funding for Lewis & Clark.

Red's incredible dedication was seen when he participated in the ribbon-cutting ceremony for the water treatment plant in August, 2012. It was only 2 weeks after Red had open-heart surgery. At the ceremony, he was honored with the Lewis & Clark Trailblazer Award, which is the organization's highest honor.

In May 2016, Luverne was connected to Lewis & Clark, and Red was given the honor of taking the first drink of water from the new system that he had worked so hard to create. The meter building in Luverne was also named in his honor.

When Red is thanked for all of his hard work, he always says it was not him, but a true team effort, but everyone involved will tell you that Red's

determination and leadership was the bedrock that led to success.

I am one of those 300,000 people who are grateful for his dedication, and I am proud to call him my friend.

I commend Red Arndt for his many great contributions and wish him the best as he continues to make the most out of the life God has given.●

#### 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

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 10:02 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, in which it requests the concurrence of the Senate:

H.R. 6666. An act to authorize the Secretary of the Interior to grant to States and local governments easements and rights-of-way over Federal land within Gateway National Recreation Area for construction, operation, and maintenance of projects for control and prevention of flooding and shoreline erosion.

#### MEASURES DISCHARGED

The following bill was discharged from the Committee on Homeland Security and Governmental Affairs and referred as indicated:

H.R. 3460. An act to designate the United States courthouse located at 323 East Chapel Hill Street in Durham, North Carolina, as the "John Hervey Wheeler United States Courthouse"; to the Committee on Environment and Public Works.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3649. A bill to provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7032. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmit-

ting, pursuant to law, the report of a rule entitled "Cyantraniliprole: Pesticide Tolerances" (FRL No. 9985-32) received in the Office of the President of the Senate on November 14, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7033. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fludioxonil: Pesticide Tolerances" (FRL No. 9985-75) received in the Office of the President of the Senate on November 14, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7034. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tin Oxide; Exemption from the Requirement of a Tolerance" (FRL No. 9982-73) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7035. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxytobin; Pesticide Tolerances" (FRL No. 9985-45) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7036. A communication from the Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced From Grapes Grown in California; Order Amending Marketing Order No. 989" ((7 CFR Part 989) (Docket No. AMS-SC-16-0011; SC16-989-1)) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7037. A joint communication from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, transmitting a request relative to issuing a travel restriction on senior officials' travel to Yemen effective November 1, 2018; to the Committee on Armed Services.

EC-7038. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of the national emergency that was originally declared in Executive Order 12170 of November 14, 1979, with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC-7039. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of the national emergency that was originally declared in Executive Order 12938 of November 14, 1994, with respect to the proliferation of weapons of mass destruction; to the Committee on Banking, Housing, and Urban Affairs.

EC-7040. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Central African Republic that was declared in Executive Order 13667 of May 12, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-7041. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7042. A communication from the Assistant Director for Regulatory Affairs, Office of Foreign Assets Control, Department of the

Treasury, transmitting, pursuant to law, the report of a rule entitled “Iranian Transactions and Sanctions Regulations” (31 CFR Part 560) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-7043. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled “Amendments to Rules 600, 605, and 606 of Regulation National Market System” (RIN3235-AL67) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-7044. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Addition of an Entity to the Entity List” (RIN0694-AH67) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-7045. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled “Modernization of Property Disclosures for Mining Registrants” (RIN3235-AL81) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-7046. A communication from the Director of the Sustainability Performance Office, Department of Energy, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department’s Fleet Alternative Fuel Vehicle Acquisition Report for fiscal year 2017; to the Committee on Energy and Natural Resources.

EC-7047. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Significant New Use Rules on Certain Chemical Substances; Withdrawal” (FRL No. 9986-15) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Environment and Public Works.

EC-7048. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to Testing Regulations for Air Emission Sources” (FRL No. 9986-42) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Environment and Public Works.

EC-7049. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Aggregation; Reconsideration” (FRL No. 9986-47) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Environment and Public Works.

EC-7050. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Outer Continental Shelf Air Regulations; Consistency Update for Massachusetts” (FRL No. 9983-52—Region 1) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Environment and Public Works.

EC-7051. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval of Arizona Air Plan; Hay-

den Lead Nonattainment Area Plan for the 2008 Lead Standard” (FRL No. 9986-31—Region 9) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Environment and Public Works.

EC-7052. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Utah: Approval of State Underground Storage Tank Program Revisions” (FRL No. 9982-18—Region 8) received in the Office of the President of the Senate on November 14, 2018; to the Committee on Environment and Public Works.

EC-7053. A communication from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting, pursuant to law, an update to the report entitled “Social Security Number Fraud Prevention Act of 2017 Initial Report to Congress - June 2018”; to the Committees on Finance; and Homeland Security and Governmental Affairs.

EC-7054. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, an update to the report entitled “Social Security Number Fraud Prevention Act Report to Congress”; to the Committees on Finance; and Homeland Security and Governmental Affairs.

EC-7055. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “2019 Limitations Adjusted as Provided in Section 415(d), etc.” (Notice 2018-83) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Finance.

EC-7056. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Tax Return Preparer Due Diligence Penalty under Section 6695(g)” (RIN1545-BO63) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Finance.

EC-7057. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; End-Stage Renal Disease Prospective Payment System, et al.” (RIN0938-AT28) (CMS-1691-F) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Finance.

EC-7058. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; Revisions to Payment Policies under the Physician Fee Schedule and Other Revisions to Part B for CY 2019, et al.” (RIN0938-AT31, RIN0938-AT13, and RIN0938-AT45) (CMS-1693-F, CMS-1693-IFC, CMS-5522-F3, and CMS-1701-F) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Finance.

EC-7059. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2018-0176 - 2018-0190); to the Committee on Foreign Relations.

EC-7060. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act,

the certification of a proposed license for the export of firearms, parts, and components abroad controlled under Category I of the U.S. Munitions Lists of rifles and pistols to Peru for commercial resale in the amount of \$1,000,000 or more (Transmittal No. DDTC 18-042); to the Committee on Foreign Relations.

EC-7061. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “Assets for Independence Program - Status at the Conclusion of the Seventeenth Year, Fiscal Year 2016”; to the Committee on Health, Education, Labor, and Pensions.

EC-7062. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “Fiscal Year 2014 Report to Congress on Community Services Block Grant Discretionary Activities - Community Economic Development and Rural Community Development Programs”; to the Committee on Health, Education, Labor, and Pensions.

EC-7063. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Termination of Listing of Color Additive Exempt from Certification; Lead Acetate” ((21 CFR Part 73) (Docket No. FDA-2017-C-1951)) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-7064. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Listing of Color Additives Exempt from Certification; Synthetic Iron Oxide” ((21 CFR Part 73) (Docket No. FDA-2017-C-6238)) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-7065. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Moral Exemptions and Accommodations for Coverage of Certain Preventive Services under the Affordable Care Act” ((RIN0938-AT46) (CMS-9925-F)) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-7066. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Religious Exemptions and Accommodations for Coverage of Certain Preventive Services under the Affordable Care Act” ((RIN0938-AT54) (CMS-9940-F2)) received in the Office of the President of the Senate on November 13, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-7067. A communication from the Assistant General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security, received in the Office of the President of the Senate on November 13, 2018; to the Committee on Homeland Security and Governmental Affairs.

EC-7068. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “Fiscal

Year 2015 Report to Congress on Administration of the Tribal Self-Governance Program"; to the Committee on Indian Affairs.

EC-7069. A communication from the Director, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Aliens Subject to a Bar on Entry under Sections 212(f) or 215(a) (1) of the Immigration and Nationality Act; Procedures for Protection Claims" (RIN1125-AA89) received in the Office of the President of the Senate on November 13, 2018; to the Committee on the Judiciary.

EC-7070. A communication from the Chairman, Board of Trustees, and the President, John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, a report relative to the Center's consolidated financial statements, supplemental schedules of operations, and independent auditor's report for years ended October 1, 2017, and October 2, 2016, and a report relative to the Center's schedule of expenditures of federal awards and independent auditor's reports for the year ended October 1, 2017; to the Committee on Rules and Administration.

EC-7071. A communication from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a report entitled "Attorney General's Fourth Quarterly Report of Fiscal Year 2018"; to the Committee on Veterans' Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 2062. A bill to require the Secretary of Agriculture to convey at market value certain National Forest System land in the State of Arizona (Rept. No. 115-366).

S. 2297. A bill to direct the Secretary of Agriculture to transfer certain National Forest System land to Custer County, South Dakota (Rept. No. 115-367).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 2831. A bill to redesignate Golden Spike National Historic Site and to establish the Transcontinental Railroad Network (Rept. No. 115-368).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 132. A bill to authorize the Secretary of the Interior to convey certain land and appurtenances of the Arbuckle Project, Oklahoma, to the Arbuckle Master Conservancy District, and for other purposes (Rept. No. 115-369).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 4895. To establish the Medgar Evers Home National Monument in the State of Mississippi, and for other purposes (Rept. No. 115-370).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2876. A bill to amend the National Trails System Act to provide for the study of the Pike National Historic Trail (Rept. No. 115-371).

By Mr. BARRASSO, from the Committee on Environment and Public Works:

Report to accompany S. 593, A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment

of additional or expanded public target ranges in certain States (Rept. No. 115-372).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 685. A bill to authorize the Dry-Redwater Regional Water Authority System and the Musselshell-Judith Rural Water System in the States of Montana and North Dakota, and for other purposes (Rept. No. 115-373).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HATCH for the Committee on Finance.

Gail S. Ennis, of Maryland, to be Inspector General, Social Security Administration.

Gordon Hartogensis, of Connecticut, to be Director of the Pension Benefit Guaranty Corporation for a term of five years.

\*Andrew M. Saul, of New York, to be Commissioner of Social Security for the term expiring January 19, 2019.

By Mr. GRASSLEY for the Committee on the Judiciary.

Kim Gaffney, of Wisconsin, to be United States Marshal for the Western District of Wisconsin for the term of four years.

Bradley Jay LaRose, of Vermont, to be United States Marshal for the District of Vermont for the term of four years.

Douglas J. Strike, of Iowa, to be United States Marshal for the Northern District of Iowa 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 Mr. KENNEDY (for himself, Mr. CASSIDY, Mr. MENENDEZ, Mr. RUBIO, and Mrs. CAPITO):

S. 3628. A bill to reauthorize the National Flood Insurance Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY:

S. 3629. A bill to require State agencies to use Federal tax return information to verify income eligibility for Medicaid, the Temporary Assistance for Needy Families program, and the supplemental nutrition assistance program; to the Committee on Finance.

By Ms. DUCKWORTH (for herself and Mr. DURBIN):

S. 3630. A bill to amend the Federal Water Pollution Control Act to prohibit sewage dumping into the Great Lakes, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CORNYN (for himself and Mr. KAINE):

S. 3631. A bill to amend title 23, United States Code, to improve the transportation infrastructure finance and innovation (TIFIA) program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MENENDEZ (for himself and Mr. BOOKER):

S. 3632. A bill to provide that the special service obligations of a licensee under section 331(a) of the Communications Act of 1934 shall continue to apply even if the licensee changes from a very high frequency station to an ultra high frequency station; to the Committee on Commerce, Science, and Transportation.

By Mr. RUBIO (for himself and Mr. KENNEDY):

S. 3633. A bill to require the consumer reporting agencies provide small business credit protections; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KYL:

S. 3634. A bill to authorize, direct, expedite, and facilitate a land exchange in Bullhead City, Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PORTMAN (for himself and Mr. LEAHY):

S. 3635. A bill to reauthorize the Second Chance Act of 2007; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Mr. BENNET, Mr. CASEY, Ms. KLOBUCHAR, and Mr. CARDIN):

S. 3636. A bill to amend the Internal Revenue Code of 1986 to provide matching payments for retirement savings contributions by certain individuals; to the Committee on Finance.

By Mr. WYDEN:

S. 3637. A bill to amend the Richard B. Russell National School Lunch Act to establish a program for the procurement of domestically grown unprocessed fruits and vegetables to provide healthier school meals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KYL:

S. 3638. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on estates, gifts, and generation-skipping transfers; to the Committee on Finance.

By Mr. BLUMENTHAL (for himself, Mr. SCHUMER, and Mr. UDALL):

S. 3639. A bill to prohibit the circumvention of control measures used by Internet retailers to ensure equitable consumer access to products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SANDERS:

S. 3640. A bill to prohibit certain large business entities from purchasing the securities of those entities on national securities exchanges, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THUNE (for himself, Mr. NELSON, and Mrs. CAPITO):

S. 3641. A bill to enhance efforts to combat human trafficking in connection with the catching and processing of seafood products imported into the United States, and for other purposes; to the Committee on Foreign Relations.

By Mr. KYL:

S. 3642. A bill to require the Secretary of Agriculture to release reversionary and reserved interests in certain land in the Coconino National Forest in the State of Arizona; to the Committee on Energy and Natural Resources.

By Mr. YOUNG:

S. 3643. A bill to transfer a bridge over the Wabash River to the States of Illinois and Indiana, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BARRASSO (for himself, Mr. BENNET, Mr. JONES, Mr. CORNYN, Mr. JOHNSON, Ms. COLLINS, Mr. WICKER, Mr. THUNE, Mr. ENZI, and Mr. MANCHIN):

S. 3644. A bill to authorize a special resource study on the spread vectors of chronic wasting disease in Cervidae, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 3645. A bill to extend the Secure Rural Schools and Community Self-Determination Act of 2000; to the Committee on Energy and Natural Resources.

By Mr. BLUNT:

S. 3646. A bill to authorize the Secretary of the Interior to accept certain properties in the State of Missouri; to the Committee on Energy and Natural Resources.

By Ms. DUCKWORTH (for herself and Mr. PERDUE):

S. 3647. A bill to allow airport projects to be eligible to participate in the TIFIA program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BURR (for himself, Mr. TILLIS, Mr. GRAHAM, Mr. RUBIO, Mr. NELSON, Mrs. FEINSTEIN, and Ms. HARRIS):

S. 3648. A bill to provide tax relief for the victims of Hurricane Florence, Hurricane Michael, and certain California wildfires; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. DURBIN, Mr. LEE, Mr. WHITEHOUSE, Mr. GRAHAM, Mr. BOOKER, Mr. SCOTT, Mr. LEAHY, Mrs. ERNST, Mr. MORAN, Ms. KLOBUCHAR, and Mr. COONS):

S. 3649. A bill to provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, and for other purposes; read the first time.

By Ms. BALDWIN (for herself and Mrs. ERNST):

S. 3650. A bill to amend the Securities Exchange Act of 1934 to revise the shareholder threshold for registration under that Act for issuers that receive support through certain Federal universal service support mechanisms, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH:

S. 3651. A bill to require the Attorney General to study the effectiveness of retail theft rehabilitation programs and to clarify that such programs are permissible under Federal law; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. YOUNG, Mr. REED, Mr. GRAHAM, Mrs. SHAHEEN, and Ms. COLLINS):

S. 3652. A bill to support the peaceful resolution of the civil war in Yemen, to address the resulting humanitarian crisis, and to hold the perpetrators responsible for murdering a Saudi dissident; to the Committee on Foreign Relations.

By Mr. YOUNG:

S. 3653. A bill to amend the Energy Policy Act of 2005 to provide that certain coal-fired power plants are eligible for loan guarantees, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S. 3654. A bill to amend the United States International Broadcasting Act of 1994, to avoid the duplication of public diplomacy programs and efforts, to improve the research and evaluation of public diplomacy, and for other purposes; to the Committee on Foreign Relations.

By Mr. THUNE (for himself, Mr. MARKEY, and Mr. WICKER):

S. 3655. A bill to deter criminal robocall violations and improve enforcement of section 227(b) of the Communications Act of 1934, and for other purposes; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORNYN (for himself, Mr. BOOKER, Mr. PAUL, Mr. WHITEHOUSE, Mr. WICKER, Ms. STABENOW, Mr. RUBIO, Mr. REED, Mr. PORTMAN, and Ms. KLOBUCHAR):

S. Res. 688. A resolution expressing support for the designation of the week of November 19 through November 23, 2018, as "National Family Service Learning Week"; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. Res. 689. A resolution acknowledging the 50th anniversary of the election to the House of Representatives of Shirley Anita St. Hill Chisholm, the first African-American woman in Congress; to the Committee on the Judiciary.

By Mr. HATCH:

S. Res. 690. A resolution affirming the importance of the Orphan Drug Act, applauding the life-saving accomplishments of the Act during its 35-year history, and recognizing the need to continue support for research and development of new therapies for rare diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself, Mr. SANDERS, Mr. BLUMENTHAL, Mr. MARKEY, Mr. WYDEN, and Ms. SMITH):

S. Res. 691. A resolution reaffirming the centrality of press freedom and freedom of expression to democracy in the United States and to international peace and stability; to the Committee on the Judiciary.

By Mr. RISCH (for himself, Mr. CARDIN, Mr. BARRASSO, Mr. COONS, Mr. BOOZMAN, Mr. MARKEY, Mrs. CAPITO, Mr. WHITEHOUSE, Mr. CRAPO, Mr. BOOKER, Mr. ENZI, Mr. MANCHIN, Mrs. ERNST, Ms. HEITKAMP, Mr. HATCH, Mrs. SHAHEEN, Mr. HOEVEN, Mrs. FEINSTEIN, Mr. INHOFE, Ms. HIRONO, Mr. KENNEDY, Ms. CANTWELL, Mr. MORAN, Ms. DUCKWORTH, Mr. ROBERTS, Ms. HARRIS, Mr. ROUNDS, Mr. WYDEN, Mr. RUBIO, Ms. KLOBUCHAR, Mr. SCOTT, Mr. UDALL, Mr. THUNE, Mr. TESTER, Mr. HASSAN, Mr. KING, Mr. DONNELLY, Mr. VAN HOLLEN, Mr. MENENDEZ, Mrs. MURRAY, Mrs. HYDE-SMITH, Mr. PORTMAN, Mr. ALEXANDER, Mr. DAINES, and Mr. PERDUE):

S. Res. 692. A resolution recognizing November 24, 2018, as "Small Business Saturday" and celebrating the vital role of small businesses, along with the efforts of the Small Business Administration, to help people in the United States start, build, and grow businesses; considered and agreed to.

By Mr. RISCH (for himself, Mr. CARDIN, Mr. BOOZMAN, Ms. DUCKWORTH, Mrs. CAPITO, Mrs. SHAHEEN, Mr. CASSIDY, Ms. HEITKAMP, Ms. COLLINS, Mrs. FEINSTEIN, Mr. CRAPO, Mr. BOOKER, Mr. DAINES, Mr. MARKEY, Mrs. FISCHER, Ms. CANTWELL, Mr. HATCH, Mr. COONS, Mr. HOEVEN, Ms. HARRIS, Mrs. HYDE-SMITH, Ms. HIRONO, Mr. KENNEDY, Mr. WYDEN, Mr. ROUNDS, Ms. KLOBUCHAR, Mr. RUBIO, Mr. SCOTT, and Ms. HASSAN):

S. Res. 693. A resolution celebrating October 25, 2018, as the 30th anniversary of the passage of the Women's Business Ownership Act of 1988, while commending the unique entrepreneurial spirit shared by women small business owners of the United States; considered and agreed to.

By Mr. TOOMEY (for himself, Mr. CASEY, Mr. MCCONNELL, Mr. SCHUMER, Mr. ALEXANDER, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASSIDY, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Ms. DUCKWORTH, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Ms. HARRIS, Ms. HASSAN, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. JONES, Mr. KAINE, Mr. KENNEDY, Mr. KING, Ms. KLOBUCHAR, Mr. KYL, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCOTT, Mrs. SHAHEEN, Mr. SHELBY, Ms. SMITH, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. UDALL, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, Mr. WYDEN, and Mr. YOUNG):

S. Res. 694. A resolution condemning the horrific, anti-Semitic attack at a synagogue in Pittsburgh, Pennsylvania, expressing support and prayers for all those affected by the tragedy, and applauding the dedication and bravery of law enforcement and emergency response officials in responding to the attack; considered and agreed to.

By Mrs. MURRAY (for herself, Ms. COLLINS, Mr. HATCH, Mr. JONES, Mrs. CAPITO, Mr. COONS, Ms. SMITH, Ms. HASSAN, Ms. KLOBUCHAR, Ms. DUCKWORTH, Ms. CANTWELL, Mr. VAN HOLLEN, Mr. KAINE, Mrs. FEINSTEIN, Ms. BALDWIN, and Mr. HEINRICH):

S. Res. 695. A resolution designating the week beginning November 12, 2018, as "National Apprenticeship Week"; considered and agreed to.

By Mr. ISAKSON (for himself and Mr. TESTER):

S. Res. 696. A resolution permitting the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings; considered and agreed to.

By Mr. COONS (for himself and Mr. SCOTT):

S. Res. 697. A resolution designating November 2018 as "National College Application Month"; considered and agreed to.

By Mr. HOEVEN (for himself, Mr. HEINRICH, Mr. ENZI, Mr. SCHUMER, Mr. INHOFE, Mr. WHITEHOUSE, Mr. PORTMAN, Mr. BENNET, Mr. MORAN, Mr. UDALL, Mr. THUNE, Mrs. GILLIBRAND, Mr. ROUNDS, Mr. DONNELLY, Mr. HATCH, Ms. WARREN, Mr. ROBERTS, Ms. HEITKAMP, Mr. CORNYN, Mr. TESTER, Mr. MARKEY, Ms. BALDWIN, and Mrs. FEINSTEIN):

S. Res. 698. A resolution designating November 3, 2018, as National Bison Day; considered and agreed to.

By Mr. ISAKSON (for himself, Mr. COONS, and Mr. PERDUE):

S. Res. 699. A resolution designating November 25, 2018, as "Drive Safer Sunday"; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 700. A resolution relative to the death of the Honorable Walter "Dee" Hudleston, former United States Senator for the Commonwealth of Kentucky; considered and agreed to.

By Mr. HATCH (for himself, Mr. WARNER, Ms. BALDWIN, Mr. BLUMENTHAL, Mrs. CAPITO, Ms. HASSAN, Mr. INHOFE, Ms. KLOBUCHAR, Mr. WYDEN, Mr. DAINES, and Mr. BOOZMAN):

S. Res. 701. A resolution designating November 15, 2018, as "National GIS Day"; considered and agreed to.

By Mr. HOEVEN (for himself, Mr. TILLIS, Mr. LANKFORD, Mr. ROUNDS, Ms. KLOBUCHAR, Mr. SCHUMER, Mr. SCHATZ, Mr. INHOFE, Mr. UDALL, Ms. HEITKAMP, Mr. MORAN, Mr. HEINRICH, Ms. CORTEZ MASTO, Mr. TESTER, Ms. SMITH, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. WYDEN, Ms. BALDWIN, Mr. WICKER, Mr. BARRASSO, Mr. THUNE, and Mr. KING):

S. Res. 702. A resolution recognizing National Native American Heritage Month and celebrating the heritages and cultures of Native Americans and the contributions of Native Americans to the United States; to the Committee on Indian Affairs.

By Mr. YOUNG (for himself and Mr. DONNELLY):

S. Res. 703. A resolution expressing support for the goals of Stomach Cancer Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE:

S. Con. Res. 51. A concurrent resolution to correct the enrollment of S. 140; considered and agreed to.

By Mr. GARDNER (for himself and Mr. MARKEY):

S. Con. Res. 52. A concurrent resolution commemorating the 50th anniversary of the Security Consultative Meeting between the Republic of Korea and the United States; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 194

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 194, a bill to amend the Public Health Service Act to establish a public health insurance option, and for other purposes.

S. 262

At the request of Mrs. CAPITO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 262, a bill to amend the Internal Revenue Code of 1986 to extend and modify the section 45 credit for refined coal from steel industry fuel, and for other purposes.

S. 352

At the request of Mr. CORKER, the names of the Senator from Arkansas (Mr. COTTON) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 352, a bill to award a Congressional Gold Medal to Master Sergeant Rodrick "Roddie" Edmonds in recognition of his heroic actions during World War II.

S. 379

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 379, a bill to amend title

II of the Social Security Act to eliminate the five month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S. 445

At the request of Mr. CARDIN, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 469

At the request of Mr. SANDERS, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 469, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow for the importation of affordable and safe drugs by wholesale distributors, pharmacies, and individuals.

S. 477

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 477, a bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research and surveillance efforts and to improve public education and awareness of congenital heart disease, and for other purposes.

S. 479

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 479, a bill to amend title XVIII of the Social Security Act to waive co-insurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

S. 568

At the request of Mr. BROWN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 568, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 662

At the request of Mr. BLUMENTHAL, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 662, a bill to provide incentives for hate crime reporting, grants for State-run hate crime hotlines, a Federal private right of action for victims of hate crimes, and additional penalties for individuals convicted under the Matthew Shephard and James Byrd, Jr. Hate Crimes Prevention Act.

S. 774

At the request of Ms. HEITKAMP, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 774, a bill to address the psychological, developmental, social, and emotional needs of children, youth, and families who have experienced trauma, and for other purposes.

S. 796

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 796, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion for employer-provided education assistance to employer payments of student loans.

S. 802

At the request of Mr. PORTMAN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. TILLIS), the Senator from Kansas (Mr. ROBERTS), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. KYL) and the Senator from Arkansas (Mr. COTTON) were added as cosponsors of S. 802, a bill to award a Congressional Gold Medal in honor of Lawrence Eugene "Larry" Doby in recognition of his achievements and contributions to American major league athletics, civil rights, and the Armed Forces during World War II.

S. 1063

At the request of Mr. BROWN, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 1063, a bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes.

S. 1109

At the request of Mr. MERKLEY, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 1109, a bill to amend title VIII of the Public Health Service Act to extend advanced education nursing grants to support clinical nurse specialist programs, and for other purposes.

S. 1112

At the request of Ms. HEITKAMP, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 1112, a bill to support States in their work to save and sustain the health of mothers during pregnancy, childbirth, and in the postpartum period, to eliminate disparities in maternal health outcomes for pregnancy-related and pregnancy-associated deaths, to identify solutions to improve health care quality and health outcomes for mothers, and for other purposes.

S. 1922

At the request of Mr. GRAHAM, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 1922, a bill to amend title 18, United States Code, to protect paincapable unborn children, and for other purposes.

S. 1942

At the request of Ms. HEITKAMP, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1942, a bill to direct the Attorney General to review, revise, and develop law enforcement and justice protocols appropriate to address missing and murdered Indians, and for other purposes.



S. 2171

At the request of Mr. ENZI, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 2171, a bill to amend the Consumer Financial Protection Act of 2010 to set the rate of pay for employees of the Bureau of Consumer Financial Protection in accordance with the General Schedule.

S. 2259

At the request of Mr. BOOKER, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 2259, a bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, medication related to contraception, and for other purposes.

S. 2387

At the request of Mrs. CAPITO, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 2387, a bill to provide better care and outcomes for Americans living with Alzheimer's disease and related dementias and their caregivers while accelerating progress toward prevention strategies, disease modifying treatments, and, ultimately, a cure.

S. 2961

At the request of Mr. BLUNT, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 2961, a bill to reauthorize subtitle A of the Victims of Child Abuse Act of 1990.

S. 3050

At the request of Mr. PORTMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3050, a bill to improve executive agency digital services, and for other purposes.

S. 3517

At the request of Mr. UDALL, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 3517, a bill to limit the use of funds for kinetic military operations in or against Iran.

S. 3622

At the request of Mr. RUBIO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3622, a bill to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China.

S. 3624

At the request of Ms. HARRIS, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Nevada (Ms. CORTEZ MASTO) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors of S. 3624, a bill to reduce the ability of U.S. Immigration and Customs Enforcement to engage in inappropriate civil immigration enforcement actions that harm unaccompanied alien children and to ensure the safety and welfare of unaccompanied alien children.

S. 3626

At the request of Mr. MURPHY, the name of the Senator from Pennsyl-

vania (Mr. CASEY) was added as a cosponsor of S. 3626, a bill to prohibit and prevent seclusion and to prevent and reduce the use of physical restraint in schools, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself and Mr. KAINE):

S. 3631. A bill to amend title 23, United States Code, to improve the transportation infrastructure finance and innovation (TIFIA) program, and for other purposes; to the Committee on Environment and Public Works.

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

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

S. 3631

*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 "Revitalizing American Priorities for Infrastructure Development Act" or the "RAPID Act".

### SEC. 2. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM.

(a) ELIGIBILITY.—Section 602(a)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A)(iv)—

(A) by striking "a rating" and inserting "an investment-grade rating"; and

(B) by striking "\$75,000,000" and inserting "\$150,000,000"; and

(2) in subparagraph (B)—

(A) by striking "the senior debt" and inserting "senior debt"; and

(B) by striking "credit instrument is for an amount less than \$75,000,000" and inserting "total amount of other senior debt and the Federal credit instrument is less than \$150,000,000".

(b) STREAMLINED APPLICATION PROCESS.—Section 603(f) of title 23, United States Code, is amended by adding at the end the following:

"(3) ADDITIONAL TERMS FOR EXPEDITED DECISIONS.—

"(A) IN GENERAL.—Not later than 120 days after the date of enactment of this paragraph, the Secretary shall implement an expedited decision timeline for public agency borrowers seeking secured loans that meet—

"(i) the terms under paragraph (2); and

"(ii) the additional criteria described in subparagraph (B).

"(B) ADDITIONAL CRITERIA.—The additional criteria referred to in subparagraph (A)(ii) are the following:

"(i) The secured loan is made on terms and conditions that substantially conform to the conventional terms and conditions established by the National Surface Transportation Innovative Finance Bureau.

"(ii) The secured loan is rated in the A category or higher.

"(iii) The TIFIA program share of eligible project costs is 33 percent or less.

"(iv) The applicant demonstrates a reasonable expectation that the contracting process for the project can commence by not later than 90 days after the date on which a Federal credit instrument is obligated for the project under the TIFIA program.

"(v) The project has received a categorical exclusion, a finding of no significant impact, or a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(C) WRITTEN NOTICE.—The Secretary shall provide to an applicant seeking a secured loan under the expedited decision process under this paragraph a written notice informing the applicant whether the Secretary has approved or disapproved the application by not later than 180 days after the date on which the Secretary submits to the applicant a letter indicating that the National Surface Transportation Innovative Finance Bureau has commenced the creditworthiness review of the project."

(c) STATUS REPORTS.—Section 609 of title 23, United States Code, is amended by adding at the end the following:

"(c) STATUS REPORTS.—

"(1) IN GENERAL.—The Secretary shall publish on the website for the TIFIA program—

"(A) on a monthly basis, a current status report on all submitted letters of interest and applications received for assistance under the TIFIA program; and

"(B) on a quarterly basis, a current status report on all approved applications for assistance under the TIFIA program.

"(2) INCLUSIONS.—Each monthly and quarterly status report under paragraph (1) shall include, at a minimum, with respect to each project included in the status report—

"(A) the name of the party submitting the letter of interest or application;

"(B) the name of the project;

"(C) the date on which the letter of interest or application was received;

"(D) the estimated project eligible costs;

"(E) the type of credit assistance sought; and

"(F) the anticipated fiscal year and quarter for closing of the credit assistance."

By Mr. WYDEN (for himself, Mr. BENNET, Mr. CASEY, Ms. KLOBUCHAR, and Mr. CARDIN):

S. 3636. A bill to amend the Internal Revenue Code of 1986 to provide matching payments for retirement savings contributions by certain individuals; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I have introduced the Encouraging Americans to Save Act (EASA). This legislation makes common sense reforms to the saver's tax credit by making the credit refundable and restructuring it as a government matching contribution that is directly deposited into a worker's retirement savings account. This bill would offer matching contributions for the first time to millions of middle and lower income individuals not covered by an employer-sponsored retirement plan, including those who save through an IRA under a State or local government savings program—such as OregonSaves. The government match is also available to middle and lower income savers who participate in an employer-sponsored plan. The government match provided by the bill would both encourage saving and help middle and low income earners build assets by providing an immediate, meaningful return on their personal contributions. The legislation would also require the Treasury Department to reestablish the Obama administration's MyRA program, as IRAs established under that program would serve as the default account to hold government matching contributions in case a saver's retirement plan or IRA is unable to accept the government



matching contribution. I urge my colleagues to support this legislation.

By Mr. WYDEN:

S. 3637. A bill to amend the Richard B. Russell National School Lunch Act to establish a program for the procurement of domestically grown unprocessed fruits and vegetables to provide healthier school meals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. WYDEN. Mr. President, today I am introducing the Local School Foods Expansion Act to establish a permanent program that will provide schools with locally-grown, unprocessed fruits and vegetables.

Hunger is a huge problem in Oregon, and this pain has a huge impact in schools. In Oregon, one in four children experience food insecurity and they face a great challenge keeping up with learning on empty stomachs. I have supported Federal school lunch programs for many years, and I strongly believe that the best programs rely on local producers and make an effort to ensure lunches are healthy and nutritious.

The Local School Foods Expansion Act is a common sense approach to child nutrition that empowers children while strengthening the local economy and contributing to vibrant communities. The bill amends the National School Lunch Program to make permanent a program that increases opportunities for lunch programs to procure locally-grown, unprocessed fruits and vegetables. The bill directs the Secretary of Agriculture to expand the very successful pilot procurement programs to at least 15 States, and contains a mandatory appropriation of nine million dollars in each fiscal year from 2019 to 2023.

No child should be hungry in school, and it's critical that their meals contain nutritious fruits and vegetables. At the same time, we must work to maintain domestic production of fruits and vegetables by ensuring that hard-working farmers have a fair and reliable market for their produce. The Local School Foods Expansion Act tackles both objectives by providing hungry kids with local, unprocessed fruits and vegetables.

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

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

S. 3637

*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 "Local School Foods Expansion Act of 2018".

#### SEC. 2. PROGRAM FOR PROCUREMENT OF DOMESTICALLY GROWN UNPROCESSED FRUITS AND VEGETABLES.

Section 6(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(f)) is amended—

(1) in the subsection heading, by striking "PILOT PROJECT FOR PROCUREMENT OF" and

inserting "PROGRAM FOR PROCUREMENT OF DOMESTICALLY GROWN";

(2) in paragraph (1)—

(A) by striking "pilot project" and inserting "program (referred to in this subsection as the 'program')";

(B) by striking "conduct" and inserting "carry out";

(C) by inserting "domestically grown" before "unprocessed"; and

(D) by striking "more than 8" and inserting "less than 15";

(3) by striking "pilot project" each place it appears and inserting "program";

(4) in paragraph (2), in the matter preceding subparagraph (A), by inserting "domestically grown" before "unprocessed";

(5) in paragraph (4)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) the demonstrated ability of the States to competitively procure domestically grown unprocessed fruits and vegetables.";

(6) in paragraph (5)—

(A) in the paragraph heading, by striking "RECORDKEEPING AND REPORTING" and inserting "RECORDKEEPING, REPORTING, AND EVALUATION";

(B) in subparagraph (B)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) the challenges and opportunities presented by the program in the State."; and

(C) by adding at the end the following:

"(C) PROGRAM EVALUATION.—

"(i) IN GENERAL.—Not later than 2 years after the date of enactment of this subparagraph, the Secretary shall evaluate the impact of the program, including with respect to—

"(I) the quantity and cost of each type of unprocessed fruit and vegetable procured by each State under the program;

"(II) the benefit of the procured unprocessed fruits and vegetables to school food service in each State, including the benefit to meeting school meal requirements; and

"(III) the economic impact of the program on agricultural producers in the State.

"(ii) REPORT.—Not later than 4 years after the date of enactment of this subparagraph, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the evaluation conducted under clause (i) and an analysis of that evaluation."; and

(7) by adding at the end the following:

"(6) FUNDING.—

"(A) MANDATORY FUNDING.—There is appropriated to carry out this subsection \$15,000,000 for each of fiscal years 2019 through 2023.

"(B) RESERVATION.—Of the funds appropriated under subparagraph (A) for each fiscal year, \$10,000,000 shall be reserved for States selected under the program under paragraph (1) to carry out the activities described in subparagraph (C)(i).

"(C) ADMINISTRATIVE COSTS; TECHNICAL ASSISTANCE.—

"(i) IN GENERAL.—The funds reserved under subparagraph (B) shall be used—

"(I) for the administrative costs of carrying out the program; and

"(II) to provide technical assistance and outreach to vendors to become certified to participate in the program.

"(ii) MINIMUM ALLOTMENT.—Of the funds reserved under subparagraph (B), each State selected under paragraph (3)(A) shall receive

not less than \$300,000 for each fiscal year during which the State participates in the program.".

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 688—EXPRESSING SUPPORT FOR THE DESIGNATION OF THE WEEK OF NOVEMBER 19 THROUGH NOVEMBER 23, 2018, AS "NATIONAL FAMILY SERVICE LEARNING WEEK"

Mr. CORNYN (for himself, Mr. BOOKER, Mr. PAUL, Mr. WHITEHOUSE, Mr. WICKER, Ms. STABENOW, Mr. RUBIO, Mr. REED, Mr. PORTMAN, and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 688

Whereas family service learning is a method under which children and families learn and solve problems together in a multi-generational approach with active participation in thoughtfully organized service that—

(1) is conducted in, and meets the needs of, their communities;

(2) is focused on children and families solving community issues together;

(3) requires the application of college and career readiness skills by children and relevant workforce training skills by adults; and

(4) is coordinated between the community and an elementary school, a secondary school, an institution of higher education, or a family community service program;

Whereas family service learning—

(1) is multi-generational learning that involves parents, children, caregivers, and extended family members in shared learning experiences in physical and digital environments;

(2) is integrated into and enhances the academic achievement of children or the educational components of a family service program in which families may be enrolled; and

(3) promotes skills (such as investigation, planning, and preparation), action, reflection, the demonstration of results, and sustainability;

Whereas family service learning has been shown to have positive 2-generational effects and encourages families to invest in their communities to improve economic and societal well-being;

Whereas, through family service learning, children and families have the opportunity to solve community issues and learn together, thereby enabling the development of life and career skills, such as flexibility and adaptability, initiative and self-direction, social and cross-cultural skills, productivity and accountability, and leadership and responsibility;

Whereas family service learning activities provide opportunities for families to improve essential skills, such as organization, research, planning, reading and writing, technological literacy, teamwork, and sharing;

Whereas families participating together in service are afforded quality time learning about their communities;

Whereas adults engaged in family service learning serve as positive role models for their children;

Whereas family service learning projects enable families to build substantive connections with their communities, develop a stronger sense of self-worth, experience a reduction in social isolation, and improve parenting skills;

Whereas family service learning has added benefits for English language learners by helping individuals and families to—

(1) feel more connected with their communities; and

(2) practice language skills;

Whereas family service learning is particularly important for at-risk families because family service learning—

(1) provides opportunities for leadership and civic engagement; and

(2) helps build the capacity to advocate for the needs of children and families; and

Whereas the value that parents place on civic engagement and relationships within the community has been shown to transfer to children who, in turn, replicate important values, such as responsibility, empathy, and caring for others: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of the week of November 19 through November 23, 2018, as “National Family Service Learning Week” to raise public awareness about the importance of family service learning, family literacy, community service, and 2-generational learning experiences;

(2) encourages people across the United States to support family service learning and community development programs;

(3) recognizes the importance that family service learning plays in cultivating family literacy, civic engagement, and community investment; and

(4) calls upon public, private, and nonprofit entities to support family service learning opportunities to aid in the advancement of families.

#### SENATE RESOLUTION 689—ACKNOWLEDGING THE 50TH ANNIVERSARY OF THE ELECTION TO THE HOUSE OF REPRESENTATIVES OF SHIRLEY ANITA ST. HILL CHISHOLM, THE FIRST AFRICAN-AMERICAN WOMAN IN CONGRESS

Mr. SCHUMER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 689

Whereas November 5, 2018, marks the 50th anniversary of the election to the House of Representatives of Shirley Anita St. Hill Chisholm, the first African-American woman in Congress;

Whereas Shirley Anita St. Hill was born in Brooklyn, New York, on November 30, 1924, to Caribbean immigrant parents, Charles and Ruby Seale St. Hill;

Whereas Shirley Chisholm graduated from Brooklyn College in 1946 with a Bachelor of Arts degree in sociology and from Columbia University in 1952 with a Master of Arts degree in early childhood education;

Whereas Shirley Chisholm was the second African American elected to the New York State Legislature in 1964 and served honorably until 1968;

Whereas Shirley Chisholm overcame the twin obstacles of racism and sexism to win election to the House of Representatives in 1968;

Whereas Congresswoman Chisholm served 7 terms as a Member of Congress, from 1969 until 1983;

Whereas Congresswoman Chisholm was a fierce critic of the seniority system in Congress, protested her assignment in 1969 to the Committee on Agriculture of the House of Representatives, and won reassignment to a congressional committee on which she could better serve her inner-city district in Brooklyn, New York;

Whereas, after serving on the Committee on Education and Labor of the House of Representatives for several years, Congresswoman Chisholm accepted a prestigious seat on the Committee on Rules of the House of Representatives, becoming the first African American and second woman ever to serve on the powerful committee;

Whereas, in 1972, Congresswoman Chisholm was the first woman and the first African American to seek a nomination from a major political party for President of the United States, which she sought on the Democratic ticket;

Whereas Congresswoman Chisholm campaigned in the presidential primaries of 12 States, won 28 delegates, and received 152 first-ballot votes at the national convention for the nomination of the Democratic Party for the office of President of the United States;

Whereas Congresswoman Chisholm was a trailblazer, who fought tirelessly to end the draft and the Vietnam War;

Whereas Congresswoman Chisholm fought to end apartheid in South Africa;

Whereas Congresswoman Chisholm spoke fluent Spanish and fought for immigrant rights;

Whereas Congresswoman Chisholm was a progressive champion for struggling families;

Whereas Congresswoman Chisholm was a tireless advocate for women's employment in Congress and for civil rights, women's rights, and the poor;

Whereas Congresswoman Chisholm worked to expand the Food Stamp Program (later renamed as the Supplemental Nutrition Assistance Program) and was instrumental in the establishment of the Special Supplemental Nutrition Program for Women, Infants, and Children (commonly known as “WIC”);

Whereas Congresswoman Chisholm was a cofounder of the Congressional Black Caucus in 1971;

Whereas Congresswoman Chisholm served as the Secretary of the House Democratic Caucus;

Whereas Shirley Chisholm was a cofounder of the National Organization for Women;

Whereas Congresswoman Chisholm retired honorably from Congress in 1983;

Whereas, in addition to her service as a legislator, Shirley Chisholm worked to improve society as a nursery school teacher, a director of a childcare facility, a consultant for the New York Department of Social Services, and an educator;

Whereas, from 1983 to 1987, Shirley Chisholm taught sociology and politics at Mount Holyoke College;

Whereas, in 1993, President Bill Clinton nominated Shirley Chisholm to serve as United States Ambassador to Jamaica, but her health prevented her from accepting the position;

Whereas, in 1993, Shirley Chisholm was inducted into the National Women's Hall of Fame;

Whereas, on January 1, 2005, Shirley Chisholm died at the age of 80 in Ormond Beach, Florida;

Whereas, in 2014, the United States Postal Service issued the Shirley Chisholm Forever Stamp as part of the Black Heritage stamp series;

Whereas, on November 24, 2015, Shirley Chisholm was posthumously awarded the Presidential Medal of Freedom, the country's highest civilian honor;

Whereas, on June 12, 2001, the House of Representatives unanimously agreed to H. Res. 97, recognizing the enduring contributions and heroic achievements of Shirley Chisholm; and

Whereas Shirley Chisholm was an “unbossed and unbought” woman, who not

only pioneered the way for minorities and women, but also embodied the true definition of leadership which transcends the political arena: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges the 50th anniversary of the election to the House of Representatives of Shirley Anita St. Hill Chisholm, the first African-American woman in Congress;

(2) pays tribute to the service of Congresswoman Chisholm, her work to improve the lives of women and minorities, her steadfast commitment to demonstrating the power of compassion, and her dedication to justice and equality;

(3) recognizes the dedicated work of Congressman Chisholm in promoting the rights of all individuals in the United States, particularly in the areas of education, employment, and health care; and

(4) appreciates the extraordinary work of Congressman Chisholm, the example of her life, and her legacy which have inspired and empowered many to devote their lives to public service.

#### SENATE RESOLUTION 690—AFFIRMING THE IMPORTANCE OF THE ORPHAN DRUG ACT, APPLAUDING THE LIFE-SAVING ACCOMPLISHMENTS OF THE ACT DURING ITS 35-YEAR HISTORY, AND RECOGNIZING THE NEED TO CONTINUE SUPPORT FOR RESEARCH AND DEVELOPMENT OF NEW THERAPIES FOR RARE DISEASES

Mr. HATCH submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 690

Whereas 30,000,000 people in the United States, or nearly 1 out of every 10 individuals in the United States, live with at least 1 of more than 7,000 known rare diseases;

Whereas, in 1983, the Orphan Drug Act (Public Law 97-414; 96 Stat. 2049) was enacted to provide research and development incentives to encourage the development of new therapies for diseases affecting less than 200,000 people in the United States;

Whereas, in the 10 years prior to the enactment of the Orphan Drug Act, only 10 therapies for rare diseases were developed by private industry and approved for patients;

Whereas, since the enactment of the Orphan Drug Act, research and development of therapies for rare diseases has resulted in more than 650 new therapies for rare diseases;

Whereas experts estimate that without the tax credit for testing expenses for drugs for rare diseases, known as the “Orphan Drug Tax Credit”, one of the incentives of the Orphan Drug Act, at least ⅓ of those new therapies would likely not have been developed;

Whereas the Orphan Drug Act continues to lead to increased research and successful therapeutic development along the full range of rare diseases, including the rarest diseases;

Whereas new therapies for rare diseases benefit the individuals affected by such diseases through increased life expectancy and improved quality of life;

Whereas new therapies for rare diseases benefit society through increased productivity of the individuals affected by such diseases and a potential decline in the resources devoted to health care, disability, caregiving, and related spending; and

Whereas, despite the success of the Orphan Drug Act, only approximately 5 percent of

the more than 7,000 identified rare diseases have at least one treatment option approved by the Food and Drug Administration: Now, therefore, be it

*Resolved*, That the Senate—

(1) affirms the importance of the Orphan Drug Act;

(2) applauds the significant, life-saving accomplishments of the Orphan Drug Act during the course of the 35-year history of the Act, including the tremendous growth in research and development of new therapies for rare diseases and the resulting number of therapies approved by the Food and Drug Administration for people living with rare diseases;

(3) recognizes that significant research and development efforts and related investments are needed to develop therapies to treat and cure thousands of rare diseases for which no treatment options are currently available; and

(4) recognizes the need to continue supporting public investment, and encouraging private investment, in research and development of new therapies for rare diseases.

#### SENATE RESOLUTION 691—RE-AFFIRMING THE CENTRALITY OF PRESS FREEDOM AND FREEDOM OF EXPRESSION TO DEMOCRACY IN THE UNITED STATES AND TO INTERNATIONAL PEACE AND STABILITY

Mr. MERKLEY (for himself, Mr. SANDERS, Mr. BLUMENTHAL, Mr. MARKEY, Mr. WYDEN, and Ms. SMITH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 691

Whereas the First Amendment to the Constitution of the United States enshrines press freedom as a foundational element of the democracy of the United States when it declares, “Congress shall make no law . . . abridging the freedom of speech, or of the press”;

Whereas Thomas Jefferson famously and wisely wrote in 1787, “were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter”, underscoring the enduring importance of independent and professional journalism as a check on government authority in every society;

Whereas Article 19 of the United Nations Universal Declaration of Human Rights, adopted December 10, 1948, by the United Nations General Assembly, enshrines press freedom as a vital aspect of universal human rights;

Whereas the use of threatening rhetoric by President Donald J. Trump, including false declarations that the media are “the enemy of the American people”, and the repeated disparagements of specific journalists and outlets by President Trump have undermined public trust in fact-based journalism;

Whereas, on November 7, 2018, in the first press conference by President Trump after the 2018 elections, President Trump accused Yamiche Alcindor of PBS Newshour of asking a “racist question” when Yamiche Alcindor asked about the support that the President receives from white nationalists;

Whereas the White House has withdrawn the press credentials of CNN White House reporter Jim Acosta in clear retaliation for questioning of the President by Jim Acosta;

Whereas White House Press Secretary Sarah Huckabee Sanders falsely claimed, and distributed a doctored video purporting

to show, that Jim Acosta placed “his hands on a young woman” as the basis for the withdrawal of press credentials from Jim Acosta;

Whereas, on November 9, 2018, President Trump threatened to revoke the press credentials of other journalists as well;

Whereas, on October 18, 2018, President Trump praised Congressman Greg Gianforte for the misdemeanor assault charges to which the Congressman pled guilty for physically assaulting a reporter on the eve of a special election in 2017;

Whereas independent survey research has recently found that the trust of the people of the United States in professional media outlets remains strong despite repeated attacks by the President;

Whereas the respected nonprofit organization Committee to Protect Journalism reports that, as of November 15, 2018, 45 journalists have been killed around the globe in 2018 while doing their jobs;

Whereas Myanmar journalists Wa Lone and Kyaw Soe Oo, while working for Reuters, a highly reputable worldwide news gathering organization, were unjustly convicted and sentenced to 7 years of imprisonment for their reporting on the August 2017 campaign by Burmese security forces to assault, kill, rape, and burn the villages of the Rohingya people and to force the Rohingya people to flee from Myanmar to Bangladesh, which led approximately 700,000 Rohingya people to flee their homeland;

Whereas more and more leaders in other countries are emulating attacks that President Trump has made on professional journalism and investigative journalism, leading to corruption and repression;

Whereas credible reports indicate that Saudi Arabia targeted Washington Post columnist Jamal Khashoggi because of his critiques of the Government of Saudi Arabia and his push for a free press in the Middle East;

Whereas credible reports indicate that agents of Saudi Arabia brutally tortured and killed Jamal Khashoggi within the Saudi Arabian consulate in Istanbul when he came to pick up a legal document necessary for his planned marriage;

Whereas the Government of Saudi Arabia has engaged in a series of brazen lies and attempted cover-ups of the murder of Jamal Khashoggi; and

Whereas the public statements of President Trump have led many people to conclude that President Trump does not intend to hold senior Saudi Arabian officials accountable or to demand an independent and impartial investigation into the brutal death of Jamal Khashoggi: Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms the central role that independent and professional journalism plays in—

(A) strengthening democratic governance;

(B) upholding the rule of law;

(C) mitigating conflict; and

(D) informing public opinion in the United States and around the world;

(2) condemns the consistent use by President Trump of rhetoric meant to celebrate and publicize acts of violence and aggression against the press;

(3) concurs with the statement of CNN that the withdrawal of press credentials from Jim Acosta is “a threat to our democracy and the country deserves better”;

(4) supports an independent and impartial investigation by the United Nations Secretary-General into the death of Jamal Khashoggi, with the full cooperation of the United States Government; and

(5) expresses support for and solidarity with independent journalists around the globe working—

(A) to expose uncomfortable truths;

(B) to shine a light on systemic corruption; and

(C) to provide accountability in societies yearning for democracy and development.

#### SENATE RESOLUTION 692—RECOGNIZING NOVEMBER 24, 2018, AS “SMALL BUSINESS SATURDAY” AND CELEBRATING THE VITAL ROLE OF SMALL BUSINESSES, ALONG WITH THE EFFORTS OF THE SMALL BUSINESS ADMINISTRATION, TO HELP PEOPLE IN THE UNITED STATES START, BUILD, AND GROW BUSINESSES

Mr. RISCH (for himself, Mr. CARDIN, Mr. BARRASSO, Mr. COONS, Mr. BOOZMAN, Mr. MARKEY, Mrs. CAPITO, Mr. WHITEHOUSE, Mr. CRAPO, Mr. BOOKER, Mr. ENZI, Mr. MANCHIN, Mrs. ERNST, Ms. HEITKAMP, Mr. HATCH, Mrs. SHAHEEN, Mr. HOEVEN, Mrs. FEINSTEIN, Mr. INHOFE, Ms. HIRONO, Mr. KENNEDY, Ms. CANTWELL, Mr. MORAN, Ms. DUCKWORTH, Mr. ROBERTS, Ms. HARRIS, Mr. ROUNDS, Mr. WYDEN, Mr. RUBIO, Ms. KLOBUCHAR, Mr. SCOTT, Mr. UDALL, Mr. THUNE, Mr. TESTER, Ms. HASSAN, Mr. KING, Mr. DONNELLY, Mr. VAN HOLLEN, Mr. MENENDEZ, Mrs. MURRAY, Mrs. HYDE-SMITH, Mr. PORTMAN, Mr. ALEXANDER, Mr. DAINES, and Mr. PERDUE) submitted the following resolution; which was considered and agreed to:

S. RES. 692

Whereas, as of November 2018, there are more than 30,200,000 small businesses in the United States;

Whereas small businesses in the United States—

(1) represent 99.9 percent of all businesses in the United States;

(2) employ nearly 48 percent of private sector employees in the United States;

(3) constitute almost 2 of every 3 new jobs; and

(4) constitute 97.6 percent of firms that export goods; and

Whereas November 24, 2018, is an appropriate day to recognize “Small Business Saturday”: Now, therefore, be it

*Resolved*, That the Senate joins the Small Business Administration in—

(1) supporting the designation of November 24, 2018, as “Small Business Saturday”;

(2) celebrating the entrepreneurial spirit of small business owners in the United States;

(3) recognizing the importance of creating policies that promote a business-friendly environment for small business owners that is free of unnecessary and burdensome regulations and red tape;

(4) supporting and encouraging young entrepreneurs to pursue passions and create more startup businesses; and

(5) celebrating the invaluable contribution that small businesses make to the United States as the backbone of the economy.

#### SENATE RESOLUTION 693—CELEBRATING OCTOBER 25, 2018, AS THE 30TH ANNIVERSARY OF THE PASSAGE OF THE WOMEN’S BUSINESS OWNERSHIP ACT OF 1988, WHILE COMMENDING THE UNIQUE ENTREPRENEURIAL SPIRIT SHARED BY WOMEN SMALL BUSINESS OWNERS OF THE UNITED STATES

Mr. RISCH (for himself, Mr. CARDIN, Mr. BOOZMAN, Ms. DUCKWORTH, Mrs.

CAPITO, Mrs. SHAHEEN, Mr. CASSIDY, Ms. HEITKAMP, Ms. COLLINS, Mrs. FEINSTEIN, Mr. CRAPO, Mr. BOOKER, Mr. DAINES, Mr. MARKEY, Mrs. FISCHER, Ms. CANTWELL, Mr. HATCH, Mr. COONS, Mr. HOEVEN, Ms. HARRIS, Mrs. HYDE-SMITH, Ms. HIRONO, Mr. KENNEDY, Mr. WYDEN, Mr. ROUNDS, Ms. KLOBUCHAR, Mr. RUBIO, Mr. SCOTT, and Ms. HASSAN) submitted the following resolution; which was considered and agreed to:

S. RES. 693

Whereas, on October 25, 1988, President Ronald Reagan signed the Women's Business Ownership Act of 1988 (Public Law 100-533; 102 Stat. 2689) into law;

Whereas there are nearly 10,000,000 women-owned businesses in the United States;

Whereas women-owned businesses employ more than 8,400,000 people of the United States;

Whereas the number of women-owned businesses grew by 45 percent between 2007 and 2016;

Whereas women-owned businesses generate nearly \$1,500,000,000,000 in sales annually; and

Whereas the Women's Business Ownership Act of 1988 (Public Law 100-533; 102 Stat. 2689)—

(1) empowered women entrepreneurs to independently pursue access to capital;

(2) provided Federal assistance to women-owned small businesses through demonstration projects under the Small Business Administration, a precursor to the women's business center program established in 1997;

(3) established the National Women's Business Council; and

(4) required the Census Bureau to report on women-owned C corporations: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the important contribution women entrepreneurs make to the economy of the United States;

(2) celebrates the unique entrepreneurial spirit of women small business owners in the United States;

(3) recognizes the importance of access to capital in the formation of small businesses; and

(4) commemorates the 30th anniversary of the passage of the Women's Business Ownership Act of 1988 (Public Law 100-533; 102 Stat. 2689).

**SENATE RESOLUTION 694—CONDEMNING THE HORRIFIC, ANTI-SEMITIC ATTACK AT A SYNAGOGUE IN PITTSBURGH, PENNSYLVANIA, EXPRESSING SUPPORT AND PRAYERS FOR ALL THOSE AFFECTED BY THE TRAGEDY, AND APPLAUDING THE DEDICATION AND BRAVERY OF LAW ENFORCEMENT AND EMERGENCY RESPONSE OFFICIALS IN RESPONDING TO THE ATTACK**

Mr. TOOMEY (for himself, Mr. CASEY, Mr. MCCONNELL, Mr. SCHUMER, Mr. ALEXANDER, Ms. BALDWIN, Mr. BARASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASSIDY, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Ms. DUCKWORTH, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs.

FISCHER, Mr. FLAKE, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Ms. HARRIS, Ms. HASSAN, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. JONES, Mr. KAINE, Mr. KENNEDY, Mr. KING, Ms. KLOBUCHAR, Mr. KYL, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCOTT, Mrs. SHAHEEN, Mr. SHELBY, Ms. SMITH, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. UDALL, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, Mr. WYDEN, and Mr. YOUNG) submitted the following resolution; which was considered and agreed to:

S. RES. 694

Whereas, on October 27, 2018, a mass shooting took place at the Tree of Life synagogue in the Squirrel Hill neighborhood of Pittsburgh, Pennsylvania, where members of the Tree of Life, Dor Hadash, and New Light Jewish congregations were engaged in Shabbat morning services;

Whereas 11 innocent people were killed in the attack, and 6 others suffered injuries, including 4 law enforcement officers who responded to the attack;

Whereas the people of the United States are grateful for the swift action of law enforcement officers, emergency response teams, and medical professionals who responded to the attack;

Whereas the perpetrator of the attack espoused anti-Semitic views and targeted the people worshipping at the Tree of Life synagogue because of their religious beliefs;

Whereas the attack is believed to be the deadliest anti-Semitic attack in the history of the United States;

Whereas anti-Semitism is a pernicious and offensive form of prejudice that runs contrary to the values of the United States; and

Whereas the number of anti-Semitic incidents, including assaults, vandalism, and harassment, in the United States has increased every year since 2013, according to the Anti-Defamation League: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the horrific, anti-Semitic attack at the Tree of Life synagogue in Pittsburgh, Pennsylvania, on October 27, 2018, in which 11 innocent people were killed and 6 were injured;

(2) honors the memory of the victims who were killed and expresses the hope that their memory may be a blessing to their families and community;

(3) expresses hope for a full and speedy recovery and pledges continued support for the people who were injured in the attack;

(4) offers heartfelt condolences and deepest sympathies to the Tree of Life, Dor Hadash, and New Life Jewish congregations, the Pittsburgh Jewish community, and the families, friends, and loved ones affected by the tragedy;

(5) honors the selfless and dedicated service of the law enforcement and emergency response officials who responded to the attack and the medical professionals who provided and continue to provide care for the victims;

(6) condemns rising anti-Semitism and stands with the Jewish community in Pittsburgh, the United States, and around the world; and

(7) reaffirms the commitment of the United States—

(A) to condemn anti-Semitism in all its forms;

(B) to protect the right of the people of the United States to freely exercise their religious beliefs; and

(C) to ensure the safety and security of all people of the United States.

**SENATE RESOLUTION 695—DESIGNATING THE WEEK BEGINNING NOVEMBER 12, 2018, AS "NATIONAL APPRENTICESHIP WEEK"**

Mrs. MURRAY (for herself, Ms. COLLINS, Mr. HATCH, Mr. JONES, Mrs. CAPITO, Mr. COONS, Ms. SMITH, Ms. HASSAN, Ms. KLOBUCHAR, Ms. DUCKWORTH, Ms. CANTWELL, Mr. VAN HOLLEN, Mr. KAINE, Mrs. FEINSTEIN, Ms. BALDWIN, and Mr. HEINRICH) submitted the following resolution; which was considered and agreed to:

S. RES. 695

Whereas a highly skilled workforce is necessary to compete in the global economy and to support economic growth;

Whereas the national registered apprenticeship system established by the Act of August 16, 1937 (29 U.S.C. 50 et seq.) (commonly known as the "National Apprenticeship Act") (referred to in this preamble as the "national registered apprenticeship system"), which has existed for over 80 years—

(1) is an important pathway for workers of the United States;

(2) offers a combination of—

(A) academic and technical instruction; and

(B) paid, on-the-job, training;

(3) provides workers of the United States credentials that are nationally recognized and industry-recognized;

(4) leads to higher earnings for apprentices; and

(5) develops a highly skilled workforce for the United States;

Whereas registered apprenticeships—

(1) are becoming increasingly innovative and diverse in—

(A) design;

(B) partnerships;

(C) timeframes; and

(D) use of emerging educational and training concepts; and

(2) will continue to—

(A) evolve to meet emerging skill essentials and employer requirements; and

(B) maintain high standards for apprentices;

Whereas the national registered apprenticeship system provides education and training for apprentices in—

(1) high-growth sectors, including—

(A) information technology;

(B) financial services;

(C) advanced manufacturing; and

(D) health care; and

(2) traditional industries;

Whereas, according to the Department of Labor, the national registered apprenticeship system leverages approximately \$1,000,000,000 in private investment, which reflects the strong commitment of the sponsors of the national registered apprenticeship system;

Whereas an evaluation of registered apprenticeship programs in 10 States conducted by Mathematica Policy Research in 2012 found that—

(1) individuals who completed registered apprenticeship programs earned over \$240,000 more over their careers than individuals who did not participate in registered apprenticeship programs;

(2) the estimated social benefits of each registered apprenticeship program (including additional productivity of apprentices and the reduction in governmental expenditures as a result of reduced use of unemployment compensation and public assistance) exceeded the costs of each registered apprenticeship program by more than \$49,000; and

(3) the tax return on every dollar the Federal Government invested in registered apprenticeship programs was \$27; and

Whereas celebration of National Apprenticeship Week—

(1) honors industries that use the registered apprenticeship model;

(2) encourages expansion of the registered apprenticeship model to prepare highly skilled workers of the United States;

(3) recognizes the role the national registered apprenticeship system has played in preparing workers of the United States for jobs; and

(4) promotes conversation about ways the national registered apprenticeship system can continue to respond to workforce challenges in the 21st century: Now, therefore, be it

*Resolved*, That the Senate designates the week beginning November 12, 2018, as “National Apprenticeship Week”.

#### SENATE RESOLUTION 696—PERMITTING THE COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS

Mr. ISAKSON (for himself and Mr. TESTER) submitted the following resolution; which was considered and agreed to:

S. RES. 696

Now, therefore, be it

*Resolved*,

#### SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may collect from another Senator, officer of the Senate, or employee of the Senate within a Senate building or other office secured for a Senator non-monetary donations of clothing, toys, food, and housewares for charitable purposes related to serving persons in need or members of the Armed Forces and the families of those members during the holiday season, if the charitable purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a non-profit organization with respect to the delivery of donations described under paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the second session of the 115th Congress.

#### SENATE RESOLUTION 697—DESIGNATING NOVEMBER 2018 AS “NATIONAL COLLEGE APPLICATION MONTH”

Mr. COONS (for himself and Mr. SCOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 697

Whereas equality of opportunity for all people is one of the noblest aspirations of the United States;

Whereas the National Center for Education Statistics reports that the employment rate for young adults with a bachelor's degree and the employment rate for young adults whose highest credential is a high school diploma differ by 14 percentage points;

Whereas a 2015 study by Georgetown University identified that the average lifetime earnings gap between college graduates and individuals with only a high school diploma is \$1,000,000;

Whereas the Pew Economic Mobility Project finds that whether a child born in the lowest income quintile obtains a 4-year degree or higher credential is associated with—

(1) an approximately 70-percent difference in the probability of that child earning an income outside the lowest income quintile; and

(2) a threefold difference in the probability of that child going on to earn an income in the highest income quintile;

Whereas the Education Commission of the States highlights that the number of non-traditional students at colleges and universities is expected to rise 65 percent faster than the number of traditional students during the 15-year period ending in 2024;

Whereas the Bureau of Labor Statistics reports that approximately 33 percent of high school graduates in 2017 did not matriculate to an institution of higher education the following fall semester, representing a modest decline in college enrollment since the year before;

Whereas the Bureau of Labor Statistics also reports that the unemployment rate for recent high school graduates not enrolled in college in the fall semester of 2017 was 16.8 percent, significantly higher than the national unemployment rate;

Whereas many secondary students struggle to identify and assess appropriate postsecondary options due to a number of factors, including insufficient information on programmatic outcomes and difficulties in accessing effective or consistent counseling services and resources;

Whereas the complexity of financial aid systems and processes, coupled with a shortage of effective and comprehensive financial literacy instruction, can serve as an additional deterrent or barrier for students and families as they assess the viability of higher education programs as a postsecondary option;

Whereas the United States built a thriving middle class in part by nurturing the potential for colleges and universities to serve as engines of social mobility; and

Whereas the data on the benefits of higher education demonstrate that, in spite of ongoing barriers to access and student success, colleges and universities can still serve as engines of social mobility: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates November 2018 as “National College Application Month”;;

(2) encourages the people of the United States—

(A) to evaluate options for pursuing higher education; and

(B) to support every student, regardless of the background or resources of the student, in obtaining the skills and knowledge needed to thrive;

(3) supports efforts to better assist low-income and first generation students throughout the college application process;

(4) urges public officials, educators, parents, students, and communities in the United States to observe National College Application Month with appropriate activities and programs designed to encourage students to consider, research, and apply to college; and

(5) commends teachers, counselors, mentors, and parents who support students throughout the college application process, as well as the organizations and institutions partnering to eliminate barriers to higher education.

#### SENATE RESOLUTION 698—DESIGNATING NOVEMBER 3, 2018, AS NATIONAL BISON DAY

Mr. HOEVEN (for himself, Mr. HEINRICH, Mr. ENZI, Mr. SCHUMER, Mr. INHOFE, Mr. WHITEHOUSE, Mr. PORTMAN, Mr. BENNET, Mr. MORAN, Mr. UDALL, Mr. THUNE, Mrs. GILLIBRAND, Mr. ROUNDS, Mr. DONNELLY, Mr. HATCH, Ms. WARREN, Mr. ROBERTS, Ms. HEITKAMP, Mr. CORNYN, Mr. TESTER, Mr. MARKEY, Ms. BALDWIN, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 698

Whereas on May 9, 2016, the North American bison was adopted as the national mammal of the United States;

Whereas bison are considered an historical symbol of the United States;

Whereas bison were integrally linked with the economic and spiritual lives of many Indian Tribes through trade and sacred ceremonies;

Whereas there are more than 60 Indian Tribes participating in the InterTribal Buffalo Council, which is a Tribal organization incorporated pursuant to section 17 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 5124);

Whereas numerous members of Indian Tribes are involved in bison restoration on Tribal land;

Whereas members of Indian Tribes have a combined herd of bison on more than 1,000,000 acres of Tribal land;

Whereas bison can play an important role in improving the types of grasses found in landscapes to the benefit of grasslands;

Whereas bison hold significant economic value for private producers and rural communities;

Whereas, as of 2012, the Department of Agriculture estimates that 162,110 head of bison were under the stewardship of private producers, creating jobs and contributing to the food security of the United States by providing a sustainable and healthy meat source;

Whereas a bison has been depicted on the official seal of the Department of the Interior since 1912;

Whereas a bison is portrayed on 2 State flags;

Whereas the bison has been adopted by 3 States as the official mammal or animal of those States;

Whereas the buffalo nickel played an important role in modernizing the currency of the United States;

Whereas several sports teams have the bison as a mascot, which highlights the

iconic significance of bison in the United States;

Whereas a small group of ranchers helped save bison from extinction in the late 1800s by gathering the remaining bison of the diminished herds;

Whereas on December 8, 1905, William Hornaday, Theodore Roosevelt, and others formed the American Bison Society in response to the near extinction of bison in the United States;

Whereas on October 11, 1907, the American Bison Society sent 15 captive-bred bison from the New York Zoological Park, now known as the “Bronx Zoo”, to the first big game refuge in the United States, now known as the “Wichita Mountains Wildlife Refuge”;

Whereas, in 2005, the American Bison Society was reestablished, bringing together bison ranchers, managers from Indian Tribes, Federal and State agencies, conservation organizations, and natural and social scientists from the United States, Canada, and Mexico to create a vision for the North American bison in the 21st century;

Whereas there are bison herds in national wildlife refuges, national parks, and national forests;

Whereas there are bison in State-managed herds across 11 States;

Whereas private, public, and Tribal bison leaders are working together to continue bison restoration throughout North America;

Whereas there is a growing effort to celebrate and officially recognize the historical, cultural, and economic significance of the North American bison to the heritage of the United States; and

Whereas members of Indian Tribes, bison producers, conservationists, sportsmen, educators, and other public and private partners have celebrated the annual National Bison Day since 2012 and are committed to continuing this tradition annually on the first Saturday of November: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates November 3, 2018, the first Saturday of November, as National Bison Day; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

#### SENATE RESOLUTION 699—DESIGNATING NOVEMBER 25, 2018, AS “DRIVE SAFER SUNDAY”

Mr. ISAKSON (for himself, Mr. COONS, and Mr. PERDUE) submitted the following resolution; which was considered and agreed to:

S. RES. 699

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas every individual traveling on roads and highways should drive in a safe manner so as to reduce deaths and injuries that result from motor vehicle accidents;

Whereas, according to the National Highway Traffic Safety Administration, wearing a seat belt saves as many as 15,000 lives each year; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

*Resolved*, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to focus on safety when driving;

(B) national trucking firms—

(i) to alert employee drivers to be especially focused on driving safely on the Sunday after Thanksgiving; and

(ii) to publicize the importance of driving safely on the Sunday after Thanksgiving on the Citizens Band Radio Service and at truck stops across the United States;

(C) clergies to remind congregations to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive safely, particularly on the Sunday after Thanksgiving;

(E) motorists to drive safely during the holiday season and throughout the rest of the year; and

(F) the people of the United States—

(i) to understand the life-saving importance of wearing a seat belt; and

(ii) to educate themselves about highway safety; and

(2) designates November 25, 2018, as “Drive Safer Sunday”.

#### SENATE RESOLUTION 700—RELATIVE TO THE DEATH OF THE HONORABLE WALTER “DEE” HUDDLESTON, FORMER UNITED STATES SENATOR FOR THE COMMONWEALTH OF KENTUCKY

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 700

Whereas the Honorable Walter “Dee” Huddleston served the people of Kentucky in the United States Senate for 12 years;

Whereas the Honorable Walter “Dee” Huddleston served as a member of a number of Senate committees, including—

(1) the Committee on Appropriations;

(2) the Committee on Agriculture and Forestry and the Committee on Agriculture, Nutrition, and Forestry; and

(3) the Select Committee on Intelligence;

Whereas the Honorable Walter “Dee” Huddleston was an ardent defender of the tobacco and coal interests of Kentucky in the United States Senate;

Whereas the Honorable Walter “Dee” Huddleston was elected to serve the people of Kentucky in the Kentucky State Senate from 1965 to 1972;

Whereas the Honorable Walter “Dee” Huddleston was a respected radio broadcaster;

Whereas the Honorable Walter “Dee” Huddleston graduated from the University of Kentucky in 1949;

Whereas the Honorable Walter “Dee” Huddleston served in the United States Army as a tank gunner during World War II; and

Whereas the Honorable Walter “Dee” Huddleston served the United States and the Commonwealth of Kentucky with distinction: Now, therefore, be it

*Resolved*, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Walter “Dee” Huddleston, former member of the United States Senate;

(2) the Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Walter “Dee” Huddleston.

#### SENATE RESOLUTION 701—DESIGNATING NOVEMBER 15, 2018, AS “NATIONAL GIS DAY”

Mr. HATCH (for himself, Mr. WARNER, Ms. BALDWIN, Mr. BLUMENTHAL, Mrs. CAPITO, Ms. HASSAN, Mr. INHOFE, Ms. KLOBUCHAR, Mr. WYDEN, Mr. DAINES, and Mr. BOOZMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 701

Whereas the management, use, and exchange of geographic information and geospatial data and analysis are essential for operations and decisionmaking in Federal agencies;

Whereas Geographic Information System technology (referred to in this preamble as “GIS”) embraces new and innovative ways to use, discover, and share geospatial data through online portals and web services;

Whereas GIS facilitates the sharing of geographic data, services, and maps through online portals such as GeoPlatform.gov;

Whereas GIS helps provide shared and trusted geospatial data, services, and applications for use—

(1) by the public; and

(2) by government agencies and partners of government agencies to meet their mission needs;

Whereas GIS is an interdisciplinary tool used by students, teachers, researchers, universities, and practitioners in numerous fields and disciplines;

Whereas geography is identified as a core academic subject eligible for Federal funding under the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802);

Whereas GIS helps foster collaboration and partnerships in the advancement of the National Spatial Data Infrastructure (referred to in this preamble as the “NSDI”);

Whereas GIS provides a common framework for the Federal Government and State, Tribal, and local governments, non-Federal partners, communities, constituents, professional bodies for standards, data catalogs, partnerships, and tools that make up the NSDI;

Whereas GIS is used to investigate and address societal, environmental, and cultural issues, including—

(1) local issues;

(2) global issues;

(3) issues from the past;

(4) issues in the present; and

(5) potential future issues identified through modeling;

Whereas GIS and related geospatial technologies are used in classrooms to engage students in science, technology, engineering, and math (STEM) learning;

Whereas GIS fosters competition within the sector of geospatial technologies, which is considered a high-growth industry by the Department of Labor; and

Whereas many Federal agencies, State and local government agencies, nonprofit organizations, schools, libraries, and universities will join with others around the world to showcase their GIS mapping and geospatial applications on November 15, 2018: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates November 15, 2018, as “National GIS Day”; and

(2) encourages users of Geographic Information System technology (referred to in this resolving clause as “GIS”), educators, students, and innovators to continue to employ GIS—

(A) to learn and explore;

(B) to analyze and address societal challenges; and



(C) to drive economic growth for the betterment of the people of the United States and individuals around the world.

**SENATE RESOLUTION 702—RECOGNIZING NATIONAL NATIVE AMERICAN HERITAGE MONTH AND CELEBRATING THE HERITAGES AND CULTURES OF NATIVE AMERICANS AND THE CONTRIBUTIONS OF NATIVE AMERICANS TO THE UNITED STATES**

Mr. HOEVEN (for himself, Mr. TILLIS, Mr. LANKFORD, Mr. ROUNDS, Ms. KLOBUCHAR, Mr. SCHUMER, Mr. SCHATZ, Mr. INHOFE, Mr. UDALL, Ms. HEITKAMP, Mr. MORAN, Mr. HEINRICH, Ms. CORTEZ MASTO, Mr. TESTER, Ms. SMITH, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. WYDEN, Ms. BALDWIN, Mr. WICKER, Mr. BAR-RASSO, Mr. THUNE, and Mr. KING) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 702

Whereas, from November 1, 2018, through November 30, 2018, the United States celebrates National Native American Heritage Month;

Whereas National Native American Heritage Month is an opportunity to consider and recognize the contributions of Native Americans to the history of the United States;

Whereas Native Americans are descendants of the original, indigenous inhabitants of what is now the United States;

Whereas the United States Census Bureau estimates that, in 2017, there were more than 6,700,000 individuals of Native American descent in the United States;

Whereas Native Americans maintain vibrant cultures and traditions and hold a deeply rooted sense of community;

Whereas Native Americans have moving stories of tragedy, triumph, and perseverance that need to be shared with future generations;

Whereas Native Americans speak and preserve indigenous languages, which have contributed to the English language by being used as names of individuals and locations throughout the United States;

Whereas Congress has consistently reaffirmed the support of the United States of tribal self-governance and self-determination and the commitment of the United States to improving the lives of all Native Americans by—

(1) enhancing health care and law enforcement resources; and

(2) improving the housing and socioeconomic status of Native Americans;

Whereas the United States is committed to strengthening the government-to-government relationship that the United States has maintained with the various Indian tribes;

Whereas Congress has recognized the contributions of the Iroquois Confederacy and the influence of the Iroquois Confederacy on the Founding Fathers in the drafting of the Constitution of the United States with the concepts of—

(1) freedom of speech;

(2) the separation of governmental powers; and

(3) the system of checks and balances between the branches of government;

Whereas, with the enactment of the Native American Heritage Day Act of 2009 (Public Law 111-33; 123 Stat. 1922), Congress—

(1) reaffirmed the government-to-government relationship between the United States and Native American governments; and

(2) recognized the important contributions of Native Americans to the culture of the United States;

Whereas Native Americans have made distinct and important contributions to the United States and the rest of the world in many fields, including the fields of agriculture, medicine, music, language, and art;

Whereas Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

Whereas Native Americans have served with honor and distinction in the Armed Forces and continue to serve in the Armed Forces in greater numbers per capita than any other group in the United States;

Whereas the United States has recognized the contribution of the Native American code talkers in World War I and World War II, who used indigenous languages as an unbreakable military code, saving countless lives in the United States; and

Whereas the people of the United States have reason to honor the great achievements and contributions of Native Americans and their ancestors: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the month of November 2018 as “National Native American Heritage Month”;

(2) recognizes the Friday after Thanksgiving as “Native American Heritage Day” in accordance with section 2(10) of the Native American Heritage Day Act of 2009 (Public Law 111-33; 123 Stat. 1923); and

(3) urges the people of the United States to observe National Native American Heritage Month and Native American Heritage Day with appropriate programs and activities.

**SENATE RESOLUTION 703—EXPRESSING SUPPORT FOR THE GOALS OF STOMACH CANCER AWARENESS MONTH**

Mr. YOUNG (for himself and Mr. DONNELLY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 703

Whereas stomach cancer, also known as gastric cancer, is one of the most difficult cancers to detect in the early stages of the disease, which contributes to high mortality rates;

Whereas stomach cancer occurs when cancer cells develop in the lining of the stomach;

Whereas stomach cancer is the fifth most common type of cancer worldwide;

Whereas, in 2018—

(1) an estimated 26,240 cases of stomach cancer were diagnosed in the United States; and

(2) it was estimated that 10,800 people in the United States would die from stomach cancer;

Whereas the estimated 5-year survival rate for stomach cancer is only 31 percent;

Whereas approximately 1 in 111 individuals will be diagnosed with stomach cancer during his or her lifetime;

Whereas, in the United States, stomach cancer is more prevalent among racial and ethnic minorities;

Whereas increased awareness of, and education about, stomach cancer among patients and health care providers could improve timely recognition of stomach cancer symptoms;

Whereas more research into early diagnosis, screening, and treatment for stomach cancer is needed; and

Whereas November 2018 is an appropriate month to observe Stomach Cancer Awareness Month: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals of Stomach Cancer Awareness Month;

(2) supports efforts to increase awareness of, and education about, stomach cancer among the general public of the United States;

(3) recognizes the need for additional research into early diagnosis, screening, and treatment for stomach cancer; and

(4) encourages States and territories and localities of the United States to support the goals of Stomach Cancer Awareness Month.

**SENATE CONCURRENT RESOLUTION 51—TO CORRECT THE ENROLLMENT OF S. 140**

Mr. THUNE submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 51

*Resolved by the Senate (the House of Representatives concurring)*, That in the enrollment of S. 140, an Act to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund, the Secretary of the Senate shall amend the title so as to read: “A bill to authorize appropriations for the Coast Guard, and for other purposes.”.

**SENATE CONCURRENT RESOLUTION 52—COMMEMORATING THE 50TH ANNIVERSARY OF THE SECURITY CONSULTATIVE MEETING BETWEEN THE REPUBLIC OF KOREA AND THE UNITED STATES**

Mr. GARDNER (for himself and Mr. MARKEY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 52

Whereas, on October 31, 2018, the United States and the Republic of Korea (also known as “ROK”) co-hosted the 50th annual Republic of Korea-United States Security Consultative Meeting (commonly known and referred to in this preamble as the “SCM”);

Whereas the alliance between the Republic of Korea and the United States dates back to the Mutual Defense Treaty of 1953, in which the United States committed to defending its ally from outside aggression;

Whereas the United States currently stations 28,500 troops on the Korean Peninsula as part of the obligation of the United States to defend the Republic of Korea;

Whereas the SCM supports broader diplomatic engagements between the 2 allies that span a broad array of issues important to the people of the Republic of Korea and to the people of the United States;

Whereas the SCM has been crucial to the continued economic prosperity of the Republic of Korea and to peace and stability on the Korean Peninsula;

Whereas the SCM has reinforced the critical alliance between the Republic of Korea and the United States and deepens the friendship between the 2 countries;

Whereas the 50th anniversary of the SCM signifies an enduring alliance based on the shared values of freedom, democracy, human rights, and the rule of law;

Whereas the SCM uses the “Joint Vision for ROK-U.S. Alliance” and the “Guidelines



for ROK-U.S. Defense Cooperation” to enhance the alliance beyond one of military cooperation to one of mutual trust;

Whereas the SCM has been crucial in facilitating independent operational capabilities of the armed forces of the Republic of Korea, allowing those forces to expand their defense capabilities and assume operational control of the combined forces under the current armistice;

Whereas the SCM is key to strengthening bilateral cooperation in responding to global security challenges and threats, including terrorism, piracy, natural disasters, peace-keeping operations, and stabilization and reconstruction;

Whereas the SCM will continue to pursue complete, verifiable, and irreversible dismantlement of the nuclear weapons and ballistic missile programs of North Korea to maintain a lasting peace; and

Whereas, with the continued and growing threat from the Democratic People's Republic of Korea, and the increasing importance of the Indo-Pacific region, the SCM has come to represent the irreplaceable friendship and alliance between the United States and the Republic of Korea: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) commemorates the 50th anniversary of the Republic of Korea-United States Security Consultative Meeting (“SCM”) and the enduring relationship between the United States and the Republic of Korea that the SCM represents;

(2) reaffirms the military alliance based on mutual trust and shared values between the United States and the Republic of Korea;

(3) recognizes that the alliance between the United States and the Republic of Korea will remain ironclad, irrespective of any efforts by third parties to sow discord between the countries; and

(4) supports the continued pursuit of—

(A) a complete, verifiable, and irreversible dismantlement of the nuclear weapons and ballistic missile programs of North Korea; and

(B) lasting peace and stability on the Korean Peninsula and throughout the Indo-Pacific region.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4061. Mr. McCONNELL (for Mr. COONS) proposed an amendment to the bill S. 3321, to award Congressional Gold Medals to Katherine Johnson and Dr. Christine Darden, to posthumously award Congressional Gold Medals to Dorothy Vaughan and Mary Jackson, and to award a Congressional Gold Medal to honor all of the women who contributed to the success of the National Aeronautics and Space Administration during the Space Race.

SA 4062. Mr. McCONNELL (for Mr. COONS) proposed an amendment to the bill S. 3321, *supra*.

#### TEXT OF AMENDMENTS

**SA 4061.** Mr. McCONNELL (for Mr. COONS) proposed an amendment to the bill S. 3321, to award Congressional Gold Medals to Katherine Johnson and Dr. Christine Darden, to posthumously award Congressional Gold Medals to Dorothy Vaughan and Mary Jackson, and to award a Congressional Gold Medal to honor all of the women who contributed to the success of the National Aeronautics and Space Administration during the Space Race; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Hidden Figures Congressional Gold Medal Act”.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) In 1935, the National Advisory Committee for Aeronautics (referred to in this section as “NACA”) hired 5 women to serve as the first “computer pool” at the Langley Memorial Aeronautical Laboratory where those women took on work making calculations that male engineers had made previously.

(2) During the 1940s, NACA began recruiting African American women to work as computers and initially separated those women from their White counterparts in a group known as the “West Area Computers” where the women were restricted to segregated dining and bathroom facilities.

(3) Katherine Johnson was born on August 26, 1918, in White Sulphur Springs, West Virginia.

(4) In 1953, Katherine Johnson began her career in aeronautics as a computer in the segregated West Area Computing unit described in paragraph (2).

(5) As a member of the Flight Research Division, Katherine Johnson analyzed data from flight tests. After NACA was reformulated into the National Aeronautics and Space Administration (referred to in this section as “NASA”), Johnson—

(A) calculated the trajectory for Alan Shepard’s Freedom 7 mission in 1961, which was the first human spaceflight by an individual from the United States;

(B) coauthored a report that provided the equations for describing orbital spaceflight with a specified landing point, which made her the first woman to be recognized as an author of a report from the Flight Research Division;

(C) was asked to verify the calculations when electronic computers at NASA were used to calculate the orbit for John Glenn’s Friendship 7 mission; and

(D) provided calculations for NASA throughout her career, including for the Apollo missions.

(6) Katherine Johnson retired from NASA in 1986.

(7) Dr. Christine Darden was born on September 10, 1942, in Monroe, North Carolina.

(8) In 1962, Dr. Christine Darden graduated from Hampton Institute with a B.S. in Mathematics and a teaching credential.

(9) Dr. Christine Darden attended Virginia State University where she studied aerosol physics and earned an M.S. in Applied Mathematics.

(10) Dr. Christine Darden began her career in aeronautics in 1967 as a data analyst at NASA’s Langley Research Center (referred to in this section as “Langley”) before being promoted to aerospace engineer in 1973. Her work in this position resulted in the production of low-boom sonic effects, which revolutionized aerodynamics design.

(11) Dr. Christine Darden completed her education by earning a Ph.D. in Mechanical Engineering from George Washington University in 1983.

(12) While working at NASA, Dr. Christine Darden—

(A) was appointed to be the leader of the Sonic Boom Team, which worked on designs to minimize the effects of sonic booms by testing wing and nose designs for supersonic aircraft;

(B) wrote more than 50 articles on aeronautics design; and

(C) became the first African American to be promoted to a position in the Senior Executive Service at Langley.

(13) Dorothy Vaughan was born on September 20, 1910, in Kansas City, Missouri.

(14) Dorothy Vaughan began working for NACA in 1943. Vaughan—

(A) started at NACA as a member of the West Area Computing unit;

(B) was promoted to be the head of the West Area Computing unit, becoming NACA’s first African American supervisor, a position that she held for 9 years; and

(C) became an expert programmer in FORTRAN as a member of NASA’s Analysis and Computation Division.

(15) Dorothy Vaughan retired from NASA in 1971 and died on November 10, 2008.

(16) Mary Jackson was born on April 9, 1921, in Hampton, Virginia.

(17) Mary Jackson started her career at NACA in 1951, working as a computer as a member of the West Area Computing unit.

(18) After petitioning the City of Hampton to allow her to take graduate-level courses in math and physics at night at the all-White Hampton High School, Mary Jackson was able to complete the required training to become an engineer, making her NASA’s first female African American engineer.

(19) Mary Jackson—

(A) while at NACA and NASA—

(i) worked in the Theoretical Aerodynamics Branch of the Subsonic-Transonic Aerodynamics Division at Langley where she analyzed wind tunnel and aircraft flight data; and

(ii) published a dozen technical papers that focused on the boundary layer of air around airplanes; and

(B) after 21 years working as an engineer at NASA, transitioned to a new job as Langley’s Federal Women’s Program Manager where she worked to improve the prospects of NASA’s female mathematicians, engineers, and scientists.

(20) Mary Jackson retired from NASA in 1985 and died in 2005.

(21) These 4 women, along with the other African American women in NASA’s West Area Computing unit, were integral to the success of the early space program. The stories of these 4 women exemplify the experiences of hundreds of women who worked as computers, mathematicians, and engineers at NACA beginning in the 1930s and their handmade calculations played an integral role in—

(A) aircraft testing during World War II;

(B) supersonic flight research;

(C) sending the Voyager probes to explore the solar system; and

(D) the United States landing the first man on the lunar surface.

#### SEC. 3. CONGRESSIONAL GOLD MEDALS.

(a) **PRESENTATION AUTHORIZED.**—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of 5 gold medals of appropriate design as follows:

(1) One gold medal to Katherine Johnson in recognition of her service to the United States as a mathematician.

(2) One gold medal to Dr. Christine Darden for her service to the United States as an aeronautical engineer.

(3) In recognition of their service to the United States during the Space Race—

(A) 1 gold medal commemorating the life of Dorothy Vaughan; and

(B) 1 gold medal commemorating the life of Mary Jackson.

(4) One gold medal in recognition of all women who served as computers, mathematicians, and engineers at the National Advisory Committee for Aeronautics and the National Aeronautics and Space Administration between the 1930s and the 1970s (referred to in this section as “recognized women”).

(b) DESIGN AND STRIKING.—For the purpose of the awards under subsection (a), the Secretary of the Treasury (referred to in this Act as the “Secretary”) shall strike each gold medal described in that subsection with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) TRANSFER OF CERTAIN MEDALS AFTER PRESENTATION.—

(1) SMITHSONIAN INSTITUTION.—

(A) IN GENERAL.—After the award of the gold medal commemorating the life of Dorothy Vaughan under subsection (a)(3)(A) and the award of the gold medal in recognition of recognized women under subsection (a)(4), those medals shall be given to the Smithsonian Institution where the medals shall be—

(i) available for display, as appropriate; and

(ii) made available for research.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the Smithsonian Institution should make the gold medals received under subparagraph (A) available for—

(i) display, particularly at the National Museum of African American History and Culture; or

(ii) loan, as appropriate, so that the medals may be displayed elsewhere.

(2) TRANSFER TO FAMILY.—After the award of the gold medal in honor of Mary Jackson under subsection (a)(3)(B), the medal shall be given to her granddaughter, Wanda Jackson.

#### SEC. 4. DUPLICATE MEDALS.

Under regulations that the Secretary may promulgate, the Secretary may strike and sell duplicates in bronze of the gold medals struck under this Act, at a price sufficient to cover the cost of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

#### SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

#### SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck under this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

**SA 4062.** Mr. McCONNELL (for Mr. COONS) proposed an amendment to the bill S. 3321, to award Congressional Gold Medals to Katherine Johnson and Dr. Christine Darden, to posthumously award Congressional Gold Medals to Dorothy Vaughan and Mary Jackson, and to award a Congressional Gold Medal to honor all of the women who contributed to the success of the National Aeronautics and Space Administration during the Space Race; as follows:

Amend the title so as to read: “A bill to award Congressional Gold Medals to Katherine Johnson and Dr. Christine Darden, to posthumously award Congressional Gold Medals to Dorothy Vaughan and Mary Jackson, and to award a Congressional Gold Medal to honor all of the women who con-

tributed to the success of the National Aeronautics and Space Administration during the Space Race.”.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have 8 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

##### COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, November 15, 2018, at 9:30 a.m., to conduct a hearing on the following nominations: William Bookless, to be Principal Deputy Administrator, National Nuclear Security Administration and Thomas McCaffery, to be Assistant secretary of Defense of Health Affairs.

##### 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, November 15, 2018, at 10 a.m., to conduct a hearing entitled “The semiannual testimony of the Federal Reserve’s Supervision and regulation of the financial system.”

##### 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, November 15, 2018, at 10 a.m., to conduct a hearing.

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Thursday, November 15, 2018, at 10 a.m., to conduct a hearing entitled “Examining Funding needs for the wildlife Conservation, Recovery, and Management”.

##### COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Thursday, November 15, 2018, at 10 a.m., to conduct a hearing on the following nominations: Andrew M. Saul, of New York, to be Commissioner of Social Security for the term expiring January 19, 2019, and Gail S. Ennis, of Maryland, to be Inspector General, both of the Social Security Administration, and Gordon Hartogensis, of Connecticut, to be Director of the Pension Benefit Guaranty Corporation.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, November 15, 2018, at 10 a.m., to conduct a hearing on the following nominations: Ronald D.

Vitiello, of Illinois, to be an Assistant Secretary of Homeland Security, and Richard S. Tischner, of Virginia, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia.

##### COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, November 15, 2018, at 10 a.m., to conduct a business meeting and hearing on the following nominations: Bridget S. Bade, of Arizona, and Eric D. Miller, of Washington, both to be a United States Circuit Judge for the Ninth Circuit, Eric E. Murphy, of Ohio, and Chad A. Readier, of Ohio, both to be a United States Circuit Judge for the Sixth Circuit, Allison Jones Rushing, of North Carolina, to be United States Circuit Judge for the Fourth Circuit, Rossie David Alston, Jr., to be United States District Judge for the Eastern District of Virginia, Thomas P. Barber, and Wendy Williams Berger, both to be a United States District Judge for the Middle District of Florida, Pamela A. Barker, to be United States District Judge for the Northern District of Ohio, Karin J. Immergut, to be United States District Judge for the District of Oregon, Corey Landon Maze, to be United States District Judge for the Northern District of Alabama, Sarah Daggett Morrison, to be United States District Judge for the Southern District of Ohio, Rodney Smith, to be United States District Judge for the Southern District of Florida, T. Kent Wetherell II, to be United States District Judge for the Northern District of Florida, Richard A. Hertling, of Maryland, to be a Judge of the United States Court of Federal Claims, and Kim Gaffney, to be United States Marshal for the Western District of Wisconsin, Bradley Jay LaRose, to be United States Marshal for the District of Vermont, and Douglas J. Strike, to be United States Marshal for the Northern District of Iowa, 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, November 15, 2018, at 2 p.m., to conduct a hearing closed briefing.

#### RESOLUTIONS SUBMITTED TODAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 692 through S. Res. 701.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions (S. Res. 692 through 695) were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

The resolution (S. Res. 696) was agreed to.

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

The resolutions (S. Res. 697 through 701) were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

#### THE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following calendar bills, en bloc: Calendar Nos. 588 through 607.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to where applicable and that the bills, as amended, if amended, be considered read a third time and passed, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

#### PRIVATE HENRY SVEHLA POST OFFICE BUILDING

The bill (S. 3209) to designate the facility of the United States Postal Service located at 413 Washington Avenue in Belleville, New Jersey, as the "Private Henry Svehla Post Office Building," was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3209

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

#### SECTION 1. PRIVATE HENRY SVEHLA POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 413 Washington Avenue in Belleville, New Jersey, shall be known and designated as the "Private Henry Svehla Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Private Henry Svehla Post Office Building".

#### RICHARD W. WILLIAMS CHAPTER OF THE TRIPLE NICKLES (555TH P.I.A.) POST OFFICE

The bill (S. 3237) to designate the facility of the United States Postal Service located at 120 12th Street Lobby in Columbus, Georgia, as the "Richard W.

Williams Chapter of the Triple Nickles (555th P.I.A.) Post Office," which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments and an amendment to the title, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3237

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

#### SECTION 1. RICHARD W. WILLIAMS, JR., CHAPTER OF THE TRIPLE NICKLES (555TH P.I.A.) POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 120 12th Street Lobby in Columbus, Georgia, shall be known and designated as the "Richard W. Williams, Jr., Chapter of the Triple Nickles (555th P.I.A.) Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Richard W. Williams, Jr., Chapter of the Triple Nickles (555th P.I.A.) Post Office".

Amend the title so as to read: "A bill to designate the facility of the United States Postal Service located at 120 12th Street Lobby in Columbus, Georgia, as the 'Richard W. Williams, Jr., Chapter of the Triple Nickles (555th P.I.A.) Post Office'."

#### CAPTAIN MATTHEW J. AUGUST POST OFFICE

The bill (S. 3414) to designate the facility of the United States Postal Service located at 20 Ferry Road in Saunterstown, Rhode Island, as the "Captain Matthew J. August Post Office," was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3414

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

#### SECTION 1. CAPTAIN MATTHEW J. AUGUST POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 20 Ferry Road in Saunterstown, Rhode Island, shall be known and designated as the "Captain Matthew J. August Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Captain Matthew J. August Post Office".

#### ARLA W. HARRELL POST OFFICE

The bill (S. 3442) to designate the facility of the United States Postal Service located at 105 Duff Street in Macon, Missouri, as the "Arla W. Harrell Post Office," was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3442

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

#### SECTION 1. ARLA W. HARRELL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 105

Duff Street in Macon, Missouri, shall be known and designated as the "Arla W. Harrell Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Arla W. Harrell Post Office".

#### HAROLD D. McCRAW, SR., POST OFFICE BUILDING

The bill (H.R. 606) to designate the facility of the United States Postal Service located at 1025 Nevin Avenue in Richmond, California, as the "Harold D. McCraw, Sr., Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### MISSION VETERANS POST OFFICE BUILDING

A bill (H.R. 1209) to designate the facility of the United States Postal Service located at 901 N. Francisco Avenue, Mission, Texas, as the "Mission Veterans Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### JACK H. BROWN POST OFFICE BUILDING

A bill (H.R. 2979) to designate the facility of the United States Postal Service located at 390 West 5th Street in San Bernardino, California, as the "Jack H. Brown Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### HARMON KILLEBREW POST OFFICE BUILDING

A bill (H.R. 3230) to designate the facility of the United States Postal Service located at 915 Center Avenue in Payette, Idaho, as the "Harmon Killebrew Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### CORPORAL JEFFERY ALLEN WILLIAMS POST OFFICE BUILDING

A bill (H.R. 4407) to designate the facility of the United States Postal Service located at 3s101 Rockwell Street in Warrenville, Illinois, as the "Corporal Jeffery Allen Williams Post Office Building," which had been reported from the Committee on Homeland Security and Governmental Affairs with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

H.R. 4407

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

#### SECTION 1. CORPORAL [JEFFERY] JEFFREY ALLEN WILLIAMS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3s101

Rockwell Street in Warrenville, Illinois, shall be known and designated as the "Corporal [Jeffery] Jeffrey Allen Williams Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Corporal [Jeffery] Jeffrey Allen Williams Post Office Building".

Amend the title so as to read: "An Act to designate the facility of the United States Postal Service located at 3s101 Rockwell Street in Warrenville, Illinois, as the 'Corporal Jeffrey Allen Williams Post Office Building'".

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 4407), as amended, was passed.

#### WAYNE K. CURRY POST OFFICE BUILDING

A bill (H.R. 4890) to designate the facility of the United States Postal Service located at 9801 Apollo Drive in Upper Marlboro, Maryland, as the "Wayne K. Curry Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### SGT. MAJ. WARDELL B. TURNER POST OFFICE BUILDING

A bill (H.R. 4913) to designate the facility of the United States Postal Service located at 816 East Salisbury Parkway in Salisbury, Maryland, as the "Sgt. Maj. Wardell B. Turner Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### SPECIALIST TREVOR A. WIN'E POST OFFICE

A bill (H.R. 4946) to designate the facility of the United States Postal Service located at 1075 North Tustin Street in Orange, California, as the "Specialist Trevor A. Win'E Post Office," was ordered to a third reading, was read the third time, and passed.

#### SPC. STERLING WILLIAM WYATT POST OFFICE BUILDING

A bill (H.R. 4960) to designate the facility of the United States Postal Service located at 511 East Walnut Street in Columbia, Missouri, as the "Spc. Sterling William Wyatt Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### JUDGE RUSSELL B. SUGARMON POST OFFICE BUILDING

The bill (H.R. 5349) to designate the facility of the United States Postal Service located at 1325 Autumn Avenue in Memphis, Tennessee, as the "Judge Russell B. Sugarmon Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### SERGEANT DIETRICH SCHMIEMAN POST OFFICE BUILDING

A bill (H.R. 5504) to designate the facility of the United States Postal Service located at 4801 West Van Giesen Street in West Richland, Washington, as the "Sergeant Dietrich Schmieman Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### CAPTAIN JOSHUA E. STEELE POST OFFICE

A bill (H.R. 5737) to designate the facility of the United States Postal Service located at 108 West D Street in Alpha, Illinois, as the "Captain Joshua E. Steele Post Office," was ordered to a third reading, was read the third time, and passed.

#### VEL R. PHILLIPS POST OFFICE BUILDING

A bill (H.R. 5784) to designate the facility of the United States Postal Service located at 2650 North Doctor Martin Luther King Jr. Drive in Milwaukee, Wisconsin, shall be known and designated as the "Vel R. Phillips Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### BILL HARRIS POST OFFICE

A bill (H.R. 5868) to designate the facility of the United States Postal Service located at 530 Claremont Avenue in Ashland, Ohio, as the "Bill Harris Post Office," was ordered to a third reading, was read the third time, and passed.

#### LOGAN S. PALMER POST OFFICE

A bill (H.R. 5935) to designate the facility of the United States Postal Service located at 1355 North Meridian Road in Harristown, Illinois, as the "Logan S. Palmer Post Office," was ordered to a third reading, was read the third time, and passed.

#### COLONEL ALFRED ASCH POST OFFICE

A bill (H.R. 6116) to designate the facility of the United States Postal Service located at 362 North Ross Street in Beaverton, Michigan, as the "Colonel Alfred Asch Post Office," was ordered to a third reading, was read the third time, and passed.

#### TO EXTEND THE EFFECTIVE DATE FOR THE SUNSET FOR COLLATERAL REQUIREMENTS FOR SMALL BUSINESS ADMINISTRATION DISASTER LOANS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 631, S. 3554.

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

The senior assistant legislative clerk read as follows:

A bill (S. 3554) to extend the effective date for the sunset for collateral requirements for Small Business Administration disaster loans.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 3554) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3554

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

#### SECTION 1. EXTENSION OF SUNSET FOR COLLATERAL REQUIREMENTS FOR SBA DISASTER LOANS.

Section 2102(b) of the RISE After Disaster Act of 2015 (15 U.S.C. 636 note) is amended, in the matter preceding paragraph (1), by striking "3 years" and inserting "4 years".

#### HIDDEN FIGURES CONGRESSIONAL GOLD MEDAL ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 3321 and the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read as follows:

A bill (S. 3321) to award Congressional Gold Medals to Katherine Johnson and Dr. Christine Darden and to posthumously award Congressional Gold Medals to Dorothy Vaughan and Mary Jackson in recognition of their contributions to the success of the National Aeronautics and Space Administration during the Space Race.

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

Mr. McCONNELL. I further ask that the Coons substitute amendment at the desk be considered and agreed to; the bill as amended, be considered read a third time and passed; the title amendment at the desk be agreed to; and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The amendment (No. 4061) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Hidden Figures Congressional Gold Medal Act".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) In 1935, the National Advisory Committee for Aeronautics (referred to in this

section as “NACA”) hired 5 women to serve as the first “computer pool” at the Langley Memorial Aeronautical Laboratory where those women took on work making calculations that male engineers had made previously.

(2) During the 1940s, NACA began recruiting African American women to work as computers and initially separated those women from their White counterparts in a group known as the “West Area Computers” where the women were restricted to segregated dining and bathroom facilities.

(3) Katherine Johnson was born on August 26, 1918, in White Sulphur Springs, West Virginia.

(4) In 1953, Katherine Johnson began her career in aeronautics as a computer in the segregated West Area Computing unit described in paragraph (2).

(5) As a member of the Flight Research Division, Katherine Johnson analyzed data from flight tests. After NACA was reformulated into the National Aeronautics and Space Administration (referred to in this section as “NASA”), Johnson—

(A) calculated the trajectory for Alan Shepard’s Freedom 7 mission in 1961, which was the first human spaceflight by an individual from the United States;

(B) coauthored a report that provided the equations for describing orbital spaceflight with a specified landing point, which made her the first woman to be recognized as an author of a report from the Flight Research Division;

(C) was asked to verify the calculations when electronic computers at NASA were used to calculate the orbit for John Glenn’s Friendship 7 mission; and

(D) provided calculations for NASA throughout her career, including for the Apollo missions.

(6) Katherine Johnson retired from NASA in 1986.

(7) Dr. Christine Darden was born on September 10, 1942, in Monroe, North Carolina.

(8) In 1962, Dr. Christine Darden graduated from Hampton Institute with a B.S. in Mathematics and a teaching credential.

(9) Dr. Christine Darden attended Virginia State University where she studied aerosol physics and earned an M.S. in Applied Mathematics.

(10) Dr. Christine Darden began her career in aeronautics in 1967 as a data analyst at NASA’s Langley Research Center (referred to in this section as “Langley”) before being promoted to aerospace engineer in 1973. Her work in this position resulted in the production of low-boom sonic effects, which revolutionized aerodynamics design.

(11) Dr. Christine Darden completed her education by earning a Ph.D. in Mechanical Engineering from George Washington University in 1983.

(12) While working at NASA, Dr. Christine Darden—

(A) was appointed to be the leader of the Sonic Boom Team, which worked on designs to minimize the effects of sonic booms by testing wing and nose designs for supersonic aircraft;

(B) wrote more than 50 articles on aeronautics design; and

(C) became the first African American to be promoted to a position in the Senior Executive Service at Langley.

(13) Dorothy Vaughan was born on September 20, 1910, in Kansas City, Missouri.

(14) Dorothy Vaughan began working for NACA in 1943. Vaughan—

(A) started at NACA as a member of the West Area Computing unit;

(B) was promoted to be the head of the West Area Computing unit, becoming NACA’s first African American supervisor, a position that she held for 9 years; and

(C) became an expert programmer in FORTRAN as a member of NASA’s Analysis and Computation Division.

(15) Dorothy Vaughan retired from NASA in 1971 and died on November 10, 2008.

(16) Mary Jackson was born on April 9, 1921, in Hampton, Virginia.

(17) Mary Jackson started her career at NACA in 1951, working as a computer as a member of the West Area Computing unit.

(18) After petitioning the City of Hampton to allow her to take graduate-level courses in math and physics at night at the all-White Hampton High School, Mary Jackson was able to complete the required training to become an engineer, making her NASA’s first female African American engineer.

(19) Mary Jackson—

(A) while at NACA and NASA—

(i) worked in the Theoretical Aerodynamics Branch of the Subsonic-Transonic Aerodynamics Division at Langley where she analyzed wind tunnel and aircraft flight data; and

(ii) published a dozen technical papers that focused on the boundary layer of air around airplanes; and

(B) after 21 years working as an engineer at NASA, transitioned to a new job as Langley’s Federal Women’s Program Manager where she worked to improve the prospects of NASA’s female mathematicians, engineers, and scientists.

(20) Mary Jackson retired from NASA in 1985 and died in 2005.

(21) These 4 women, along with the other African American women in NASA’s West Area Computing unit, were integral to the success of the early space program. The stories of these 4 women exemplify the experiences of hundreds of women who worked as computers, mathematicians, and engineers at NACA beginning in the 1930s and their handmade calculations played an integral role in—

(A) aircraft testing during World War II;

(B) supersonic flight research;

(C) sending the Voyager probes to explore the solar system; and

(D) the United States landing the first man on the lunar surface.

### SEC. 3. CONGRESSIONAL GOLD MEDALS.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of 5 gold medals of appropriate design as follows:

(1) One gold medal to Katherine Johnson in recognition of her service to the United States as a mathematician.

(2) One gold medal to Dr. Christine Darden for her service to the United States as an aeronautical engineer.

(3) In recognition of their service to the United States during the Space Race—

(A) 1 gold medal commemorating the life of Dorothy Vaughan; and

(B) 1 gold medal commemorating the life of Mary Jackson.

(4) One gold medal in recognition of all women who served as computers, mathematicians, and engineers at the National Advisory Committee for Aeronautics and the National Aeronautics and Space Administration between the 1930s and the 1970s (referred to in this section as “recognized women”).

(b) DESIGN AND STRIKING.—For the purpose of the awards under subsection (a), the Secretary of the Treasury (referred to in this Act as the “Secretary”) shall strike each gold medal described in that subsection with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) TRANSFER OF CERTAIN MEDALS AFTER PRESENTATION.—

(1) SMITHSONIAN INSTITUTION.—

(A) IN GENERAL.—After the award of the gold medal commemorating the life of Dorothy Vaughan under subsection (a)(3)(A) and the award of the gold medal in recognition of recognized women under subsection (a)(4), those medals shall be given to the Smithsonian Institution where the medals shall be—

(i) available for display, as appropriate; and

(ii) made available for research.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the Smithsonian Institution should make the gold medals received under subparagraph (A) available for—

(i) display, particularly at the National Museum of African American History and Culture; or

(ii) loan, as appropriate, so that the medals may be displayed elsewhere.

(2) TRANSFER TO FAMILY.—After the award of the gold medal in honor of Mary Jackson under subsection (a)(3)(B), the medal shall be given to her granddaughter, Wanda Jackson.

### SEC. 4. DUPLICATE MEDALS.

Under regulations that the Secretary may promulgate, the Secretary may strike and sell duplicates in bronze of the gold medals struck under this Act, at a price sufficient to cover the cost of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

### SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

### SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck under this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

The bill (S. 3321), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The amendment (No. 4062) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: “A bill to award Congressional Gold Medals to Katherine Johnson and Dr. Christine Darden, to posthumously award Congressional Gold Medals to Dorothy Vaughan and Mary Jackson, and to award a Congressional Gold Medal to honor all of the women who contributed to the success of the National Aeronautics and Space Administration during the Space Race.”.

### AMY, VICKY, AND ANDY CHILD PORNOGRAPHY VICTIM ASSISTANCE ACT OF 2018

Mr. McCONNELL. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 2152.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House.

The senior assistant legislative clerk read as follows:



*Resolved*, that the bill from the Senate (S. 2152) entitled "An Act to amend title 18, United States Code, to provide for assistance for victims of child pornography, and for other purposes", do pass with an amendment.

Mr. MCCONNELL. I move to concur in the House amendment, and I ask unanimous consent that the motion be agreed to and the motion to reconsider be considered made and laid upon the table.

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

#### MEASURE READ THE FIRST TIME—S. 3649

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

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

The senior assistant legislative clerk read as follows:

A bill (S. 3649) to provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, and for other purposes.

Mr. MCCONNELL. I now ask for a second reading. In order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read on the next legislative day.

#### APPOINTMENTS AUTHORITY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the upcoming adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

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

#### DISCHARGE AND REFERRAL—H.R. 3460

Mr. MCCONNELL. Mr. President, I ask unanimous consent that H.R. 3460 be discharged from the Committee on Homeland Security and Government Affairs and be referred to the Committee on Environment and Public Works.

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

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, pursuant to Public Law 115-232, on behalf of the Democratic Leader of the Senate and Vice Chairman of the Select Committee on Intelligence, appointed the following individual as a member of the National Security Commission on Artificial Intelligence: The Honorable MARTIN HEINRICH, of New Mexico.

The Chair, on behalf of the Democratic Leader, in consultation with the Ranking Member of the Senate Committee on Armed Services, pursuant to Public Law 115-232, appointed the following individual to serve as a member of the Cyberspace Solarium Commission: The Honorable ANGUS KING, of Maine.

#### ORDERS FOR FRIDAY, NOVEMBER 16, 2018, THROUGH MONDAY, NOVEMBER 26, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn to then convene for pro forma sessions only, with no business being conducted on the following dates and times and that following each pro forma session, the Senate adjourn until the next pro forma session: Friday November 16, at 3 p.m., Tuesday, November 20, at 10 a.m., and Friday November 23, at 12 noon. I further ask that when the Senate adjourns on Friday November 23, it next convene at 3 p.m. Monday, November 26, and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Vaden nomination, with the time until 5:30 p.m. equally divided between the two leaders or their designees; finally, that the cloture motions filed during today's session of the Senate ripen at 5:30 p.m., Monday, November 26.

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

#### ADJOURNMENT UNTIL 3 P.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the provisions of S. Res. 700 and do so as a further mark of respect for the late Walter "Dee" Huddle-

ston, former Senator from the Commonwealth of Kentucky.

Thereupon, the Senate, at 5:32 p.m., adjourned until Friday, November 16, 2018, at 3 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### FEDERAL MARITIME COMMISSION

DANIEL B. MAFFEI, OF NEW YORK, TO BE A FEDERAL MARITIME COMMISSIONER FOR A TERM EXPIRING JUNE 30, 2022. (REAPPOINTMENT)

L. E. SOLA, OF FLORIDA, TO BE A FEDERAL MARITIME COMMISSIONER FOR A TERM EXPIRING JUNE 30, 2023, VICE WILLIAM P. DOYLE, TERM EXPIRED.

##### DEPARTMENT OF STATE

JOHN P. ABIZAID, OF NEVADA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

KATE MARIE BYRNES, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MACEDONIA.

ARTHUR B. CULVAHOUSE, JR., OF TENNESSEE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF AUSTRALIA.

JAMES S. GILMORE, OF VIRGINIA, TO BE U.S. REPRESENTATIVE TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, WITH THE RANK OF AMBASSADOR.

BRETT P. GIROIR, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES ON THE EXECUTIVE BOARD OF THE WORLD HEALTH ORGANIZATION, VICE THOMAS FRIEDEN, RESIGNED.

LANA J. MARKS, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

##### PEACE CORPS

ALAN R. SWENDIMAN, OF NORTH CAROLINA, TO BE DEPUTY DIRECTOR OF THE PEACE CORPS, VICE CARLOS J. TORRES.

##### DEPARTMENT OF STATE

MATTHEW H. TUELLER, OF UTAH, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

#### CONFIRMATION

Executive nomination confirmed by the Senate November 15, 2018:

##### FEDERAL RESERVE SYSTEM

MICHELLE BOWMAN, OF KANSAS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2006.

#### WITHDRAWAL

Executive Message transmitted by the President to the Senate on November 15, 2018 withdrawing from further Senate consideration the following nomination:

MARK MONTGOMERY, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE R. DAVID HARDEN, WHICH WAS SENT TO THE SENATE ON JUNE 20, 2018.