House of Representatives

The House was not in session today. Its next meeting will be held on Friday, August 4, 2017, at 1 p.m.

Senate

Thursday, August 3, 2017

The Senate met at 10 a.m. and was called to order by the Honorable Luther Strange, a Senator from the State of Alabama.

PRAYER

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

Almighty God, who is the same yesterday, today, and forever, we are transient creatures who long for a sense of permanence. Help us to find our permanence with a fixed and abiding faith in You.

Lord, strengthen our lawmakers for the challenges of these times. Keep them in the shadow of Your wings, protecting them from seen and unseen dangers. Use Your powerful arm to guide, protect, and sustain our Nation. Hasten the day when people everywhere will seek and find You.

Lord, let the tranquility of Your dominion increase in our Nation and world.

We pray in Your sovereign 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 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,

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Luther Strange, a Senator from the State of Alabama, to perform the duties of the Chair.

Orrin G. Hatch, President pro tempore.

Mr. STRANGE thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The acting President pro tempore. The majority leader is recognized.

WORK BEFORE THE SENATE

Mr. McConnell. Mr. President, earlier this week, I set out a number of items for the Senate to get done during this work period, both in terms of nominees and legislation.

First on nominees, we had to confirm an FBI Director, and we have done that. We needed to make progress on a number of other nominations that have been held up for entirely too long. Slowly but surely, we are. We confirmed several officials who will be critical to advancing administration policy in the Defense Department. Yesterday afternoon, we confirmed a nominee to the National Labor Relations Board who will help to return it—after 8 years of habitually siding with union bosses over workers—to its intended role as an impartial judge that calls balls and strikes in labor disputes.

All of this is progress, but we still have nominees to confirm for positions across many agencies in both security and nonsecurity roles. Many Cabinet members still await the No. 2 officials for their departments. So we have more to do.

The same is true of legislation. We had to pass the Veterans Choice legislation. We have. In fact, we passed some additional veterans legislation, as well.

Under the last administration, we learned of a shocking scandal that spread through Veterans Affairs facilities across the Nation. We all agreed that our veterans deserved far better than that. Ever since, Congress has continued to work on a number of initiatives designed to bring more justice to veterans and more reform to the VA.

Senator Isakson, the chairman of the Veterans’ Affairs Committee, has been a tireless advocate for our Nation’s veterans and a driving force on seeing these bills through committee and through the Senate. We passed a number of good reforms into law already. We continue to build on that progress today.

Just a couple of months ago, we passed important VA reform legislation that is now law. The Department of Veterans Affairs Accountability and
Whistleblower Protection Act is helping to shore up accountability measures, improve transparency, and enhance the VA’s ability to remove unsatisfactory employees, while also protecting those who speak up about wrongdoing within the VA.

Just this week we passed through more veterans bills. One heads back to the House for final passage. The Veterans Appeals Improvement and Modernization Act will help address the delays that many veterans have experienced by modernizing the VA’s adjudicative appeals processes. The other two bills now await the President’s signature. The VA Choice and Quality Employment Act we passed earlier this week will provide additional resources to shore up the critical Veterans Choice Program so that veterans who face long wait and travel times at VA facilities will have the option of accessing private care instead.

The Harry W. Colmery Education Assistance Act we passed yesterday expanded access for veterans to GI bill benefits as they transition back to civilian life.

I want to thank the President and his administration for working with Congress to improve healthcare for our Nation’s veterans. I also want to thank again Senator ISAKSON for his unwavering leadership on veterans issues and VA reforms. He has never stopped working to strengthen the VA system for those who rely on it and to overcome the systemic problems that have left many veterans frustrated and hurting. These veterans bills can make a real impact in the lives of the people we represent.

That is also true of the FDA legislation we need to pass during this work period as well. I am hopeful we will have the opportunity to do so today. This legislation, which was passed by the HELP Committee on a 21-to-2 bipartisan vote, is more important than ever in light of lifesaving developments in immunotherapy. It has never been more relevant, given that personalized medicine is just over the horizon. Passing this legislation will help speed up the drug approval process for patients in need. It will help address the time and cost of bringing lifesaving drugs to market. It will allow the important work of ensuring our drugs and devices are safe and effective to move forward.

I want to recognize the chairman of the HELP Committee, Senator ALEXANDER, for helping to make this critical legislation a top priority and for working with colleagues to move it in a timely manner.

We are making progress this week for the future of lifesaving medicine for our veterans and for the leadership of our country’s most critical agencies. We know we still have more to do in all of these areas, but we are passing critical laws and confirming nominees to important positions, and we are taking steps in the right direction.

**RESERVATION OF LEADER TIME**

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

**CONCLUSION OF MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 2490, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 174, H.R. 2490, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and bio-similar biological products, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11 a.m. will be equally divided between the two leaders or their designees.

The Senator from Illinois.

**FOR-PROFIT COLLEGES AND UNIVERSITIES**

Mr. DURBIN. Mr. President, I want to start this morning’s presentation on the floor of the Senate with a question. What is the most heavily subsidized private business in America—the for-profit business that receives more Federal subsidies than any other? Is it a defense contractor? No. Is it some farming operation? No.

The most heavily subsidized for-profit, private business in America today is for-profit colleges and universities. Why? Because the revenue they receive from the Federal Government accounts for 85, 90, 95 percent or more of all of the revenue they take in. How can that possibly be? How could you run a private for-profit business and have a Federal subsidy of 96 percent? How is that possible?

Here is how it works. A student graduates from high school. The student applies to a for-profit college or university. The for-profit college or university accepts the student on the condition that the student sign over Pell grants—Federal money—and the student’s Federal Government loan. The student signs over the Pell grant, signs over the loan, and is enrolled in the school.

This for-profit school now is home free. They admitted the student. They received all the money from the student, and the student is headed for classes. It works only if the student, at the end of the day, ends up with some value in their education—some experience that helps them go on to get a job to pay off their student loans.

It turns out that, in too many instances, for-profit colleges and universities entice these young people into signing up for classes that are worthless. They end up not preparing them for any job. Now they are in a terrible fix. If they finish the course, they have a heavy, large student debt and they end up in a position where they can’t get a job and pay.

How often does this happen? Think of three numbers. So 9 percent of students graduating from high school today in America go to for-profit colleges and universities. What are they thinking about—for-profit? There is the University of Phoenix, DeVry, Rasmussen, and the list goes on and on. So 9 percent of high school students go to these schools, and 20 percent or more of Federal aid to education goes to these schools. Why? Because the tuition they charge is so high. But here is the kicker: 35 percent, one out of three students in America who defaults on their student loans has attended these for-profit colleges and universities.

We decided under the previous administration, the Obama administration, to start asking some hard questions. How are these for-profit colleges and universities enticing these students in? What are they saying to them to get them in line for classes and for their student loans?

Secondly, if the students finish their degrees at these for-profit colleges and universities, how likely are they to end up with a job that will give them something—a job that allows them to pay back their student loan? Those are legitimate questions; aren’t they? If you were the parent of a child who said: Dad, I just heard about the University of Phoenix, and I want to go to school there, you would obviously say: Well, what are you interested in taking? Is it a good course? How much does it cost? What will be your debt when you are finished? What is your likelihood of finding a job? Those are obvious questions.

We decided to act under the previous administration, to pass a bipartisan law to make the Federal student aid more accountable. We are confirming nominees to important positions, and the bipartisan law to act on the Navy—Federal lawmakers—Federal lawmakers.

The rule, as I said, was written by the Obama administration after years of contentious debate with the industry. It was designed to ensure that career training programs that receive Federal aid to education are meeting their statutory obligation to prepare the students for a job—for gainful employment.

Don’t forget that a lot of young people applying for college are in families that have limited college experience. Mom and Dad may have never gone to college. So when you say DeVry or University of Phoenix, Mom and Dad may say: Is it any good, Son? Is it any good,
Daughter? The son or daughter can say: Dad, the Federal Government will loan me the money to go there. It must be a good school. They wouldn’t loan me the money to go to a place that is bad. That is a natural reaction. We are, in fact, condoning, endorsing this industry by saying: If you go to these for-profit schools, you get taxpayer-funded student loans.

I don’t think it is too much to ask the programs promising to train students for specific jobs that actually lead to students being able to get those jobs and, in the process, repay their loans.

The gainful employment rule cuts off Federal student aid if programs where graduates’ ratio of student debt to earnings is too high during any 2 years of a 3-year period. We look at the jobs of the graduate of the for-profit schools, we look at the income of the students, and then ask: What is the likelihood that student can make their student loans—that based on their employment? Is it, in fact, gainful employment?

So prior to leaving office, the Obama Department of Education released gainful employment data for the year 2016. These graduates of public and for-profit undergraduate certificate programs—now that is those who go to community colleges, different colleges altogether—earn $9,000 more than those who went to for-profit colleges and universities.

Do you know which schools you are talking about? If you decide to go to a community college in my home state of Illinois, in my hometown of Springfield, and go to Lincoln Land Community College—a great community college like most of those in our State—you are going to get an education, a good one, and it will not cost you much. Let me give you the kicker. All of your hours can be transferred to upper level colleges and universities, but if you make a bad decision and go to a for-profit college, different things happen. You end up with a real debt for that first year out of high school and guess what. Virtually none of the credit hours you take at that for-profit school can be transferred to any other college or university. That is the reality of what students face.

Of the programs that saddled students with too much debt compared to the income students receive after the programs end, I have looked at all of the student debt and all of the jobs of all of the graduates across the United States, it turns out, 98 percent of the students who couldn’t pay off their student loans after graduating went to for-profit colleges and universities. That was the 2016 analysis. That is what led to the gainful employment rule.

This is cruel to take a young person who is doing just what they were told to do—to go to college, get a degree, don’t quit with debt. If you add them with debt, make an empty promise about what is going to happen after they graduate, and then they find themselves in a job they can’t pay off their student loan. Let me give you a specific example so you can really understand what we have run into.

The digital photography program at the Illinois Institute of Art in Schaumburg. When I call their operation the Illinois Institute of Art, instead of the Art Institute of Chicago.

They are owned by a for-profit giant, the Education Management Corporation. They failed the gainful employment rule in the year 2016. Listen to what it wrote on their website for students who wanted to enroll:

‘There’s a market for people who constantly find innovative ways to fill the world with their ideas and insights. And Digital Photography can help you make a positive impression when you’re ready to match your talents against the competition. From the very start of your development, both creatively and technically . . . it’s a step-by-step process that’s all about preparing you for a future when you can do what you love.’

That is what is on the website for the high school student who likes the idea of majoring in digital photography at the Illinois Institute of Art in Schaumburg. Boy, doesn’t that sound good?

So let’s contrast that with what the gainful employment rule found about that particular program. Get ready. Do you know what the total cost of the digital photography course was at the Illinois Institute of Art, the for-profit school—total cost of tuition, fees, books, and supplies to prepare you to be a digital photographer? It is $88,000—$88,000. It gets better. That is if you live off campus.

Do you live on campus? The company helps you find an apartment nearby. Over the 4 years, it is an additional $56,000.

Let’s do the quick math here. That is $144,000 in debt, finishing 4 years, majoring in digital photography at the Illinois Institute of Art. How many students have to borrow money to do that? Eighty four percent of the student who went to that school and took digital photography had to borrow the money.

Guess what the typical graduate of the Illinois Institute of Art in Schaumburg, IL, in the digital photography course earns after leaving the program. Do you remember that promise on their website? How much do they earn? On average, it is $20,493—$20,493.

Here is a quick calculation. What if I am being paid the minimum wage in America? In Illinois, it is $9.25 an hour. Well, I would be making right around $18,500 a year in a minimum-wage job. I have to go to the Illinois Institute of Art in Schaumburg to take the digital photography course and instead of making $18,500 a year, I am making $20,493. That is almost $2,000 more a year. Oh, I forget. I forgot $144,000 in debt that I also have. Let’s do the math. How many years of an additional $2,000 to pay off $144,000? It is only 72 years, and you would be able to pay off your student debt in a year or two.

These people ought to be ashamed of themselves, and we ought to be ashamed of ourselves that we are supporting this kind of fraudulent activity at the expense of students who were just trying to get a good education.

That is why we wrote this gainful employment rule, to say to the Illinois Institute of Art and those just like them: Stop it. Stop fleecing these kids, stop burying them in debt. Incidentally, many times parents and even grandparents sign on for that debt too.

You know something else you ought to remember? Of all the debts you could incur in life, there are only a handful of them that can never be discharged in bankruptcy. Student Loans would happen to be in that category. Do you know what that means? No matter how bad it gets—and it could get to the point where you have no income whatsoever—it is bad, it gets, you can’t go to the courts and say: Please, turn me free. Discharge this debt in bankruptcy. Give me a chance to start all over again.

You can do it with your home mortgage. You can do it with an auto loan. You can do it if you have a loan for a boat but not with student loans. It is with you for a lifetime.

We have had cases where Grandma decided to help her granddaughter by cosigning the note at one of these miserable schools. The granddaughter couldn’t pay back the student loan, and they went after Grandma’s Social Security payments. That is what this is all about. That is how serious this can become.

There is no way students leaving that digital photography program at this for-profit college in Schaumburg will ever repay their loans making that much. Under the gainful employment rule, if the Illinois Institute of Art doesn’t change its program or lower its price or help its students get better jobs, we would stop providing student loans to the students who are engaged in that program. We are not going to be complicit—we shouldn’t be—in this fraud. The rule requires schools to post their gainful employment data online using a new, easy-to-read disclosure so students can read what happened to other students who took photography course. Did they get jobs? How much did they earn?

That is also one of the requirements of the gainful employment rule. It requires schools to list all warnings to students in advertising and marketing materials about failing programs so they know before they sign up—they know before they go in debt.

Think about what these disclosures and warnings might have meant to Ami Schneider from Hoffman Estates, IL. Ami went to this notorious art institute—the Illinois Institute of Art—
the Schaumburg digital photography program from 2007 to 2010. She wrote me a letter and told me her story. Ami said she moved out of her parents’ house at age 19, and after a few years, realized she couldn’t have the life she was thinking of because of the debt. She was working. She was getting 50-cent-an-hour raises every year. She said: I wanted to pursue a career, and I really was serious. I was passionate about it. She visited this Illinois Institute of Art campus in Schaumburg. ‘I went into [the school],’ she wrote me. ‘I met them and they fed me all these success stories. They told me they had [an] excellent place’ program.

What do you think would have happened if they would have told Ami that at the end of the day, she would have been making slightly more than minimum wage after taking all these courses and incurring all this debt? What if they had been required to tell Ami that employers wouldn’t accept her diploma if she would never pay off her student loan? Well, Ami and tens of thousands of students like her across the country would have been spared from a hardship that can change their lives. Ami says she visited the Illinois Institute of Art “ended up ruining my life.” In her twenties, she made a decision to go to college, got so deeply in debt, and can’t pay it back.

The program culminated in a portfolio show where the students displayed their best work. Do you know how many employers—after Ami finished the course and did her display—do you know how many employers showed up for Ami’s class portfolio show at the Illinois Institute of Art? None. Not one.

Ami and her family who took out the loans to help her now hold more than $100,000 in student loan debt from her time at the Illinois Institute of Art. She is stuck with a degree which, as she said, she “considered a joke.”

Using the questionable legal authority, which she claims she has, the new Secretary of Education, Betsy DeVos, has decided to delay for a year the requirement that schools warn students about too much government regulation. If you were Ami Schneider or her parents, would you consider a disclosure to students about the real results of their education, a disclosure to students about the debt they are going to incur and the income they are likely to earn overregulation by the Federal Government?

We are putting a lot of money on the line to give $100,000, at least, of the Federal taxpayer’s dollars to go to school, but she has to promise to pay it back. If she defaults, that money isn’t paid back into the Treasury. For the good of the taxpayers as well as for her family, we should have some basic regulations, some basic accountability. DeVos is claiming the rule is unfair and arbitrary, the Department of Education Inspector General agreed with the assertion that it was a good rule in terms of protecting kids and protecting taxpayers. I am proud to say that Ami and many of the other Illinois Institute of Art veterans, including Lisa Madigan in my home State of Illinois, veterans groups, and student advocates. Secretary DeVos said the gainful employment rule has been “repeatedly . . . overturned by the courts.” Wrong. In effect, since it went into effect in 2015, every Federal court it has been in front of has upheld the underlying rule. The Secretary is just plain wrong.

It is time for Secretary DeVos and the Trump administration to stop aiding and abetting for-profit colleges that defraud students and bilk taxpayers.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

THE ACTING PRESIDENT pro tempore, The Democratic leader is recognized.
Bloomberg TV that tax reform will have to be revenue-neutral, so that one doesn’t seem to be it. Again, I would like to hear what he has to say explicitly so that we can work together.

It leaves us with the first principle: no tax breaks for the top 1 percent. Here again, I understand why the majority leader and my Republican friends don’t want to come out and say that this is the reason they have decided to pursue a tax bill on their own, but it almost certainly is.

Tax cuts for the wealthy are extremely unpopular with the American people—and for good reason. The top 1 percent of this country takes 20 percent of our income, a great percentage of its wealth. The wealthy are doing well. God bless them. Their incomes are going up at a faster rate than those of anybody else, but when we are talking—

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The focus of the stock market is on people at the highest end. Many will dispute whether President Trump deserves credit for it, but whether you think so or you don’t—I don’t, by and large—it is not what the American people are looking for, and it is not a basis for bragging about the economy.

Well, going back to taxes—the American people will rebel against a tax cut for the wealthy, so the Republicans clearly will not talk about it in their plan. They will give a crumb to the wealthy by lowering the middle class, a massive giveaway to the already fortunate. I can see no other reason why they object to these three very reasonable, very popular principles other than that, and we hope they will not try to sneak it through in the same partisan process.

IMMIGRATION

Finally, Mr. President, a word on immigration: Yesterday, I heard the President railing against migrant workers and wrapping his arms around the Cotton-Perdue bill. The bill goes after hard-working people who want to play by the rules, contribute to our economy, and earn citizenship, while doing nothing to address the unscrupulous practices of employers who abuse our visa programs to resource jobs and displace American workers.

Here is what I would like to focus on. The President has this nice announcement that he is cutting back on immigration, but a month ago he actually increased the number of H-2B visas—a program the President knows well. Why? A lot of those with H-2B visas work in hotels. I don’t know how many, but I bet a good number are in Trump Hotels. So when the President actually locates businesses in his own businesses, he says: Slash it. Those two are complete contradictions. To hold both of those views is to hold hypocritical views.

The President wants to talk about immigration because he thinks the politics are to his advantage, but, in truth, his immigration policy has a stunning hypocrisy at the core of it. The President criticizes and seeks to limit almost every immigration program except the one that benefits his own business.

I yield the floor.

The ACTING PRESIDENT pro tempore.

The Senator from Maine, Mr. COLLINS. Thank you, Mr. President.

I rise in support of the Food and Drug Administration Reauthorization Act that we are now considering. Let me begin by complimenting LEXANDER and Ranking Member MURRAY of the Senate Health, Education, Labor, and Pensions Committee for their leadership in bringing this important legislation to the Senate floor. This bill is the product of bipartisanship; bicameral work and is proof that we can make progress when we work together on the areas where we can find agreement.

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original brand name pharmaceutical had expired, there were these companies that were not traditional pharmaceutical companies—they were not firms that had invested hundreds of millions in R&D in order to develop a new prescription drug. That is not what we are talking about. We are talking about these pharma companies—I call them hedge fund pharma—that wait until the patent has expired, then buy the pharmaceutical drug and virtually overnight impose egregious prices. None of the executives of these companies, when asked why they did so, answered simply “because I can.”

Obviously, that has a very detrimental impact on patients, on healthcare providers, on insurers, and on Federal programs such as Medicaid and Medicare.

So building on our investigation, Senator McCaskill and I sponsored legislation, called the Making Pharmaceuticals More Competitive Act, to foster a more competitive generic marketplace and to improve access for affordable medicines. That is key. If we can have more competition in the prescription drug marketplace, that will drive down costs, and that is what drives down prices. We know that from our experience when generic drugs come on the market.

The bill that we are considering today that is based on our legislation includes key provisions which were adopted unanimously as an amendment that I sponsored during the committee markup.

First, our provisions would require the FDA to prioritize the review of certain generic applications. It would set a clear timeframe of no more than 8 months for the FDA to act on such applications where there is inadequate generic competition. This would help to resolve situations in which there are drug shortages as well as circumstances in which there are not more than three approved competitors on the market.

The Aging Committee’s investigation into sudden price spikes found that older drugs with only one manufacturer and no generic competitor are particularly vulnerable to dramatic and sudden price increases.

One company that we investigated, Turing Pharmaceuticals, increased the price of a drug called Daraprim, which is a lifesaving drug for serious parasitic infections, from $13.50 a pill to $750 a pill—an increase of more than 5,000 percent—and they did so literally overnight. Now, keep in mind that this company, Turing Pharmaceuticals, had nothing to do with the costly research and development that brought about this lifesaving drug, known as Daraprim, but after they bought the drug—after the patent had expired and they saw that there was no generic competitor—they increased the price overnight by 5,000 percent. This price hike for a drug that has remained unchanged since 1953 is unacceptable and underscores the urgent need for legislation to prevent bad actors from taking advantage of a noncompetitive marketplace.

Second, the bill would improve communications between the FDA and the eligible sponsors prior to the submission of an application for the approval of a generic drug. That would improve the quality of applications from the beginning, increasing the chances of successful approval by the FDA.

Third, new requirements would provide increased transparency into the backlog of applications for drug approvals and pending generic and priority review applications.

Fourth, this bill would provide the public with accurate information about drugs with limited competition. Drug manufacturers would be required to notify and provide rationale when removing a drug from the market, and the FDA would be required to publicly post down costs, and that is what drives down prices. We know that from our experience when generic drugs come on the market.

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Mr. ENZI. Mr. President, I yield back all time.

The ACTING PRESIDENT pro tempore. All time is yielded back.

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. The Senator from Tennessee.

The PRESIDING OFFICER. ORDER OF PROCEEDINGS.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that after the disposition of the Brouillette nomination, the Senate resume consideration of the motion to proceed to H.R. 2430, that all postcloture time be expired, and the motion to proceed be agreed to; further, that there be no amendments in order to H.R. 2430, that there be 10 minutes of debate equally divided in the usual form, and that following the use or yielding back of that time, the bill be read a third time and the Senate vote on passage of the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

JESSIE’S LAW

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 581 and the Senate proceed to its immediate consideration.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Manchin-Capito substitute amendment be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 752) 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 “Jessie’s Law”.

SECTION 2. INCLUSION OF OPIOID ADDICTION HISTORY IN PATIENT RECORDS.

(a) BEST PRACTICES.—(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with appropriate stakeholders, including a patient with a history of opioid use disorder, an expert in electronic health records, an expert in the confidentiality of patient health information and records, and a health care provider, shall identify or facilitate the development of best practices regarding—

(A) the circumstances under which information that a patient has provided to a health care provider regarding such patient’s history of opioid use disorder should, only at the patient’s request, be prominently displayed in the medical record (including electronic health records) of such patient; and

(B) what constitutes the patient’s request for the purpose described in subparagraph (A); and

(C) the process and methods by which the information should be so displayed.

(b) REQUIREMENTS.—In identifying or facilitating the development of best practices under subsection (a), as applicable, the Secretary, in consultation with appropriate stakeholders, shall consider the following:

(1) The potential for addiction relief or overdose, including overdose death, when opioid medications are prescribed to a patient recovering from opioid use disorder.

(2) The importance of protecting patient privacy, including the requirements related to consent for disclosure of substance use disorder information under all applicable laws and regulations.

(3) The importance of prominently displaying information about a patient’s opioid use disorder when a medication professional is prescribing medication, including methods for avoiding alert fatigue in providers.

(4) The importance of a variety of appropriate medical professionals, including physicians, nurses, and pharmacists, to have access to information described in this section when prescribing or dispensing opioid medication, consistent with Federal and State laws and regulations.

(5) The importance of protecting patient privacy, including the requirements related to consent for disclosure of substance use disorder information under all applicable laws and regulations.

(6) All applicable Federal and State laws and regulations.

The bill (S. 581), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

BETTER EMPOWERMENT NOW TO ENHANCE FRAMEWORK AND IMPROVE TREATMENTS ACT OF 2017

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 1052 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The legislative clerk read as follows:

(Rollcall Vote No. 185 Leg.)

YEAS—96

Alexander  Flake  Murray
Baldwin  Fischer  Nelson
Barrasso  Gardner  Paul
Bennet  Gillibrand  Perdue
Blumenthal  Graham  Peters
Blunt  Grassley  Portman
Boozman  Harris  Reed
Boozman  Hassan  Risch
Brown  Hatch  Roberts
Cassidy  Heinrich  Rounds
Capito  Heitkamp  Rubio
Cardin  Heller  Sasse
Capito  Hoeven  Schatz
Cassidy  Inhofe  Scott
Coons  Johnson  Shaheen
Collins  Kaine  Shelby
Cochran  Kennedy  Stabenow
Corker  King  Strange
Coryn  Klobuchar  Sullivan
Cortez Masto  Lankford  Tester
Cotton  Leahy  Thune
Crapo  Lee  Tillis
Cruz  Manchin  Toomey
Daines  Murray  Udall
Donnelly  McCaskill  Van Hollen
Durbin  McConnell  Warner
Durbin  Menendez  Warner
Emi  Merkley  Whitehouse
Ernst  Moulton  Wyden
Feinstein  Markowski  Wyden
Fischer  Murphy  Young

NAYS—1

Sanders

NOT VOTING—3

Burr  Inhofe  McCain

August 3, 2017
The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1052) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows: S. 1052

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 “Better Empowerment Now to Enhance Framework and Improve Treatments Act of 2017” or the “BENEFIT Act of 2017”.

SEC. 2. STRENGTHENING THE USE PATIENT-EXPERIENCE DATA WITHIN BENEFIT-RISK FRAMEWORK.

Section 569C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb–8c) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “;” and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting “; and”;

and

(C) by adding at the end the following:

“(C) as part of the risk-benefit assessment framework in the new drug approval process described in section 505(d), considering relevant patient-focused drug development data, such as data from patient preference studies (benefit-risk patient reported outcome data, or patient experience data, developed by the sponsor of an application or another party);”;

and

(2) in subsection (b)(1), by inserting “, including a description of how such data and information were considered in the risk benefit assessment described in section 505(d)” before the period.

The PRESIDING OFFICER. The Senator from Wisconsin.

TRICKETT WENDLER RIGHT TO TRY ACT OF 2017

Mr. JOHNSON. Mr. President, in about 5 minutes, I am going to be asking for consent to pass the Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Belina Right to Try Act of 2017.

If I may, I am going to ask the consent of the Senate to pass the Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Belina Right to Try Act of 2017.

There are so many patients face a similar type of disease, where there are no hope, where there are no further options, other than potentially an experimental drug that has been proven safe, according to the FDA.

In our press conference announcing the introduction of this bill, we had met Matthew Belina, a naval aviator and lieutenant commander—one of the finest among us—also stricken with ALS. We had little Jordan McLinn, a little boy with Duchenne muscular dystrophy, and his mother Laura was speaking at that press conference. Remarkably, a man also stricken with ALS, his wife, Marilyn, and their children asked to speak. He made such an impression on our gathering, which encapsulated that press conference, particularly his speech in a video that I showed to my colleagues, which resulted in so many cosponsorships of this bill.

These are real people facing their mortality with no hope. This right-to-try piece of legislation will give those individuals and their families hope.

I want to thank my lead co-sponsor from across the aisle, Senator JOE DONELLY, who is in the Chamber here today, and also Senator KING and Senator MANCHIN, who decided not to play any politics whatsoever and also were willing to put his bill offered by somebody who was in a tough re-election fight. I want to thank my 43 Republican cosponsors, particularly Senator MCCONNELL. As leader, he was one of the first cosponsors who helped me to get the other 42 cosponsors. I want to particularly thank Chairwoman ALEXANDER and Ranking Member MURRAY, who have worked so cooperatively with me and my staff to make this moment possible. I would like to thank Vice President PENCE, who also met Frank Mongiello and became a real advocate for this, and President TRUMP, who after meeting these types of victims—these individuals—also supported this piece of legislation.

I wish to thank Dr. Delpassand, who really championed the FDA to allow another 78 patients to participate in the trial. The problem of a substitute was agreed to, as amended, be considered made and laid before the period.

The PRESIDING OFFICER. The Senator from Wisconsin.

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

The amendment (No. 753) 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 “Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Belina Right to Try Act of 2017”.

SEC. 2. USE OF UNAPPROVED INVESTIGATIONAL DRUGS BY PATIENTS DIAGNOSED WITH A TERMINAL ILLNESS.

(a) In General.—Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting after section 561A (21 U.S.C. 360bb–b) the following:

“SEC. 561B. INVESTIGATIONAL DRUGS FOR USE BY ELIGIBLE PATIENTS.

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

“(1) the term ‘eligible patient’ means a patient—

“(I) who has been diagnosed with a life-threatening disease or condition (as defined in section 312.81 of title 21, Code of Federal Regulations (or any successor regulations));

“(II) who has exhausted approved treatment options and is unable to participate in a clinical trial involving the eligible investigational drug, as certified by a physician, who—

“(i) is in good standing with the physician’s licensing organization or board; and

“(ii) will not be compensated directly by the manufacturer for so certifying; and

“(III) who has provided to the treating physician written informed consent regarding the eligible investigational drug; or, as applicable, on whose behalf a legally authorized representative of the patient has provided such consent;

“(2) the term ‘eligible investigational drug’ means an investigational drug (as such term is used in section 561)—

“(A) for which a Phase 1 clinical trial has been completed;

“(B) that has not been approved or licensed for any use under section 505 of this Act or section 351 of the Public Health Service Act;
(C)(i) for which an application has been filed under section 505(b) of this Act or section 351(a) of the Public Health Service Act; or

(ii) that is under investigation in a clinical trial that—

(I) is intended to form the primary basis of a claim of effectiveness in support of approval under section 505 of this Act or section 351 of the Public Health Service Act; and

(II) is the subject of an active investigational new drug application under section 505(i) of this Act or section 351(a)(3) of the Public Health Service Act, as applicable; and

(D) the active development or production of which has not been discontinued by the manufacturer or placed on clinical hold under section 505(i); and

(3) the term ‘phase I trial’ means a phase 1 clinical investigation of a drug as described in section 312.21 of title 21, Code of Federal Regulations (or any successor regulations).

(b) EXEMPTIONS.—Eligible investigational drugs provided to eligible patients in compliance with this section are exempt from sections 502(f), 503(b)(4), 505(a), and 505(i) of this Act, section 351(a) of the Public Health Service Act, as applicable; and section 367 of title 21, Code of Federal Regulations (or any successor regulations), provided that the sponsor of such eligible investigational drug or any manufacturer, distributor, prescriber, distributor, or other individual; and

(1) the Secretary makes a determination, in accordance with paragraph (2), that such clinical outcome is critical to determining the safety of the eligible investigational drug; or

(2) the sponsor requests use of such outcome.

(2) LIMITATION.—If the Secretary makes a determination under paragraph (1)(A), the Secretary shall provide written notice of such determination to the sponsor, including a public health justification for such determination, and such notice shall be made part of the administrative record. Such determination shall not be delegated below the directorate level of any such agency and shall be subject to preadoption review by the commissioner of the Public Health Service and the commissioner of the Public Health Service.

(3) REPORTING.—If the sponsor of such eligible investigational drug notifies the Secretary of the planned clinical trial, the Secretary shall promptly submit to the Secretary of Health and Human Services a written notification of the clinical trial.

(3) The term ‘clinical trial’ means a phase 1 clinical investigation of a drug as described in section 312.21 of title 21, Code of Federal Regulations (or any successor regulations) that apply to investigational drugs.

(c) USE OF CLINICAL OUTCOMES.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Public Health Service Act, or any other provision of Federal law, the Secretary may not use a clinical outcome associated with the use of an eligible investigational drug pursuant to this section to delay or adversely affect the review or approval of such drug under section 505 of this Act or section 351 of the Public Health Service Act, unless—

(A) the Secretary makes a determination, in accordance with paragraph (2), that such clinical outcome is critical to determining the safety of the eligible investigational drug; or

(B) the sponsor requests use of such outcome.

(2) LIMITATION.—If the Secretary makes a determination under paragraph (1)(A), the Secretary shall provide written notice of such determination to the sponsor, including a public health justification for such determination, and such notice shall be made part of the administrative record. Such determination shall not be delegated below the directorate level of any such agency and shall be subject to preadoption review by the commissioner of the Public Health Service and the commissioner of the Public Health Service.

(3) REPORTING.—If the manufacturer or sponsor of an eligible investigational drug shall submit to the Secretary an annual summary of any use of such drug under this section. The summary shall include the number of doses supplied, the number of patients treated, the uses for which the drug was made available, and any known serious adverse effects. The Secretary shall specify by regulation the deadline of submission of such biennial summary and may amend section 312.33 of title 21, Code of Federal Regulations (or any successor regulations) to require the submission of such annual summary in conjunction with the annual report for an applicable investigational new drug application for such drug.

(2) POSTING OF INFORMATION.—The Secretary shall post an annual summary report of the use of under this section on the Internet website of the Food and Drug Administration, including the number of drugs for which clinical outcomes associated with the use of such drug for such investigational drug pursuant to this section was—

(A) used in accordance with subsection (c)(1)(A); or

(B) used in accordance with subsection (c)(1)(B); and

(C) not used in the review of an application under section 566 of this Act or section 367 of the Public Health Service Act.

(b) No LIABILITY.—

(1) ALLEGED ACTS OR OMISSIONS.—With respect to any alleged act or omission with respect to an eligible investigational drug provided to eligible patients in compliance with this section, no liability in a cause of action shall lie against—

(A) a sponsor or manufacturer; or

(B) a prescriber, dispenser, or other individual; and

(2) DETERMINATION NOT TO PROVIDE DRUG.—No liability shall lie against a sponsor manufacturer, prescriber, dispenser or other individual entity for its determination not to provide access to an eligible investigational drug under section 561B of the Federal Food, Drug, and Cosmetic Act and in compliance with such section, that is under investigation in a phase 1 clinical trial that—

(i) is in compliance with the applicable requirements set forth in sections 312.6, 312.7, and 312.8(d)(1)(i) of title 21, Code of Federal Regulations (or any successor regulations) that apply to investigational drugs.

(ii) that is under investigation in a clinical trial that—

(A) the Secretary makes a determination, in accordance with paragraph (2), that such clinical outcome is critical to determining the safety of the eligible investigational drug; or

(B) the sponsor requests use of such outcome.

(iii) does not establish any new mandates, modify an existing entitlement, or otherwise affect the criteria and procedure described in such section.

(3) LIMITATION.—Except as set forth in paragraphs (1) and (2), nothing in this section shall be construed to modify or otherwise affect the pre-existing right of any person to bring a private action under any State or Federal product liability, tort, consumer protection, or warranty law.

SECTION 3. SENSE OF THE SENATE.

It is the sense of the Senate that section 561B of the Federal Food, Drug, and Cosmetic Act, as added by section 2—

(I) A LLEGED ACTS OR OMISSIONS .—With respect to any alleged act or omission with respect to an eligible investigational drug provided to eligible patients in compliance with this section, no liability in a cause of action shall lie against—

(A) a sponsor or manufacturer; or

(B) a prescriber, dispenser, or other individual; and

(2) DETERMINATION NOT TO PROVIDE DRUG.—No liability shall lie against a sponsor manufacturer, prescriber, dispenser or other individual entity for its determination not to provide access to an eligible investigational drug under section 561B of the Federal Food, Drug, and Cosmetic Act and in compliance with such section, that is under investigation in a phase 1 clinical trial that—

(i) is in compliance with the applicable requirements set forth in sections 312.6, 312.7, and 312.8(d)(1)(i) of title 21, Code of Federal Regulations (or any successor regulations) that apply to investigational drugs.

(ii) that is under investigation in a clinical trial that—

(A) the Secretary makes a determination, in accordance with paragraph (2), that such clinical outcome is critical to determining the safety of the eligible investigational drug; or

(B) the sponsor requests use of such outcome.

(iii) does not establish any new mandates, modify an existing entitlement, or otherwise affect the criteria and procedure described in such section.

(3) LIMITATION.—Except as set forth in paragraphs (1) and (2), nothing in this section shall be construed to modify or otherwise affect the pre-existing right of any person to bring a private action under any State or Federal product liability, tort, consumer protection, or warranty law.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Dan R. Brouillette, of Texas, to be Deputy Secretary of Energy.

The PRESIDING OFFICER. There will now be 15 minutes of debate equally divided in the usual form.

The Senator from Washington.

FDA REAUTHORIZATION BILL

Mrs. MURRAY. Mr. President, I want to say I am really pleased we are moving forward on the FDA Reauthorization Act today. This is really a great example about how Congress can actually work together on health issues and compromise and solve challenges by putting patients and families first.

As my colleagues well know, these so-called user fee agreements are essential to supporting FDA’s operation and mission. They allow FDA to meet the complex challenges of the 21st century technology and the movement toward precision medicine, and they help ensure that FDA upholds the gold standard of approval while evaluating new drugs and devices quickly. But simply, passing the FDA Reauthorization Act is absolutely necessary if Congress wants to advance safe, effective
and innovative medical products for patients and families across the country.

I would add, when we pass this reauthorization today, more than 5,000 employees at FDA will be able to continue their critical work without worry of interruption, employees that worked every day to protect the health and families and advance medical innovations to patients.

So I am really pleased to have worked alongside the chairman of our HELP Committee, the Senior Senator from Tennessee, and all of our colleagues on and off the committee to bring to the floor these finalized agreements.

They truly reflect years of negotiation between FDA and the industry, incorporate input from patient and consumer groups, and support some of our most urgent priorities: restructuring the generic drug user fees, building up the Biosimilars Program, making sure perspectives are considered in drug and device development, and advancing many of the policies we passed as part of the 21st Century Cures Act.

In addition to those agreements, the FDA Reauthorization Act includes priorities and provisions from Members across the political spectrum, so I again want to thank Chairman Alexander and all my colleagues, in particular, Senators Casey, Franken, and Warner work to improve medical device safety; Senators Hassan and Young on their provision to get better information to providers about opioids; Senators McCaskill, Franken, and Collins for their commitment to improving the generic drug market; and Senators Bennett, Van Hollen, and Rubio for their drive to get new medicine for kids with cancer.

I really want to thank my staff and Chairman Alexander’s staff who worked well together over months of hard work to get this done.

Mr. President, this bill advances several significant bipartisan priorities I am proud to support. As many know, the HELP Committee has a strong tradition of bipartisan success in these user fee agreements, and I am very proud to say we have kept it this way. I think this bill not only improves FDA, but it also shows that when we work together with a common goal, we can get things done and make progress.

I thank the chair and my partner, Senator Alexander.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I see Senators Starksen and Tester are here. I think they want to make remarks before the vote.

Let me say a few words following up on Senator Murray, and then I will place the rest of my comments in the Record.

This is very important legislation. Last year, we passed the 21st Century Cures Act to move these modern medical miracles into medicine cabinets and doctors’ offices more rapidly. This is funding that pays for one-quarter of the Food and Drug Administration, which has a critical role in approving the safety and effectiveness of drugs, treatments, and devices. As with most things in the Senate that actually are important and work well and get a result, a lot of hard work has gone into this.

It started 2 years ago with Republicans and Democrats; Senator Murray and I and our staffs working together with the House of Representatives at the same time, working with manufacturers, the FDA, many others, working out many differences of opinion. So now we are going to get to a result within a few minutes. We are probably going to adopt this by voice vote almost unanimously. Everyone will say that must have been easy. It wasn’t that easy, but it is how work gets done in the U.S. Congress. I want to comment on our colleagues and the staff of the House of Representatives on what they have done. We will continue to focus our attention in the 21st Century Cures Act. A piece of legislation is not worth the paper it is printed on unless it is implemented properly, but this funding today, done in a timely way, says to the men and women who work at the Food and Drug Administration and to their leader, Dr. Gottlieb: We value what you do.

In the 21st Century Cures Act, we gave the Commissioner more authority to hire and pay talented people to work at FDA and approve these medical miracles that are ongoing. We are reauthorizing the user fees in a timely way so the FDA’s work will not be interrupted.

I thank Senator Murray for the way she worked on this. This is typical of our committee when we work well, which we most always do.

I will make remarks in the RECORD concerning the staff. They are almost too numerous to mention. Senator Murray’s staff, Chairman Walden’s staff, Ranking Member Pallone’s staff, Food and Drug Administration staff, Congressional Budget Office legislative counsel, and Senator McConnell’s staff—they have all been critical to the success we are about to have today.

I would like to thank the staff who have been devoted to reauthorizing these important programs. Some of them have worked on this bill for over 2 years. I am deeply grateful to them. I have deep appreciation for their hard work, their ingenuity, and their skill in helping us come to this result. Without their hard work and tireless efforts, they couldn’t have been able to pass this before the deadline, ensuring the FDA can continue its important mission.

On Senator Murray’s exceptional staff, I would like to thank Evan Schatz, John Righier, Nick Bath, Andi Fristedt, and Remy Brim.

On my hard-working and dedicated staff, I would like to thank David Cleary, Lindsey Seidman, Allison Martin, Mary-Sumper Lapinski, Grace Stuntz, Margaret Coulter, Curtis Vann, Lowell Schiller, Bobby McMillin, Liz Wolgemuth, Margaret Atkinson, Taylor Haulsee, Elizabeth Gibson, and Anthonia Birk.

On Chairman Walden’s staff, I would like to thank Ray Baum, Paul Edattel, and John Stone.

On Ranking Member Pallone’s staff, I would like to thank Jen and Tiffany Guarascio, and Kimberly Tezciak. I would also like to thank much of the hard-working staff from the Food and Drug Administration who provided great help in getting this bill completed and working out the user fee agreements in a timely manner. From legislative counsel from the House and Senate, I would like to thank Warren Burke, Michelle Vanek, Kim Tamber, and Katie Bonander.

On Congressional Budget Office, I would like to thank Darren Young, Andrea Noda, Chad Chirico, Holly Harvey, Ellen Werble, and Rebecca Yip.

On Senator McConnell’s staff, I would like to thank Scott Raab.

On Speaker Ryan’s staff, I would like to thank Matt Hoffman.

Finally, I would like to thank all the patients, doctors, researchers, innovators, thought leaders, and experts who dedicated time and expertise to helping improve the legislation and supporting its approval.

To reiterate, today the Senate will take up and I expect it will pass the Food and Drug Administration Reauthorization Act of 2017 to speed cures and treatments into patients’ medicine cabinets.

Last year, 94 Senators voted to pass 21st Century Cures and send $4.8-billion to our medical research at the National Institutes of Health.

Leader McConnell called it the “most important piece of legislation” that year.

Today’s passage of the FDA user fees will help ensure advancements in research supported by 21st Century Cures actually make it to patients who are waiting.

The Food and Drug Administration is the agency responsible for making sure promising research supported by 21st Century Cures can turn into lifesaving treatments and cures.

This legislation we will vote on today includes four FDA user fee agreements which are set to expire on September 30—and will speed the agency’s ability to review new prescription drugs, generic drugs, biosimilar drugs, and medical devices and bring those treatments and cures to patients more quickly.

This legislation will reauthorize the authority for the FDA to accept user fees—paid by manufacturers of drugs and medical devices—that account for $8 to $9 billion over 5 years and is over a quarter of all FDA funding.

The reauthorizations are based on recommendations from industry and FDA after a thorough public process.
FDA posted meeting minutes after every negotiation and held public meetings before discussion began and to hear feedback on the draft recommendations last fall.

We began almost 2 years ago working in a bipartisan way to reauthorize and update user-fee agreements. We held 15 bipartisan Senate health committee briefings, including several with the House Energy and Commerce Committee.

In the Senate HELP Committee, we held two bipartisan hearings on these agreements—one in March and one in April of this year.

We heard from the FDA, witnesses representing the manufacturers of drugs and medical devices, and witnesses representing the patients who rely on the products they make.

Throughout this process, we have worked closely with the House. In April, the leaders of the Senate and House health committees released a discussion draft of bipartisan legislation to reauthorize and update the user-fee agreements and which reflected the recommendations sent to Congress by the FDA in January.

In May, the Senate HELP Committee overwhelmingly approved this legislation reauthorizing the user fees by a vote of 21 to 2. This also included over 20 provisions that were adopted in committee and were priorities for HELP members.

The bill includes provisions from Senators ISAKSON and BENNET to improve the medical device inspection process; Senators HASSAN and YOUNG to improve communication about abuse-deterrent opioid products; Senators ENZI and FRANKEN to encourage medical device development for children and make sure FDA has appropriate expertise to review devices for children; Senators ROBERTS, DONELLY, and BURR to allow more appropriate classification of prescription devices used with medical devices; Senators COLLINS, FRANKEN, McCASKILL, and COTTON to improve generic drug development and help lower prescription drug costs; Senators HATCH, BENNET, BURR, and CASEY to improve access to clinical trials for all patients; and Senators BENNET, RUBIO, VAN HOLLEN, and GARDNER to increase the development of new drugs to treat pediatric cancers and other diseases.

The House passed this user-fee legislation on July 12 by voice vote.

Now it is our turn to pass this bipartisan legislation that is integral to helping patients and families who rely on the lifesaving medical innovation that FDA is responsible for reviewing.

The goal of getting this to the President’s desk is an important one. If we do not pass this legislation before the end of September, FDA will begin sending layoff notices to more than 5,000 employees to notify them that they may be laid off in 60 days.

If we do not pass this bill, a FDA reviewer who gets started reviewing a cancer drug submitted to the agency in April could be laid off before the reviewer is able to finish his or her work. A delay in reauthorizing the user fees would not only harm patients and families who rely on medical innovation, but it would threaten biomedical industry jobs and jeopardize America’s global leadership in biomedical innovation.

I am glad the Senate is taking the step of voting on this legislation today. I look forward to supporting this important legislation in this bill and sending it to the President’s desk. I urge my colleagues to support it as well.

The PRESIDING OFFICER. The Senator from Georgia.

VETERANS LEGISLATION

Mr. ISAKSON. Mr. President, I rise for a moment to reflect on what was a great night for the U.S. Senate, the U.S. Government, for the population of our country but most importantly for those who served as veterans in the military.

Last night, the Senate agreed to significant legislation on three fronts to make the VA better and more responsive to our veterans.

Ranking Member TESTER and I have spent the entire year working toward making VA health the needs of the VA has so all these stories we see on the front page of papers, stories about there being unsafe conditions, stories about people being mistreated, stories of people having to wait so long for their appointments—we want to put an end to all this, and we have given the Secretary the tools to do exactly that.

I was telling the ranking member this is called ‘no excuses day.’ Secretary Shulkin will have no excuses for any mistakes to be made. Every tool he needs in his toolbox to see that the Veterans’ Administration is responsible to the veterans of the United States of America passed in this Senate.

We had six major bills the first 7 months of this year, a remarkable achievement, a testimony to teamwork, to staff, and to the leadership of the Republican and the Democratic Parties. The majority and minority leaders of this Senate made it possible for that to happen last night. I am eternally grateful to both of them for their support and help.

I am not going to read all the names of the staff now because we are in limited time. I ask unanimous consent that the names of every staff member who worked with the VA Committee to make it the best year ever be printed in the RECORD.

Credit is given to captains, Presidents, and people with titles. Senator TESTER and I have the titles, when it comes to the VA Committee, but the reason the VA Committee was successful in accomplishing every single goal, was because of every ranking file member, Republican or Democratic. We took our labels off, we put our armor on, and we plowed ahead. We didn’t say no to problems that looked like they were too hard. We said yes to solutions that looked like they made sense.

Veterans of the United States of America have better healthcare, better educational benefits, and a modern VA to deal with in the years ahead. I am proud to have been a part of it. I want to thank Senator TESTER for his contribution.

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

Staff on the Senate Committee on Veterans’ Affairs:

Tom Bowman, staff director, soon-to-be Deputy Secretary of VA; Amanda Meredith, deputy staff director, soon-to-be judge on the U.S. Court of Appeals for Veterans Claims; Leslie Campbell; Gretchen Blum; Maureen O’Neill; Adam Reece; David Shearman; Jillian Whipple; Kristen Hines; Thomas Coleman; John Ashley; Mitchell Sylvest; JoAnn Kirchner; Trey Kilpatrick; Jay Sulzmann; Ryan Evans; Salvador Ortega; and Amanda Maddox.

Mr. ISAKSON. I yield to Senator TESTER.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Thank you, Mr. President.

I want to thank Chairman ISAKSON for his work on the VA Committee. We have gotten a lot of work done the first part of this Congress because we communicated. We haven’t put up artificial barriers. We sat down and all realized taking care of our veterans is the cost of war. We need to do it and live up to the promises of these folks when they signed up. We have done pretty good work.

It is not only JOHNNY. It is not only myself. It is also the people who have served on that committee, many in the Chamber right now. I want to thank them for their commitment to making sure we live up to the promises we made our veterans, but it is about working together. It is about talking when we disagreed. We haven’t embarrassed one another. Quite frankly, this is the way it can work in this body when we start from a point of agreement rather than disagreement.

We have two bills already signed into law: an accountability bill, which holds VA employees accountable to the veterans, fires bad employees, protects whistleblowers; and the Veterans Choice Improvement Act, which makes VA the prime payer and reduces out-of-pocket expenses for veterans. Then, the bills we disagreed. We were too hard. We said yes to solutions that looked like they made sense.

Veterans of the United States of America have better healthcare, better educational benefits, and a modern VA to deal with in the years ahead. I am proud to have been a part of it. I want to thank Senator TESTER for his contribution.

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

Staff on the Senate Committee on Veterans’ Affairs:
The VA will do that. We will give them the tools to do that. It will simplify it and cut the red tape.

Veterans Choice funding is a fix to allow the private sector to fill in the gaps where the VA can’t provide healthcare. It will help recruit and retain doctors and nurses critically important, and it expands the capacity in the VA, which is critically important.

Then there is the “Forever” GI bill which eliminates the 15-year limit. It breaks down educational barriers and helps veterans transition into civilian life.

We have done some good work. We have done some good work for this body. We have done some good work, more importantly, for the veterans, and we need to continue on that line as we continue to address healthcare and we continue to address important issues like tax reform. It is about working together. It is about finding common ground. It is about taking everybody’s opinion into context and then drafting up bills.

Chairman ISAKSON and I have done that, and we are going to continue to do that. We have some more tough issues on the horizon. It is about taking a year and a half, but we are going to work together to make sure we do it and we do it right. With help from the committee and help from the Senate, we could have more successes.

I thank the chairman of the committee and thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, we are considering the nomination of Dan Brouillette to be the Deputy Secretary for the Department of Energy. Mr. Brouillette has a long history of distinguished service to our Nation. He is a veteran. He has served in the Department of Energy. He has been the staff director for the House Energy and Commerce Committee. More recently, he has held high-level posts in the private sector—first, as vice president at Ford, currently as senior vice president at USAA.

He has strong experience and thorough knowledge of the Department he has chosen to return to. He understands the work that its thousands of scientists undertake and the importance of financing their research efforts, especially in a time of constrained Federal budgets.

He recognizes the importance of our 17 National Labs and the Department’s responsibility for environmental management, including the cleanup of Cold War-era legacy sites. As second in command to Secretary Perry, Mr. Brouillette will oversee programs critical to our Nation’s cyber security, energy innovation, and scientific discovery.

Based on his hearings before the Energy and Natural Resources Committee, I am confident he is up for the challenge and ready for this role. I would urge all of my colleagues to support the nomination of Dan Brouillette to be the Deputy Secretary of the Department of Energy.

Mr. President, I yield all time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the Brouillette nomination?

Mr. RUBIO. 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. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. Burr), the Senator from North Dakota (Mr. Hoeven), the Senator from Oklahoma (Mr. Inhofe), and the Senator from Arizona (Mr. McCain).

The PRESIDING OFFICER (Mrs. FISCHER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 17, as follows:

(Rollcall Vote No. 186 Ex.)

YEAS—79

Alexander                      Paul
Balanced                      Perdue
Barrasso                      Peters
Bennet                        Portman
Blumenthal                    Risch
Blunt                         Roberts
Boozman                      Rounds
Brown                         Rubio
Casselwell                    Sasse
Cardin                        Schumer
Carper                        Scott
Casey                         Shaheen
Cassidy                       Shelby
Cochran                       Shumer
Collins                       Strange
Coons                         Sullivan
Corker                        Tester
Coryn                        Thune
Cotton                        Tillis
Crapo                        Toomey
Crus                         Udall
Daines                        Warner
Donnelly                      Wicker
Durbin                        Wyden
Ernest                      Young

NAYS—17

Booker                       Sanders
Cortez Masto                  Schatz
Duckworth                    Van Hollen
Franken                      Warren
Gillibrand                   Whitehouse
Harris                        Reed

NOT VOTING—4

Burr                         Inhofe
Hoeven                       McCain

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate’s action.

FDA REAUTHORIZATION ACT OF 2017—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session and consideration of the motion to proceed to H.R. 2430.

All postcloture time is expired. The motion to proceed is agreed to.

FDA REAUTHORIZATION ACT OF 2017

The PRESIDING OFFICER. The clerk will report the bill.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2430) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes.

The PRESIDING OFFICER. There will be 10 minutes of debate equally divided.

The Senator from Tennessee. Mr. ALEXANDER. Madam President, I thank Senator MURRAY and the committee for 2 years of work to produce a bipartisan result. This bill funds the Food and Drug Administration and advances the 21st Century Cures legislation that Senator MCCONNELL called the most important bill of the last Congress. Senator Murray and I have already spoken to the bill and have thanked everybody involved. Senators have other appointments they would like to keep.

I yield back all time.

The PRESIDING OFFICER. All time is yielded back.

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

The bill having been read the third time, the question is, Shall the bill pass?

Mr. BARRASSO. Madam President, 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 senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. Burr), the Senator from North Dakota (Mr. Hoeven), the Senator from Oklahoma (Mr. Inhofe), the Senator from Georgia (Mr. Isakson), and the Senator from Arizona (Mr. McCain).

Further, if present and voting, the Senator from Georgia (Mr. Isakson) would have voted “yea” and the Senator from North Dakota (Mr. Hoeven) would have voted “nay.”

The PRESIDING OFFICER (Mr. Sasse). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 1, as follows:
Across America, pediatric cancer is the leading cause of death for our children. Previously, companies with new treatments for adults studied their potential benefits for kids. Companies exploring medication for adult diabetes, for example, also researched its potential for use in children. This research is vital because it provides critical information to doctors for treating sick children. Specifically, it helps them ensure the safety of treatments and dosages they prescribe are safe for young bodies. But there was a gap in the law as it existed before we passed this law.

Drug companies with new, precision medicine for adult cancers did not have to study pediatric cancer treatments. That meant our kids continued to receive older treatments—some from the 1960s—which often had harmful side effects and consequences that can last a lifetime.

At the same time, breakthrough treatments have become available for adults, with better results and fewer harmful effects. While these treatments have great promise for kids, we were not doing enough to explore that potential.

Over the last 20 years, the Food and Drug Administration has approved 190 new cancer treatments for adults but just 3 new treatments for children. The FDA saw that gap, and they asked us to close it. That is precisely what the RACE for Children Act will do. For the first time in the country’s history, it would require drug companies to study the potential of promising adult cancer treatments for children, closing this gap in the law and opening the door to promising new treatments for children in need.

Before this bill, thousands of kids in America lacked access to cutting-edge treatments and precision medicine that could have made the difference in their struggle against cancer.

During my time in the Senate, I have seen the anguish of too many parents who learned not only that their child has cancer but that they have little or no options for treatment. This bill will give them more options. It will give them more hope.

For Delaney from Grand Junction, CO, this bill could have been lifesaving. She battled cancer for over 5 years but passed away a year ago when she was out of treatment options. I wish to dedicate our work on this bill to her and to all kids who are bravely battling cancer day in and day out around the world.

We also should dedicate it to everyone who called and wrote and shared their family stories over the past months. This bill would never have passed without their voices. For people interested in keeping the system the same way, it was the voices of these families—in many instances, people who faced horrible tragedies in their lives—who made this possible. Because they engaged in this process, we passed a bill that will give thousands of kids a better chance to beat cancer and reclaim their lives.

America leads the world when it comes to treating cancer. We pioneer the latest and safest treatments. Every American should have access to them, especially our kids, whose bright lives have just begun.

I want to recognize and acknowledge all of the pediatric cancer groups that came together to advance this bill, including pediatric advocates and researchers, and hospitals in Colorado and around the country.

I also want to acknowledge, as always, the great leadership provided by Ranking Member MURRAY, and their staff for their work on this and the FDA user fee bill.

Finally, I wish to thank my partner in this work, Senator Rubin, from Florida, for his leadership and passionate advocacy on behalf of our kids.

This bill is a reminder that, when we drop the political fights, we can focus on fights that truly matter, such as the fight against cancer, the fight for better healthcare in this country, and the fight for our kids and their future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

NORTH KOREA

Mrs. FISCHER. Mr. President, I come to the floor today to discuss the growing threat from North Korea. Last month, the North Koreans conducted two intercontinental ballistic missiles, or ICBM, tests. The first came as our Nation celebrated its Independence Day. The second test was conducted last week.

According to a number of reports, the second test demonstrated sufficient range to reach much of the United States. This increasing threat is a concern that I often hear about from Nebraskans.

For years, the United States has assessed North Korea to have an ICBM capability, but it was largely unproven. In his 5½ years in power, Kim Jong Un has conducted more missile tests than his father did during his 17-year reign. Under an aggressive testing program, North Korea has turned a theoretical ICBM capability into an undeniable reality.

Adding to the threat, they have made progress beyond ICBM technology. Over the past year, North Korea has conducted several tests of a submarine-launched ballistic missile. In February, the regime demonstrated a new solid-fueled, road-mobile ballistic missile. Altogether, these developments reveal a dedicated, sophisticated development program that is relentlessly pursuing weapons designed for no other purpose than to threaten the United States and our allies. The rapid pace of development also indicates an increasing need for a specialized industrial base within North Korea.

Questions still remain about the regime’s ability to miniaturize a nuclear warhead, deliver it accurately, and shield it from the stresses associated with launch and reentry. We should expect Kim Jong Un to overcome these obstacles if the status quo remains unchanged.
Admiral Harris, the commander of the U.S. Pacific Command, said in his testimony before the Senate Armed Services Committee earlier this year: “It is clearly a matter of when.”

This sense confirms that a drastic change is required. Our current multilateral efforts have not yielded the results needed to keep the world safe.

The failure of the United Nations Security Council to issue a statement condemning North Korea’s July 3 ICBM test was a step backward in the international effort to isolate and punish the regime for its illegal behavior. With Russia and China preventing any substantive action at the United Nations, I believe we must aggressively implement unilateral sanctions to punish the companies and the countries underwriting Pyongyang’s belligerence.

One thing is certain. The principal economic enablers of the Kim regime are China and Russia.

Beijing provides direct food and energy assistance to North Korea and is by far the largest market for North Korean exports, such as minerals. North Korean hackers reportedly conduct cyber theft operations from northern China, and almost all of North Korea’s internet access is provided via a fiber-optic cable running between those two nations. North Korea has also used Chinese banks to conduct transactions associated with its illicit proliferation activities and its criminal operations.

Russia’s economic ties are more limited, but the Russians have been known to import North Korean labor and provide energy supplies, including jet fuel, to Pyongyang.

These ties provide China and Russia with influence over North Korea. How have they used that influence? Instead of helping to restrain the regime, they appear to be rewarding its bad behavior. By ignoring or condemning secondary sanctions, Russia and North Korea increased by 85 percent in comparison to last year.

Some argue China is unwilling to impose harsh restrictions on trade with Pyongyang because it would risk the regime’s collapse and send a wave of North Korean refugees across their border. This argument might explain providing minimal assistance, but it does not justify bailing out the regime by forgoing border trade, nor does it explain why North Korean ballistic missiles are photographed being hauled by Chinese-made trucks.

China and Russia must believe the Kim regime serves their strategic interests.

For our purposes, these economic relationships are avenues through which we can impose costs on facilitating North Korea’s belligerent behavior. Congress gave President Trump broad authority to take action against the nations supporting the North Korean regime’s illegal activities, particularly those fostering the regime’s hostile cyber activities, weapons programs, abuse of human rights, and their criminal networks. It is time for the President to use his authority to show China and Russia that continued support of the North Koreans will harm their own interests.

The administration has already begun to implement such measures. In June, the United States announced sanctions against a Chinese bank, two Chinese individuals, and a Chinese entity for supporting the North Korean regime, with the hope that this warning shot has fallen on deaf ears, because there has been no change in their behavior.

Chinese officials are sticking to their talking points, and they are objecting to any measures so they don’t have to bear the costs of their own behavior. Take China’s reaction to South Korea’s decision to deploy the THAAD system. South Korea deployed a THAAD battery to improve the defenses against North Korea’s ICBM. This is a defensive system that poses no threat to China.

Yet how did China respond? They shut down South Korean-owned department stores. The South Korean conglomerate that owns the stores also owns the property where the THAAD system was deployed. Moreover, the conglomerate’s websites were hit by cyber attacks, and unofficial restrictions appear to have been imposed on South Korean cosmetics and South Korean tourism.

It is clear that the Chinese view North Korea through a narrow lens of immediate strategic interest. That is how we must target our actions. By rigorously applying sanctions, we can make clear to China and any other nation doing business with the North Korean regime that continued support for the DPRK will harm their interests.

Of course, sanctions are not a panacea, and aggressively applying them does carry risk. Indeed, if we could be totally confident that the secondary sanctions would solve this problem, I suspect that they would have been implemented long ago. Time is not on our side and 8 years of strategic patience has narrowed our options. If we want different results, we must change our strategy, and we must make these changes now.

While firmly applying additional sanctions, the United States must also increase its defenses. Of course, our nuclear deterrent remains our country’s ultimate protection against nuclear attack. Wednesday’s successful test of a Minuteman III ICBM by our military proves continued assurance that our deterrent remains reliable and ready. We cannot rely on deterrence alone, and we must ensure that our missile defense efforts stay ahead of North Korea’s accelerating developments.

I am a longtime member, and now the chairman, of the Senate Armed Services Subcommittee on Strategic Forces, which oversees our missile defense programs. Through this role, I have had the benefit of working closely with the Directors of the Missile Defense Agency and the commanders of STRATCOM to improve our missile defenses.

Over the years, the Senate Armed Services Committees have authorized additional funding for the construction of a new missile defense radar, known as the Long Range Discrimination Radar, or the LRDR, to track potential threats from North Korea. The committee is also focusing on improving the robustness of our homeland missile defense system, known as the Ground-based Midcourse Defense, or GMD, system as well.

This year in the fiscal year 2018 National Defense Authorization Act, our committee authorized over $200 million to meet unfunded requirements for that system.

The GMD System is our only defense against North Korea’s ICBMs. It consists of silo-based interceptors, which are located in Alaska and California, supported by space-based and terrestrial-based sensors and a vast command and control network.

It provides an effective capability against North Korea’s ICBMs, as was demonstrated in a successful intercept test on May 30 of this year. During that test, a single interceptor successfully destroyed an ICBM class target. It was the longest range test, and it was conducted at a greater altitude and closing speed than the system had ever faced before.

This successful test was an important milestone that visibly demonstrated the impressive capabilities of our GMD System. However, shortly after, then-Director of the Missile Defense Agency, Admiral Jim Syring, testified before the House Subcommittee on Strategic Forces that our defenses were not “comfortably ahead of the threat.”

These comments came before North Korea’s July ICBM tests. I strongly believe the U.S. must accelerate our improvements. Technical progress demands a response. There are options before us. For example, additional ground-based radars and space-based sensors would improve our ability to track incoming threats, discriminate warheads from debris and decoys, and conduct kill assessments to confirm that the threats have been destroyed. The Redesigned Kill Vehicle Program, which will modernize the portion of the interceptor that impacts and destroys hostile warheads in space, promises to increase the capabilities of our current system. Deploying more interceptors, whether at the existing facility in Fort Greely, AK, or at a new installation, would add capacity and enable our defenses to better handle ICBM threats.

There are also advanced technology programs, such as the development of lasers mounted on unmanned systems, which hold significant promise for future missile defense. The Missile Defense Agency is pursuing these options, but the question remains: Are our current efforts enough? To help answer
Mr. SULLIVAN. Mr. President, as I mentioned earlier, I come to the floor every week to talk about the people of my great State and to talk about the people of my great State—the people who make it a better place for all of us. We call these people the Alaskan of the Week. It is one of the most fulfilling parts of my job to come here and talk about people who make a difference, people who don’t get a lot of press, people who don’t get a lot of attention, but people who are doing the right thing for their country and for their community.

Right now in Alaska, we have tourists, people coming from all over, and one of the things happening in Alaska is salmon season. The biggest runs in the world—the bounty of our great State—are happening right now, and the fish are running. If you or anyone listening has ever had the opportunity to catch or eat wild Alaskan salmon, of course, it is the memory of a lifetime. There is nothing better; there is no better fish in the world.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTE TO MARK BRAUDIS

Mr. SULLIVAN. Mr. President, every week, I have been coming to the floor to talk about the wonderful people in my State. A lot of people have a real impact, someone who doesn’t get a lot of attention, someone who has made an impact on his community or country, and let people know we are thinking about them, let people know we are proud of them. Before recess, I want to do that for a couple of Alaskans today, and I would like to start by talking about a gentleman who has gotten a little press lately in Alaska, but I want to take the time to hear about it. It is really a remarkable story—Mr. Mark Braudis.

Let me tell you a little bit about Mark. Mark came to my attention through a recent column by Charles Wohlforth in the Alaska Dispatch News.

Mark is originally from Pennsylvania. When he was just 17 years old, he joined the Navy, like a lot of Alaskans. We have more vets per capita than any State in the country. He was deployed in 1972.

Mark said:

When I was in high school, everyone had long hair and were anti-government. That’s not the way I was. I was for God and country, not the way I was.

I suggest the absence of a quorum.

Mr. SULLIVAN. Mr. President, as I mentioned earlier, I come to the floor every week to talk about the people of my great State and to talk about the people of my great State—the people who make it a better place for all of us. We call these people the Alaskan of the Week. It is one of the most fulfilling parts of my job to come here and talk about people who make a difference, people who don’t get a lot of press, people who don’t get a lot of attention, but people who are doing the right thing for their country and for their community.

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There is great salmon fishing all across Alaska, but one of the most heavily fished areas in Alaska and the
world is on Alaska's Kenai Peninsula, about 45 minutes from Anchorage. Millions of salmon run up the rivers of the Kenai, drawing tens of thousands of Alaska sports, personal use, and commercial fishermen, as well as visitors from all over the world, all the year round in the world-famous Kenai River.

The area can continue to support a lot of traffic, but when you have that many people on the Kenai, sometimes it does cause congestion. So let me talk about someone who works on these issues for Alaska—Kathy Heindi.

Kathy is an engineer with Homer Electric Association on the Kenai. Ten years ago, she visited Alaska as a tourist. She saw the Northern Lights dancing in the winter, the snow-covered mountains, and she knew she was home. She loves the Kenai. There is a sense of freedom there and all across Alaska. It is a place where is there to pave your own path but support others and the community around you, and, of course, there are the salmon.

Since Kathy moved to Alaska, she has been working to give back to the community that she loves so much. She is an active member and past president of the Rotary Club of Homer. She is a member of the Kenai Peninsula Borough Community Emergency Response Team. She is also a member of a group that operates ham radios in order to help if there is a disaster and shuts down cell service or other communication devices.

During the summer, right now, she spends much of her free time as a Kenai Peninsula Stream Watch volunteer with the Kenai Watershed Forum, helping to make sure that she will have a sustainable fishery—that we will have a sustainable fishery in the Kenai and throughout the state for generations to come. A few times a week, for as many as 6 hours at a time, she roams along the banks, picking up trash, helping others, speaking with anglers. She talks to them about how to protect themselves. She carries around safety goggles—you never want a hook in the eye. She talks about what happens when you run into a bear, which happens a lot in our great State, and the best way to avoid them, and importantly, she educates anglers on how to protect the vegetated banks on this great river to maintain the health of the river and the amazing salmon that live there.

The vast majority of the people in Alaska and from out of state who fish the Kenai are responsible and want to help in any way they can, and they love Kathy’s help, but, still, all the activity in the area has created erosion problems, which has the potential to hurt the fish.

The Kachemak Heritage Land Trust, a land stewardship and conservation trust based in Homer, recently recognized Kathy’s efforts and presented her with the King Maker Award. “It is your selfless actions that help protect the vital habitat needed for salmon to live and thrive,” the land trust wrote to her. “Great role models such as yourself can inspire others in our communities to take action by following your lead” and your example.

Mr. President, I want to congratulate Kathy on her work she is doing, especially in this business of salmon fishing in Alaska, and for being our Alaskan of the Week. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. PERDUE). The clerk will call the roll.

The senior assistant 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.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 185, 186, 187, 188, 189, 190.

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

The clerk will report the nominations en bloc.

The bill clerk read the nominations of David Malpass, of New York, to be an Under Secretary of the Treasury; Brent James McIntosh, of Michigan, to be General Counsel for the Department of the Treasury; Andrew K. Maloney, of Virginia, to be a Deputy Secretary of the Treasury; David J. Kautter, of Virginia, to be an Assistant Secretary of the Treasury; and Christopher Campbell, of California, to be an Assistant Secretary of the Treasury.

There being no objection, the Senate proceeded to consider the nominations en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate’s action; that no further motions be in order; and that any statements related to the nominations be printed in the Record.

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

The question is, Will the Senate advise and consent to the Malpass, McIntosh, Maloney, Kautter, and Campbell nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 111, 113, 114, 184, and 244.

The PRESIDING OFFICER. The clerk will report the nominations en bloc.

The bill clerk read the nominations of David Malpass, of New York, to be an Under Secretary of the Treasury; Brent James McIntosh, of Michigan, to be General Counsel for the Department of the Treasury; Andrew K. Maloney, of Virginia, to be a Deputy Secretary of the Treasury; David J. Kautter, of Virginia, to be an Assistant Secretary of the Treasury; and Christopher Campbell, of California, to be an Assistant Secretary of the Treasury.

There being no objection, the Senate proceeded to consider the nominations en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate’s action; that no further motions be in order; and that any statements related to the nominations be printed in the Record.

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

The question is, Will the Senate advise and consent to the Malpass, McIntosh, Maloney, Kautter, and Campbell nominations en bloc?

The nominations were confirmed en bloc.
with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate’s action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Amin, Ashooh, Rackleff, and Farias nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 118, 160, 180, 181, 182, and 183.

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

The question is, Will the Senate advise and consent to the Ricardel, Ashooh, Rackleff, and Farias nominations en bloc?

The nominations were confirmed en bloc.

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

The question is, Will the Senate advise and consent to the Grady and Pekoske nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 166, 229, 230, 231, 232, 233, 234, 236, 237, 238, 245, 289, 290, and 291.

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

The question is, Will the Senate advise and consent to the Glawe and Gordon nominations en bloc?

The nominations were confirmed en bloc.

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

The question is, Will the Senate advise and consent to the Glawe and Gordon nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 165 and 225.

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

The question is, Will the Senate advise and consent to the Amin, Boyd, Williams, Huber, Herman, and Town nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 163 and 177.
Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 158, 252, 253, 256, 258, 257, and 279.

The PRESIDING OFFICER. The clerk will report the nominations.

The senior assistant legislative clerk read the nominations of Robert L. Sumwalt III, of South Carolina, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2021; Karen Dunn Kelley, of Pennsylvania, to be Under Secretary of Commerce for Economic Affairs; Elizabeth Erin Walsh, of the District of Columbia, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service; Mark R. Buzby, of Virginia, to be Administrator of the Maritime Administration; Robert L. Sumwalt III, of South Carolina, to be Chairman of the National Transportation Safety Board for a term of two years; Peter B. Davidson, of Virginia, to be General Counsel of the Department of Commerce; and Michael Platt, Jr., of Arkansas, to be an Assistant Secretary of Commerce.

There being no objection, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The nominations were confirmed en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The nominations were confirmed en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceeed to the en bloc consideration of the following nominations: Executive Calendar Nos. 255 and 259.

The nominations were confirmed en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The nominations were confirmed en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceeded to the en bloc consideration of the following nominations: Executive Calendar Nos. 262, 264, 265, 266, 267, and 268.

The PRESIDING OFFICER. The clerk will report the nominations.

The senior assistant legislative clerk read the nominations of Linda D. McQuade, of Michigan, to be a Member of the Federal Communications Commission for a term expiring July 1, 2022; Jessica Rosenworcel, of Connecticut, to be a Member of the Federal Communications Commission for a term expiring July 1, 2023; Brendan Carr, of Virginia, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 2023.

There being no objection, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The nominations were confirmed en bloc.
with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate’s action; that no further motions be in order; and that any statements relating to the nominations be printed in the Record.

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

The question is, will the Senate advise and consent to the Rosenworcel and Carr nominations en bloc? The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar Nos. 272 through 278 and all nominations placed on the Secretary’s desk; that the nominations be confirmed and the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the Record; and that the President be immediately notified of the Senate’s action.

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

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general
Brig. Gen. Darrell J. Guthrie

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general
Col. Brian E. Miller

NOMINATIONS PLACED ON THE SECRETARY’S DESK

IN THE ARMY

PN650 ARMY nomination of Damian R. Tong, which was received by the Senate and appeared in the Congressional Record of June 15, 2017.
PN652 ARMY nominations (14) beginning DENNIS A. BRACH, and ending BRIAN P. WEBER, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.
PN653 ARMY nominations (15) beginning MURRAY E. CARLOCK, and ending CARLOS V. SILVA, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.
PN654 ARMY nominations (24) beginning ALON S. AHARON, and ending EDWIN A. WYMER, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.
PN655 ARMY nominations (5) beginning JULIA R. PLEVNYA, and ending HAL E. VINEYARD, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.
PN656 ARMY nominations (14) beginning TRESSA D. COCHRAN, and ending KAREN F. WIGGINS, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.
PN657 ARMY nominations (6) beginning LOREN D. ADAMS, and ending PHILIP A. WENTZ, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.
PN658 ARMY nominations (9) beginning JOANNE E. ARSENAULT, and ending FELISHA L. RHODES, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.
PN659 ARMY nominations (24) beginning MICHAEL E. GRU, and ending JEFFREY P. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.
PN660 ARMY nominations (59) beginning JOHN W. ALDRIDGE, and ending PHILIP E. ZAPANTA, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.
PN651 ARMY nominations (17) beginning SCOTT R. CHEEVER, and ending DIANA E. ZSCHASCHEL, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.
PN652 ARMY nominations (40) beginning EDWARD J. O’HAGAN, and ending BRIDGET C. WULFE, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.
PN653 ARMY nominations (8) beginning ROBIN CREAR, and ending NEIL P. WOODS, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.
PN654 ARMY nominations (2) beginning ERIC W. BULLOCK, and ending CRYSTAL R. ROMAY, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.
PN655 ARMY nominations (24) beginning ERIC J. BAUMAN, and ending EVAN R. WHITTECK, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2017.
PN656 ARMY nominations (26) beginning ERIC W. HASS, and ending GAIL M. MULLEAVY, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2017.
PN657 ARMY nominations (36) beginning CHRISTOPHER L. ALMOND, and ending DENNIS J. WALL, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2017.
PN658 ARMY nominations (19) beginning ROBERT E. BRADSHAW, and ending LIBBOY C. YEE, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2017.
PN659 ARMY nominations (58) beginning THOMAS E. ARNOLD, and ending MICHAEL P. YUNKER, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2017.
PN660 ARMY nominations (34) beginning DOMINIC J. ANTENUCCI, and ending MATTHEW J. WOOTEN, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2017.
PN661 ARMY nominations (34) beginning CLEMIA ANDERSON, and ending MICHAEL A. ZUNDEL, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2017.
PN662 ARMY nominations (26) beginning ERIC J. BAUMAN, and ending EVAN R. WHITTECK, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2017.
PN663 ARMY nominations (28) beginning ERIC W. HASS, and ending GAIL M. MULLEAVY, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2017.

IN THE NAVY

PN801 NAVY nominations (71) beginning BETTY S. ALEXANDER, and ending JAMES P. ZUMELI, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.
PN802 NAVY nominations (34) beginning DOMINIC J. ANTENUCCI, and ending MATTHEW J. WOOTEN, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.
PN803 NAVY nominations (58) beginning CLEMIA ANDERSON, and ending MICHAEL A. ZUNDEL, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.
PN804 NAVY nominations (26) beginning ERIC J. BAUMAN, and ending EVAN R. WHITTECK, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.
PN805 NAVY nominations (28) beginning ERIC W. HASS, and ending GAIL M. MULLEAVY, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.
PN806 NAVY nominations (58) beginning CLEMIA ANDERSON, and ending MICHAEL A. ZUNDEL, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.
PN807 NAVY nominations (58) beginning CHRISTOPHER L. ALMOND, and ending DENNIS J. WALL, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.
PN808 NAVY nominations (19) beginning ROBERT E. BRADSHAW, and ending LIBBOY C. YEE, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.
PN809 NAVY nominations (58) beginning THOMAS E. ARNOLD, and ending MICHAEL P. YUNKER, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.
PN810 NAVY nomination of Clair E. Smith, which was received by the Senate and appeared in the Congressional Record of July 20, 2017.
PN811 NAVY nomination of Morgan E. McClellan, which was received by the Senate and appeared in the Congressional Record of July 20, 2017.
PN812 NAVY nomination of Michael E. Alvis, which was received by the Senate and appeared in the Congressional Record of July 25, 2017.
PN813 NAVY nominations (2) beginning ANDREW B. BRIDGFORTH, and ending RONALD J. MITCHELL, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2017.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Mr. President, I now ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 161, 269, and 271.

The PRESIDING OFFICER. The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of J. Christopher Grant, of Nevada, to be Chairman of the Commodity Futures Trading Commission; Brian D. Quintenz, of Ohio, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2020; and Kevin Behnam, of New Jersey, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring June 19, 2021.

There being no objection, the Senate proceeded to consider the nominations en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate;
that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate’s action; that no further motions be in order; and that any statements relating to the nominations be printed in the Congressional Record.

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

The question is, Will the Senate advise and consent to the Giancarlo, Quintenz, and Behnam nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar No. 98, the nomination of Althea Coetzee to be Deputy Administrator at the SBA; that the nomination be confirmed and the President be immediately notified of the Senate’s action.

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

The nomination considered and confirmed is as follows:

IN THE SMALL BUSINESS ADMINISTRATION

Althea Coetzee, of Virginia, to be Deputy Administrator of the Small Business Administration.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 5 p.m. on Tuesday, September 5, the Senate proceed to executive session for consideration of Calendar No. 171, the nomination of Timothy Kelly to be U.S. District Judge for the District of Columbia. I further ask that there be 30 minutes of debate on the nomination, equally divided in the usual form; that following the use or yielding back of time, the Senate vote on confirmation with no intervening action or debate; and that if confirmed, the President be immediately notified of the Senate’s action.

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

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session.

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

The majority leader.

NOMINATIONS

Mr. MCCONNELL. Mr. President, the Senate has confirmed more executive branch nominees this week than all of the executive branch nominees confirmed this year—combined. This was an important step toward filling critical roles throughout the administration, including the Deputies of multiple Cabinet offices that had been lacking these key positions.

Moving forward, I hope this agreement represents the way forward on confirming nominees so our government can be fully staffed and working for the American people.

The PRESIDING OFFICER. The majority whip.

SENATE ACCOMPLISHMENTS AND THE BUILDING AMERICA’S TRUST ACT

Mr. CORNYN. Mr. President, I congratulate the majority leader for securing these important confirmations of nominees who have been waiting, for no good reason, simply to get an up-or-down vote and get confirmed. This is a big day, with roughly 65 nominations confirmed just here in the last few minutes—things that should have been handled but for the obstruction and foot-dragging of our colleagues across the aisle.

I want to focus for just a minute on things the Senate has been able to do, notwithstanding the lack of cooperation of our colleagues across the aisle since this new administration came into office.

I know the focus of the press—and, frankly, some of our own focus—has been on the unfinished business, like healthcare reform. I can assure my colleagues that issue is not going away and gets more difficult to address as each day goes by.

Perhaps one of the most significant things we have done in the last few months is confirm Neil Gorsuch as a Justice on the Supreme Court. It is undeniable that Judge Gorsuch is a qualified, high-caliber nominee, and he is already serving our Nation well on our highest Court.

We have also worked together with the President to deliver legislation that is a priority for our veterans and police departments: The American Law Enforcement Heroes Act, which I was proud to sponsor, will help our returning veterans continue to serve their country by creating incentives for police departments to hire them once they take off their military uniform and put on a new uniform as a member of local police departments. This legislation will help keep our communities safe while supporting those who have served our country. I am proud we were able to work together on a bipartisan basis to make it the law of the land.

On this side of the aisle, we are absolutely committed to helping businesses and job creators do what they do best—innovate, create more jobs, and employ more people—and not waste time dealing with onerous rules and regulations.

With a friend in the White House—somebody sympathetic to the needs to grow the economy, create more opportunities and that drive the American dream—we have been able to finally deliver some relief to the American people.

One of the ways we have done that is through one of the more obscure laws, perhaps—but one we have brought to life—the so-called Congressional Review Act. Until just this year, I think the Congressional Review Act had been used only one time to repeal the economics rule years ago.

The Congressional Review Act was created to give Congress an opportunity to do away with or repeal regulations which were put in place as the Obama administration was hanging out the door. Using these Congressional Review Acts, and with an ally in the White House, we undid some of the thousands of burdensome rules and regulations created by the Obama administration—rules and regulations which added up to a hefty price tag for our country and which have strangled our economic recovery since 2008 and the great recession.

That is not all. We have also passed important bipartisan legislation imposing tough sanctions on Iran, Russia, and North Korea.

In the case of Iran, the overwhelming vote was a strong message that the United States will not tolerate Iran’s complicity in terror and is a clear indication of just how effective this bipartisan legislation is. Now, most people listening to me would be surprised we did this because, frankly, there wasn’t a whole lot of coverage about it because it was done with such broad and overwhelming bipartisan support, but it is important, and it is an important signal to our adversaries in other countries that we will not sit idly by and leave our Nation undefended and their acts undeterred.

This week, we continue to build on these additional accomplishments for our veterans. I commend, in particular, the Senator from Georgia, Mr. ISAKSON, for his great work in getting these bills passed.

Over the last several years, we have heard about VA facilities across the State of Texas and across the country which have been plagued by inefficiency, unaccountability, and quality of care issues. The VA has been hindered by unnecessary bureaucratic hurdles which have been incredibly frustrating and costly for our veterans. The Veterans Choice Program was created to fix that by ensuring veterans can receive timely appointments close to home. The VA Quality Employment Act, which we passed earlier this year, continues that program and guarantees veterans that they will continue to have access to care without interruption.

Of course, we still have additional work to do before leaving for the August work period. There are still vacancies in the executive branch that need to be filled. In order for President Trump to do the job he was elected to do on November 8, he needs his team in place. I am glad that today, just a few moments ago, roughly 65 of his Cabinet nominees and sub-Cabinet nominees were confirmed, I hope our
colleagues across the aisle will stop their stall tactics so we can confirm the rest of the nominees of this administration.

I congratulate the Senator from Tennessee, the chairman of the Health, Education and Pension Subcommittee, for the work he did to see passage of the Food and Drug Administration User Fee Program. This is an incredibly important, although somewhat obscure, law that helps establish partnerships between the private and public sectors to ensure that all Americans have access to safe and effective drugs and medical devices, while also maintaining the position of the United States as a global leader in medical innovation.

It is simple. Faster approvals mean treatments and cures reach patients sooner, and increased competition leads to lower cost, and that, in turn, leads to more lives saved.

I also congratulate Senator Johnson from Wisconsin. He has been trying to get this bill called the Right to Try Act, which passed unanimously earlier today. This is designed to give dying individuals one last chance to try perhaps sometimes experimental medications to see if that will help them extend their quality of life and their longevity. I know he feels passionately about it, and I congratulate him for his leadership and perseverance.

With these remaining items, it is clear we have the ability to accomplish a lot in a short time for the American people. Again, we focus on our unfinished work—like the healthcare bill. I assure my colleagues, once again, that remains broken, people remain hurting, and we should not rest or give up until we are able to give them some relief, and we are determined to do that.

Mr. President, I want to mention one other piece of legislation that was introduced today which is available. You can imagine, with a 1,200-mile border between Texas and Mexico alone, it is a huge job and a very complex environment.

Of course, the third thing, in addition to physical infrastructure and technology, is law enforcement. Literally, we need to make sure we have an adequate number of Border Patrol available to deal with people who are coming across the border in violation of our immigration laws.

I believe we need to see the President is our leader and enforce the law, we will never be able to regain the public's confidence, which allows us to do other things we need to do to fix our broken immigration system.

That is why we call this bill the Building America’s Trust Act. It does these things—secures our borders with expanded resources, enhances ports of entry to increase trade—because it is important to separate the criminal activity from legitimate trade and commerce, which creates 5 million jobs in the United States alone. That is just by our national trade with Mexico. Of course, it strengthens enforcement of our immigration laws. That is why we have gotten support from the National Border Patrol Council, the Federal Law Enforcement Officers Association, the Southwestern Border Sheriff’s Coalition, and the Texas Border Sheriff’s Coalition as well, and we have had supportive statements from the Fraternal Order of Police and others.

I firmly believe that until we accomplish this goal—until we regain the public’s confidence that we are actually serious about it and we have a plan to do it—we will not be permitted by our constituents to do the other things we know we need to do to fix our broken immigration system.

I know the President was at the White House yesterday with the President, talking about his plan to try to make our immigration system more merit-based. This is something we have been trying to do for years now, and I congratulate the President for helping restart that discussion because we need to focus not only on border security and enforcing our laws, we need to think about and talk about what a 21st century immigration system for our country should look like. Should it be based on our family relationships or should it be based on some of the attributes of the immigrant which would benefit the United States—people with advanced degrees and capability, people who can come here and help our country better, not just come here to become dependent on our country.

The Building America’s Trust Act is a chance for our Democratic colleagues who have said they actually believe in border security to demonstrate their support. In fact, we supported one of the toughest border security packages there is. I believe that is what this represents.

It is clear the President has made obvious from the beginning that border security would be a top priority for him. I think it is one of the reasons he was elected on November 8 of last year—because the American people sensed, even if they may not know the details, that things had gotten out of control, our borders were in chaos, and thousands of people were coming across the border who had no legal right to be here in disregard of our laws. They sensed, in their core, that something was fundamentally wrong—that, yes, we are a nation of immigrants, but we are also a nation of laws—and we have lost that. This is about regaining trust in government and keeping our commitment to the American people.

Over these last few months, I have been working with colleagues, not only in the Senate and the House but with General Kelly in the Department of Homeland Security—now Chief of Staff of the White House—to come up with a strategic plan which addresses various facets of border security and interior enforcement as well. We know about 40 percent of illegal immigrants who enter the country legally but who overstay their visa and simply melt into the great American landscape.

For too long, those on the frontlines have not had the tools they need to get the job done. These are public servants, like our Border Patrol, who risk their lives to keep us safe, and we simply haven’t lived up to our commitment to give them the tools and the political will necessary to support them.

We know the border area is too cause for our local, State, and Federal officials to have to work together, and it makes sense for us to do more to help them do their job at the State and local level as well.

Our bill authorizes additional resources for Border Patrol agents, Customs and Border Protection officers, for agricultural inspectors, and Immigration and Customs Enforcement, or ICE officers. We also provide for additional immigration judges and Federal prosecutors for State and local law enforcement to aggressively fight drug
trafficking, smuggling, and other crimes that, unfortunately, occur along our borders because the organizations—these transnational criminal organizations—really don't care about human life.

We know that recently when a number of immigrants died in the back of a tractor trailer in a parking lot at Walmart in San Antonio, TX. They are a commodity, a way to make money in the eyes of these cartel who care nothing about human life. Drugs, weapons, and human flesh to our country are also part of what they move across the border, and that is why border security is so important.

Our bill also focuses on criminals, gangs, and repeat offenders who return to the United States in defiance of our laws. We have zero tolerance for those criminals in this bill. We end catch-and-release, and we include Kate's Law, a bill recently passed by the House that increases penalties for those who repeatedly cross our borders illegally. The bill is named after Kate Steinle, who was so tragically murdered in San Francisco.

We hold sanctuary cities accountable because no city should be able to defy federal law enforcement officials. We are not asking them to do the Federal Government's job, but they do have an obligation, as we all do as American citizens, to cooperate and work with our law enforcement officials.

We impose tough penalties on Federal funds for jurisdictions that fail to comply with lawful Federal immigration enforcement requests. To curb the abuse of visas, our bill utilizes a biometric entry-exit system at ports of entry to identify visa overstays and cut off immigration benefits to those who exploit the system.

We also make sure to invest in our ports of entry. These are the ways that people come into our country, and engage in commerce and trade, which is mutually beneficial. We can't neglect our trading partnerships with our neighbors to the south because we depend on that trade to create and sustain 5 million jobs in the United States alone.

The Building America's Trust Act will also help boost the flow of commerce through our ports so that legitimate trade can continue to flourish. This bill also includes a large investment of resources to improve our ports of entry, to help target illegal immigration and drug trafficking at ports while facilitating increased, legitimate trade and travel.

Perhaps most importantly, this bill also requires that the Department of Homeland Security and law enforcement officials consult with local officials every step of the way. The people who live in our border communities know best how to help control illegal traffic and illegal activity, but it is the Federal Government's responsibility to step up and help them. They understand the benefits of legitimate travel and trade and traffic, all of which are important parts of a successful border security effort.

Border security really is not a one-size-fits-all plan. As Chief Padilla said, it is always a combination of technology, personnel, and tactical infrastructure. And that includes both the like. We need an approach that will work for each unique area with input and stakeholder consultation at every step to ensure that the right solution is achieved for all involved.

As I said, I am happy to have support for this legislation from several law enforcement organizations. I look forward to working with all of my colleagues in both Chambers, as well as the administration, toward our goal of protecting our Nation and securing our borders.

I firmly believe that border security, ultimately, is a matter of political will. This President has the political will, and this Congress should have the political will to do this. This bill was the commitment that he made and that we need to make to the American people and that, I think, informed their vote on November 8, 2016.

With this legislation as a guide, we aren't going to sit idly by—tomorrow. We are looking ahead and locking in a framework that will exist long after President Trump leaves office.

With the Building America's Trust Act, I hope we can do just that and, again, finally regain the public's confidence by earning that confidence and restoring order and lawfulness to our broken immigration system. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I agree with the distinguished Senator from Texas. I thought his remarks were very much on point and very good.

MODERN ANTITRUST LAW

Mr. HATCH. Mr. President, I rise today to speak on a policy matter that has been generating substantial attention recently, and that is modern antitrust law. This issue is critical. In the perennial debate over the proper role of government in economic affairs, it will grow all the more critical in the years to come.

New technologies, creating markets not even imaginable only a decade ago, are spurring fundamental shifts in the economic landscape. In the national news, mergers between corporate giants or new fines imposed by foreign regulators are becoming an acceptable thing almost every day. In the Senate, we increasingly see antitrust law dragged into larger economic arguments that are heavier in inflammatory rhetoric than in careful deliberation. Allow me, then, to offer a few thoughts that I hope can and will directly address the rising controversy.

America has always been—and, I haven't a doubt, will remain—the economic and technological marvel of the world. Cradled in the best traditions of the West and animated by a culture equal parts industrious, creative, and restless, our system has produced the most prosperous people in human history. It has shown its shortcomings, to be sure. But on the American economy is unrivaled by any other. Indeed, at times its blessings are so bountiful, its provisions for the creation of wealth so effective, that we tend to take it for granted in this country. We tend, at times, to forget what got us here.

A big part of what got us here is American antitrust law. You see, all throughout history, societies and governments have tended toward the central planning of economic activity.

America, however, chose a different path. We refused to yield to the false comforts of collectivism. We opted, instead, for an economy that was vibrant, tumultuous, competitive, and free. And that, I think, is where antitrust comes in.

In a very real sense, antitrust is the capitalist's answer to the siren song of the central planner. When antitrust doctrine is referred to as the Magna Carta of the free enterprise system, I suspect this is what we mean.

Let me be clear: Antitrust doctrine in this country has not always gotten it right. As we all know, early antitrust policy tended to confuse protection of market participants for protection of the market itself. And in this modern era of antitrust, we've found that in the impossible complexity and unsettling chaos of the market—wherein millions of consumers and producers make millions of individual and uncoordinated decisions every day—a spontaneous order arises that serves all of us far better than any central authority ever could. Of course, our markets work toward those ends only when they are genuinely free, fair, and competitive. That is where antitrust comes in.

To counteract market failures, we take a closer look at the conduct of firms and the arrangement of markets by what will maximize efficiency and therein serve consumers most completely. The Sherman Act creates a fundamental safety valve in the market—wherein millions of consumers and producers make millions of individual and uncoordinated decisions every day—a spontaneous order arises that serves all of us far better than any central authority ever could. Of course, our markets work toward those ends only when they are genuinely free, fair, and competitive. That is where antitrust comes in.

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goods to the most people at the highest quality and lowest cost—consumer welfare still works best.

In most industries, most of the time, we ought to think a little less about how best to regulate the market and a little more about how best to set the market upon regulating itself. The disciplining effects of competition and the limitless store of American ingenuity do far more for consumers than the well-intentioned intervention of government authorities.

The consumer welfare standard has, consistently over the years, proven an absolute boon to our economy and our society. Of course, a legal standard means little unless handled with care. We have chosen the right standard; now we must keep choosing the right officials to implement it. You see, under the consumer welfare standard, good antitrust enforcement is a lot like good sports officiating. It harnesses, rather than stems, the flow of the action. Limited, predictable, and reliably enforced rules. It gets the most out of the players and the competition itself, regardless of which team is in the lead. Most importantly, as any sports fan could tell you, when officiating is fair, we hardly notice the refs at all.

With the right antitrust officials cognizant of their role, we can expect a spirited contest in which American entrepreneurs keep putting points on the board. American consumers keep reaping the reward.

Federal judges, naturally, are critical. In disputes of consequence, they provide the ultimate backstop. Also critical are our executive officials. Makan Delrahim, for instance, has been nominated to lead the Antitrust Division at the Department of Justice. He is eminently qualified, enjoys broad, bipartisan support, and is at the ready to start as soon as he receives our consent. I will urge my colleagues in the Senate, once again, to take up his nomination and confirm him to this important post. He has both Democrat and Republican support. He is well known. He ran the Judiciary Committee under my jurisdiction.

On the other side of the enforcement equation, we are still waiting on nominations to the Federal Trade Commission. The FTC is an important agency that plays a central role in the years ahead. Whoever is put in charge will face the monumental task of setting the agency on the right track. I have supreme confidence that the President will make the right choice on this one, and I look forward to supporting him in that endeavor.

As these vacancies linger, however, uncertainty lingers as well. Critical merger and acquisition activity remains sidelined as innovation is chilled and expansions are put on hold. All of this comes at an unnecessary cost to our businesses and consumers.

I want this whole body to hear me clearly: There is no need for the same old partisan food fight over our antitrust officials. Let’s get Makan Delrahim to work. FTC nominations will likely include two Republicans and a Democrat. There is no reason they can’t be swiftly confirmed as a package. If delay on these important confirmations is more than a holdback on the floor to make sure everyone—from consumers to industry—knows it.

As I mentioned earlier, antitrust has been increasingly drawn into the broader overall economic and innovation policy, and not for the better. With each passing day, it seems the consumer welfare standard finds itself besieged from the left. Their rhetoric may not yet have made its way into traditional precedent, but it certainly has made itself known.

Some in academia insist that recent market concentration and technological progress compel a return to bold, persistent experimentation. Many in the media call for antitrust to purify itself by adopting economic and democratic progressivity to campaign finance reform to material leveling. Above all else, we hear again the old, lazy mantras that big is bad, disruption is suspect, and public utility designation is welcome.

As Commissioner Professor and former FTC Commissioner Joshua Wright has referred to this particular set of proposals as “hipster antitrust.” Well, as you might imagine, nobody would mistake me for a hipster. So for my part, and for ease, I will dispense from industrial democracy and the progressive standard. Truth be told, as a proposed replacement for the consumer welfare standard, the progressive standard leaves me deeply impressed. From what I can tell, it amounts to little more than pseudoeconomic demagoguery and anti-corporate paranoia. Nevertheless, it must not be dismissed out of hand.

Over the last 8 years, policymakers laid the groundwork for it by routinely breathing life into these basic elements of the consumer welfare standard. Now we see the same stirrings of this radical approach in many speeches on the other side of the aisle, as well as in the recently released platform curiously titled “A Better Deal.”

As much as I believe a response is in order. In defense of the consumer welfare standard, we could, of course, run through the more technical definitions and concepts associated with the standard. We can mention that as doctrine, it lacks manageable standards, dispensing with intellectual rigor and inviting political mischief. We can mention that as policy, it accounts for neither tradeoffs nor scarcity. We can mention that as aspiration, it subordinates the productive incentives of the entrepreneur to the fanciful designs of the bureaucrat.

Truth be told, the real trouble for the progressive standard is, it fails to grasp the larger picture of our history, economy, and national character. It fails to appreciate that our time is not so distinct from times past and that our momentary insights are not so superior to the lessons learned over generations prior.

Of course, anyone can see that changes are afoot. As chairman of the Senate Republican High-Tech Task Force, I have seen it firsthand. The new technological age, having dawned in the late 20th century, continues to ripen within the 21st.

New innovation is relentlessly spurring transformation across the economy, and many markets are concentrating as a result. Yet supporters of the progressive standard seem to think this presents historically unique problems. They rely, as academics are wont to do, on sleek, new jargon to argue that today’s antitrust challenges are not only tangibly but conceptually distinct of those of the past. They argue, in other words, that things really are different this time around. At the end of the day, terms like “platform economics” and “network effects” complain of the very conditions that the consumer welfare standard—do less to define new economic concepts than to explain how old economic concepts are manifesting themselves in modern markets.

Through history, we have seen this titillating time and again. As the saying goes, the more things change, the more they stay the same. Markets concentrate and then disperse; dominant firms rise and then fall; with innovation comes creation in one sector and destruction in another. Anxiety over this evolution is very real, and the sentiment we hear to do something about it—whatever that may be—are on some level understandable, but this lurch toward the progressive standard is not.

Change, sometimes furious change, is a constant in our system. For all its rancor, for all its chaos and uncertainty, it is, alas, what propels us forward. We hope, not fear, that each age looks better than the last.

Now, in anticipation of an objection from my friends across the aisle, nobody is suggesting that no enforcement is necessary. Genuinely anti-competitive conduct must be stopped, and mergers prone to abet such conduct must be heavily scrutinized. That is all a part of keeping markets fair and free in the best tradition of American capitalism.

Again, as I mentioned earlier, we should aim to regulate markets such that in their basic core functioning they regulate themselves. Market discipline imposed by competition and driven by innovation should be our aim. To that end, nobody doubts that new developments in the market will require a fresh look at doctrine. Nobody questions that the consumer welfare standard will have to adapt. For example, categories of anti-competitive conduct may need to be tweaked, refastened or even expanded in light of the growing market evolution. Merger review, never an exact science, will seize upon new econometric tools for measuring ancient
economic concepts like quality, preference, and efficiency. The rule of reason, I am sure, will continue to bedevil judges, practitioners, and law students alike, but that is just fine.

An important point I keep saying, is ultimately a common law exercise. I am here to argue merely that the consumer welfare standard, when handled prudently, is a far better steward of our free economy than the progressive standard, which is deeply misguided and potentially quite destructive.

Take, for instance, the proposed Amazon–Ahold merger. Antitrust concerns regarding the merger, which has generated so much interest lately, would it, of course, be inappropriate for me on the floor of the Senate to pass judgment. I would caution my colleagues the same. There is an established process for review, but the question should be asked: Upon what basis should antitrust authorities evaluate a proposed merger like this? What we need is the consumer welfare standard. It carefully examines the basic and critical question of whether such a deal helps consumers or whether it hurts consumers. It relies on a coherent doctrine of antitrust law.

Progressive standard, however, instead of asking what lowers prices and increases quality—instead of considering actual proof of harm to consumers—we would be asking what best serves the social goals in vogue at the moment. The result would be an open invitation to meddle in the market intervention that is more politically motivated than economically sound.

In conclusion, for all the past rhetoric, for all the claims that a new age requires a new doctrine, the ideas behind the progressive standard are not new. They are terribly old. They may be adorned with original terminology or aimed at novel markets, but it is the same old collectivist impulse it has always been. In that sense, these ideas are not unique to Americans. Every day we receive reports from around the world that foreign governments are increasingly turning to antitrust for industrial policy. Whether domestically or abroad, the stakes are simply too high, the consequences too grave for the government to allow a standard to be swept away in an instant, merely because a new breed of central planners—falsely conceiving themselves different from their predecessors—have said so.

In America, we have always opted for the invisible hand of the free market over the heavy hand of government intervention. Let’s keep it that way.

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. Roberts. Mr. President, I ask unanimous consent that the order for the quorum be discharged.

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

BOB DOLE CONGRESSIONAL GOLD MEDAL ACT

Mr. Roberts. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 1616 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1616) to award the Congressional Gold Medal to Bob Dole, in recognition for his service to the nation as a soldier, legislator, and statesman.

Mr. Roberts. Mr. President, I ask unanimous consent that the bill be considered read a third time.

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

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

Mr. Roberts. I know of no further debate on the bill.

THE PRESIDING OFFICER. Is there further debate?

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

The bill (S. 1616) was passed, as follows:

S. 1616

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 “Bob Dole Congressional Gold Medal Act”.

SEC. 2. FINDINGS. Congress finds the following:

(1) Bob Dole was born on July 22, 1923 in Russell, Kansas.

(2) Growing up during the Great Depression, Bob Dole learned the values of hard-work and discipline, and worked at a local drug store.

(3) In 1941, Bob Dole enrolled at the University of Kansas as a pre-medical student. During his time at KU he played for the basketball, football, and track teams, and joined the Kappa Sigma Fraternity, from which he would receive the “Man of the Year” award in 1970.

(4) Bob Dole’s collegiate studies were interrupted by WWII, and he enlisted in the United States Army. During a military offensive in Italy, he was seriously wounded, and in trying to save a fellow soldier despite his grave injuries, Dole recovered and was awarded two Purple Hearts and a Bronze Star with an Oak Cluster for his service. He also received an American Gold Star Medal, a European-African-Middle Eastern Campaign Medal, and a World War II Victory Medal.

(5) After his military service, Bob Dole worked for the disabled, and was a key figure in the passing of the Americans with Disabilities Act in 1990.

(6) After his appointment as Majority Leader, Bob Dole set the record as the nation’s longest-serving Republican Leader in the Senate.

(7) Several Presidents of the United States have specially honored Bob Dole for his hard-work and leadership in the public sector. This recognition is exemplified by the following:

(A) President Reagan awarded Bob Dole the Presidential Citizens Medal in 1989 stating, “Bob Dole represents the very best of the American people, their struggles, their triumphs and their dreams. . . . In times of conflict and crisis, he has worked to keep America united and strong. . . . our country is better for his courage, his determination, and his willingness to go the long course to lead America.”.

(B) Upon awarding Bob Dole with the Presidential Medal of Freedom in 1997, President Clinton made the following comments, “Son of a coal miner, soldier, legislator and legislator, Bob Dole understands the American people, their triumphs and their dreams. . . . In times of conflict and crisis, he has worked to keep America united and strong. . . . our country is better for his courage, his determination, and his willingness to go the long course to lead America.”.

(11) After his career in public office, Bob Dole became an active advocate for the public good. He served as National Chairman of the World War II Memorial Campaign, helping raise over $197 million dollars to construct the National WWII Memorial, and as Co-Chair of the Families of Freedom Scholarship Fund, raising over $120 million for the educational needs of the families of victims of 9-11.

(13) From 1997-2001, Bob Dole served as chairman of the International Commission on...
(14) In 2003, Bob Dole established The Robert J. Dole Institute of Politics at the University of Kansas to encourage bipartisan politics in politics.

(15) Bob Dole is a strong proponent of international justice, and in 2004, received the Freedom from the Presidency of Kosovo for his support of democracy and freedom in Kosovo.

(16) In 2005, President George W. Bush appointed Bob Dole to co-chair the President’s Commission on Care for America’s Returning Wounded Warriors, which inspected the system of medical care received by U.S. soldiers returning from Iraq and Afghanistan.

(17) Bob Dole was the co-creator of the McGovern-Dole International Food for Education and Child Nutrition Program. He is in charge of combat child hunger and poverty. In 2008, he was co-awarded the World Food Prize for his work with this organization.

(18) Bob Dole is co-founder of the Bipartisan Policy Center which works to develop policies suitable for bipartisan support.

(19) Bob Dole is a strong advocate for veterans, having volunteered on a weekly basis for more than a decade on behalf of the Honor Flight Network.

(20) Bob Dole served as Finance Chairman of the Campaign for the Nation Eisenhower Memorial, leading the private fundraising effort to memorialize President Dwight D. Eisenhower in Washington, DC.

(21) Bob Dole was acknowledged by many organizations for his achievements both inside and outside of politics, including being awarded the "U.S. Senator John Heinz Award for Outstanding Public Service By An Elected Official", the Gold Good Citizenship Medal, the American Patriot Award, the Survivors Care Award, the U.S. Association of Former Member of Congress Distinguished Service Award, a Distinguished Service Medal, the French Legion of Honor medal, the Horatio Alger Award, the U.S. Defense Department’s Distinguished Public Service Award, the National Collegiate Athletic Association’s Teddy Roosevelt Award, the Albert Schweitzer Medal “for outstanding contributions to animal welfare”, the 2004 Sylvanus Thayer Award, and honorary degrees from the University of Kansas, Fort Hays State University, and the University of New Hampshire School of Law.

(22) Throughout his life-long service to our country, Bob Dole embodied the American spirit of leadership and determination, and serves as one of the most prolific role models both in and outside of politics.

CONGRESSIONAL RECORD — SENATE
S4805

SUMMATION OF MEDALS
(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of Congress, of a gold medal of appropriate design to Bob Dole, in recognition for his service to the nation as a soldier, legislator, and statesman.

(b) DESIGN AND STRIKING.—For the purpose of the award referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the “Secretary”) shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates of the gold medal struck under section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, material, use of machinery, and overhead expenses, and the cost of the gold medal.

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 5334 and 5335 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

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

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

Mr. ROBERTS. Mr. President, I rise also to talk about my dear friend and mentor, Bob Dole. Senator Dole just celebrated his 94th birthday, and I think it is important and proper to honor his contributions to our Nation.

Let me tell you a little bit about Bob Dole. He comes from Russell, KS. You can't get any more Kansas than Russell. Growing up during the Great Depression, Bob Dole learned the values of hard work and discipline, which is the mark of a Kansas upbringing and the heart of Kansas values. In 1941, Bob Dole enrolled at the University of Kansas as a premed student. Despite his grave injuries, Bob recovered and was awarded two Purple Heart clusters and a Bronze Star with an Oak Leaf Cluster for his service. He is indeed a warrior and a hero.

After the war, Bob returned to Kansas, studied the law, and was elected to the Kansas House of Representatives. He soon moved to the U.S. House of Representatives and served two Kansas districts from 1961 to 1969, including my old district, if I can refer to it in that way, “The Big First.”

In 1989, the people of Kansas elected to the U.S. Senate and served until 1996. Now, over the course of this period, he served as chairman of the Republican National Committee, chairman of the Finance Committee, Senate minority leader, and then Senate majority leader.

During his time in Washington, Senator Dole was known for his ability to work across the aisle and embrace practical bipartisanship on the issues, such as tax reform, Social Security, and many other pressing issues. I would call this the Kansas approach to legislating. He has also been a lifelong advocate for the disabled and was a key figure in the passing of the Americans with Disabilities Act back in 1990. After his appointment as majority leader, President Reagan appointed Bob Dole as the nation’s longest serving Republican leader in the Senate of the United States. Several Presidents of the United States have especially honored Bob for his leadership in the public sector. For example, President Reagan awarded Bob Dole the Presidential Citizens Medal in 1989.

President Reagan stated: Whether on the battlefield or Capitol Hill, Senator Dole has served America heroically. Serving as Senate Majority Leader during one of the most productive Congresses of recent history, he has also been a friend to veterans, farmers, and Americans from every walk of life. Bob Dole has stood for integrity, straight talk and achievement throughout his years of distinguished public service.

So said our former President, Ronald Reagan.

As I said, they are Kansas values.

Likewise, in 1997, President Clinton awarded Senator Dole the Presidential Medal of Freedom saying:

Son of the soil, citizen, soldier and legislator, Bob Dole understands the American people, their struggles, their triumphs and their dreams. . . . In times of conflict and crisis, he has worked to keep America united and strong. . . . Our country is better for his courage, his determination, and his willingness to go the long course to lead America.

So said our former President, Bill Clinton.

Senator Dole remains active today, serving as the national chairman of the World War II Memorial Commission, a memorial that simply would not be in existence today had it not been for his perseverance, leadership, and cochair of the Families of Freedom Scholarship Fund.

In 2007 President George W. Bush appointed Bob to cochair the President’s Commission on Care for America’s Returning Wounded Warriors, which inspected and reformed the system of medical care received by U.S. soldiers returning from Iraq and Afghanistan.

He remains the strongest advocate for veterans, having volunteered on a weekly basis for more than a decade on behalf of the national Honor Flight Network.

As a person who has gone to the World War II Memorial, along with Bob Dole, I know I greet the veterans at the bus. They immediately get off the bus. Wherever they are, no matter what other State, they are very proud to come to see their memorial. The first question they ask is this: Where is Bob? Is Bob here? Then, they flock to him like a mother hen. Maybe, that is not the best example, but it certainly shows the pride and the desire of our veterans to meet the man who did so much for their memorial.

I am also proud that Senator Dole serves today as the finance chairman of the campaign for the national Dwight D. Eisenhower Memorial, leading the private fundraising effort to memorialize President Dwight David Eisenhower, a leader who was in my Kansas, here in Washington, something near and dear to both of us. I am privileged to be the chairman of the Eisenhower Memorial Commission.

It is abundantly clear that throughout his long service to our country, Bob Dole has embodied the American spirit of leadership and determination, and he serves as one of the most prolific role models both in and outside of politics.

I am reminded of the time when I was stationed at Quantico as a young marine and my dad, Wes Roberts, who was
a friend and adviser to Bob. said: I want to take you up to the Hill to meet Congressman Bob Dole. I consider him to have the highest potential to be whatever he wants with regard to public service.

So I went up to the Hill, and I met this handsome young man. He didn’t sit on his hands very long in terms of what he wanted to accomplish. I first met him then, and, then, as a staffer for my predecessor, the Honorable Keith Sebelius, a congressman from “The Big First” and, then, as a Member of the House for 16 years.

I tell the story that most people in the House thought that whatever I proposed or whatever I was for, Bob Dole was for me. Well, about 50 percent of that was true, but I never told them about the other 50 percent. So I was really able to get a lot done.

Bob, thank you for that.

I am so proud—so proud—to call him friend. I am proud to serve his State. I am equally proud today that each Senator—each and every Senator and colleagues on both sides of the aisle—have joined me in honoring Senator Bob Dole. He is the Congressional Gold Medal—all 100. It didn’t take very long.

I yield the floor

I suggest the absence of a quorum.

Mr. PERDUE. Mr. President, this legislation is important because it will recognize the great and sometimes ultimate sacrifice of our servicemembers like Private Corrado Piccoli.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. PERDUE. Mr. President, I ask unanimous consent that the order for the sale be rescinded.

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

PRIVATE CORRADO PICCOLI PURPLE HEART PRESERVATION ACT

Mr. PERDUE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 765 and the Senate proceed to its immediate consideration.

A number of our Senators are headed for their home States this afternoon and tomorrow to begin what is traditionally called the August recess. I am fortunate to live in Delaware, and I can go home every night. Some people see it as a blessing, others as a curse. I see it as a blessing to go home and stay a while. I am looking forward to that.

We have three Senate office buildings here on Capitol Hill that Senators share and where they have their office space. The oldest is Russell. The next oldest is Dirksen. The newest is a building they call the Hart Senate Office Building. For 16 or 17 years, my staff and I have been in the Hart Building—and by choice. Every 2 years we can change offices, but we always want to stay in the same office, which is sort of unusual when you have been here for 16 or 17 years.

Sometimes, a lot of people say the names Russell or Dirksen or Hart. Russell and Dirksen are pretty famous folks, even now. Hart is less well known. I will not take a lot of time to give a deep history of who Philip Hart was, but he was a Senator from Michigan and he was a Democrat. His time here preceded my time.

I was elected State treasurer for Delaware in 1976, a Congressman in 1982, and Governor in 1992. Then, I came to the Senate in 2001. But for Philip Hart and me, as far as I know, our service never crossed. If we did, I am not aware.

I don’t know a lot of the things he was famous for. There are some of his famous quotes, but one of my all-time favorite quotations are the words I believe he said when he left this place. He left the Senate and retired. Some say he left too soon, but when he retired, he said these words: “I leave as I arrived. I understand clearly the complexity of the world into which we were born and optimistic that if we give it our best shot, we will come close to achieving the goals set for us 200 years ago.”

That is what he said. Aren’t those wonderful words? At a time when we could actually use a little bit of encouragement, I hope that, maybe, his words provide at least a small measure. For me, they always provided a large measure.

If you go back to the beginning of this Congress, January 3, and the inauguration of the President on January 20 of this year, there were high hopes

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Purple Heart medal solemnly recognizes the great and sometimes ultimate sacrifice of our servicemembers like Private Corrado Piccoli.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. What is the PRESIDING OFFICER. The Senator from Delaware.

HEALTHCARE

Mr. CARPER. Good afternoon, Mr. President. It is good to see the Presiding Officer and to hear my colleague Senator PERDUE, as he prepares to probably head for home for the next several weeks.

A number of our Senators are heading for their home States this afternoon and tomorrow to begin what is traditionally called the August recess. I am fortunate to live in Delaware, and I can go home every night. Some people see it as a blessing, others as a curse. I see it as a blessing to go home and stay a while. I am looking forward to that.

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I don’t know a lot of the things he was famous for. There are some of his famous quotes, but one of my all-time favorite quotations are the words I believe he said when he left this place. He left the Senate and retired. Some say he left too soon, but when he retired, he said these words: “I leave as I arrived. I understand clearly the complexity of the world into which we were born and optimistic that if we give it our best shot, we will come close to achieving the goals set for us 200 years ago.”

That is what he said. Aren’t those wonderful words? At a time when we could actually use a little bit of encouragement, I hope that, maybe, his words provide at least a small measure. For me, they always provided a large measure.

If you go back to the beginning of this Congress, January 3, and the inauguration of the President on January 20 of this year, there were high hopes
on both sides to immediately get to work on comprehensive tax reform: on transportation and infrastructure policy for roads, highways, bridges, rails, ports, broadband, and maybe our electric grid. There was the idea of doing something for our Republican friends to make their Care more palatable. As it turns out, we have in some cases disappointed, and in other cases we probably have pleased the folks who elected us to serve them, in developing and operating some of the policy for our country.

I spent a fair amount of time on healthcare. I know the Presiding Officer, the Senator from Wisconsin, has as well, I spent a fair amount of time thinking and working on healthcare before, as a Governor and even as a Congressman. I am not a doctor. I have never pretended to be and have never wanted to be, but I think one of the creeds for the folks in the medical field and physicians is “do no harm.” I hope that, as we healthcare enthusiasts, in these 7 months here of this legislative session, we have not done a great deal of harm. I don’t think we have.

We had a robust debate on whether the Affordable Care Act should be repealed and the special focus on the section called ObamaCare, and not much of a debate on how we get better healthcare results for less money, although it is a goal we all share, as Democrats and Republicans, in the executive branch and in the legislative branch. I think that we all share the goal of trying to figure out how to provide better healthcare for less money to everybody so everybody has coverage. I think that is a shared goal.

LAMAR ALEXANDER, my Senate colleague from Tennessee, likes to say: A pilot wouldn’t take off in an airplane without knowing what his or her destination is. Think about that. With respect to our destination on healthcare, I think we know what the destination is; that is, as I said earlier, to make sure we provide better coverage for less money and cover everybody. That is the destination.

Just as a guy who spent a lot of time as a naval flight officer in airplanes for about 23 years, I know there are different ways to get to places. Sometimes it is a straight line; sometimes it is not. Sometimes you have to go around turbulence, around storms, or under heavy run fuel, and there may be mechanical malfunctions. It is not always a straight line to get to where we want to go in an airplane. It turns out that it is not a straight line—that destination that we want to get to with respect to healthcare is more full of better results, less money, and covering everyone.

One of the efforts to reach that destination has its roots in 1993. In fact, here in Washington there were two ideas for reaching that destination in terms of our shared goals that go back to 1993, where you had here in Washington two different ideas that were put on the table.

One idea was from our First Lady, Hillary Rodham Clinton. She worked with really smart people to come up with a healthcare plan called HillaryCare, to essentially try to achieve those three goals I mentioned. Our friends in the Republican Party would characterize her proposal. I think, when they called it “HillaryCare,” it was not meant to be a compliment. Even now, in television commercials, I remember seeing them kind of denigrating her efforts. They did all of the folks who supported it—at least, something that First Lady Hillary Clinton proposed—or one of the things that the Democratic side said to the Republican was this: What is your idea? At least we have an idea.

Then, some really smart people over at the Heritage Foundation went to work and they came up with what turns out to be a good idea—several very good ideas—to draw on market forces. It wasn't the first time we had these three goals I stated earlier on healthcare.

The first great idea of the five ideas was to create exchanges in every State for people who don’t have coverage today. They called it a mandate, because we want employers to provide healthcare for them. These are large purchasing pools in every State where people can get healthcare coverage and a part of a large group plan all of those. It was the idea behind Heritage was that, at least to a certain level, the tax credit would go away. It is a sliding-scale tax credit. That was a Heritage Foundation idea.

The third idea was something called an individual mandate, which said that, if you don’t have coverage, you have to get it. Particularly, you have to sign up for it in the exchange. If you don’t want to sign up, you are going to be fined. You can’t actually make people sign up and get coverage, but the idea behind Heritage was that we would incentivize people to get coverage, because, eventually, people who don’t have coverage will have to get cared for if they don’t. Unfortunately, it is really expensive if you are in the emergency room. A lot of times they are so sick that they end up getting admitted. That costs a bundle, and the rest of us end up paying for it. So the third pillar was the individual mandate.

The fourth pillar was the employer mandate, because we want employers to cover their employees. That may not be absolute full coverage or Cadillac coverage. You don’t have to necessarily cover their family, but we would want some coverage to your employee—hopefully, decent coverage.

The last part dealt with preexisting conditions. The Heritage folks said that there should be a prohibition against insurance companies being able to say to people who are sick or have some kind of preexisting conditions: We are not going to insure you because you have a preexisting condition. Heritage said that should be verboten. You can’t get away with that if you are an insurance company.

Those were the five ideas. Our friends here on the Republican side of the aisle said: We want to take those ideas.

The lead from the Senate side of the aisle was John Chafee. I think he had 22 Republican sponsors in 1993, including Senator Hatch, who was the senior Republican on the Finance Committee and chaired the Finance Committee, and Chuck Grassley, a senior Republican on Finance who was also the chairman of the Judiciary Committee. They were some of the 22 cosponsors of the Republican bill, which really reflected the Heritage Foundation’s ideas. Neither HillaryCare nor the Chafee legislation was ever passed.

But about 13 years later, in 2006, a fellow Governor of Massachusetts was thinking about what were some things he could do to really differentiate himself in the field for running for President of the United States. I think he did not talk to me about this idea: Why don’t we try to cover everybody in Massachusetts and be the first State with everyone having healthcare coverage? They dusted off the Heritage Foundation’s five ideas and implemented legislation in 2006, I believe, that reflected Heritage’s ideas from 1993 and reflected the legislation that was written in this Chamber by John Chafee in 1993. It worked. It worked in Massachusetts.

They fairly quickly were able to cover a lot of extra people in their State who hadn’t been covered before. One of the things they wrestled with early on was portability. As it turns out, the folks who are young and inexcusable, like our pages here with us—I think this may be the last day or two before they head back for home. Thank you again for your service.

The Presiding Officer may not know this, but the pages are here on over time. Most of the pages returned to their home States across the country, but there are a half dozen or so voluntarily and not are still here. It is to the bitter end. Hopefully, it is not too bitter an end. We hope that someday you will come back here as interns or maybe staff Members, and, who knows, maybe even as Presiding Officers or just mortals—mere mortals like me. Thank you again for your service.

Anyway, the Romney folks found out that they had this fine setup. So if people didn’t get coverage in Massachusetts, they would have to pay a fine. It went up over time. It was set up that they didn’t pay if they had to do this over again, they would have had the fine start higher and escalate faster in order to send a clear message to the
young invincibles and others who didn’t have coverage that you have to get serious about getting coverage. They wanted a mix of people in their exchanges so that insurance companies would be able to insure them and not lose their shirts—to make money off of it.

Anyway, when we were working on the Affordable Care Act in 2009, my first year on the Finance Committee, we were trying to figure out what to do. We sort of had an idea to sort of keep our eye on the ACA. The Affordable Care Act was a way to just sort of pivot away from sick care, where we just spend money on people when they are sick, and do more to invest in how we help people stay healthy through prevention and wellness, by doing screenings for colorectal cancer, breast cancer, and prostate cancer, in ways that, if you take away the copays for people and they can go ahead and get the screenings, they save themselves a lot of money and a lot of pain, and maybe from dying, which otherwise wouldn’t be the case.

There are a lot of aspects of the Affordable Care Act. We raised the eligibility for folks for Medicaid.

When I went back from Southeast Asia in 1993, I went to business school in Delaware and got an MBA. The next year, I became State treasurer. I was 29. At that time, I thought of Medicaid as healthcare coverage for poor women with children, but the nature of the coverage has changed a whole lot.

For many years, it has been a 50–50 yield. Largely, States pay 50 percent, and the Federal Government pays 50 percent. We changed that in the Affordable Care Act because we wanted the States to cover more than just the people up to 100 percent of poverty. The Federal Government stepped in and said to the States: If you would go along with this, we would like to cover people from 100 percent to 135 percent of poverty. The Federal Government, at least for a while, would pay for that marginal increase in coverage up to 135 percent of poverty. It is a pretty good deal for the States, and about 31 States have signed up to do that. So many people have coverage today who did not have it before through Medicaid.

The other thing we did in writing the Affordable Care Act was to take the idea that they have sort of glommed onto in Massachusetts, with RomneyCare—which has its roots back to the 1993 proposal from Heritage and that was proposed here in the Senate by Senator Chafee—and put that into the Affordable Care Act. I know that there are some people who wanted to have a single-payer system in that their idea of healthcare reform was to cover everyone under Medicare who did not have it. I just was not ready to go there, so we said: Let’s try something that has been put in place in one of our States, maybe with the idea that Massachusetts could be the laboratory of democracy—to find out what works and then to sort of calibrate that—and that’s what we did.

We passed legislation that created exchanges in all 50 States, and we had an individual mandate to encourage people to get coverage and incentivize them but fine them if they did not. A lot of people say that we started too slowly, as Massachusetts did not implement it fast enough to get people signed up in the exchanges, but we would put money in the exchanges, so that we could help people get insurance. We had the employer mandate, and we had the sliding sales tax credit in the Affordable Care Act.

Then we had the prohibitions against insurance companies refusing to cover people because they had some kind of preexisting condition. That was the part of the Affordable Care Act that had its roots, really, in Heritage and Republican Senators—really good people, some of whom are here. Somehow, this has turned out to be that part of the Affordable Care Act with the exchanges and so forth. It ended up being called ObamaCare, which is really ironic because he did not have it. He did not leave creating it. It was not his idea, but, somehow, it has been deemed to be ObamaCare. It is the part of the Affordable Care Act that has been most attacked by our Republican friends. It was their creation, their suggestion, and now they want to get rid of it.

We have had some tough debate here in recent weeks, and the Senate has decided not to repeal that part of the Affordable Care Act. I think that we are smart not to repeal it, but the idea is to help make it work. One of the best ways is to sort of calm down the exchanges—quilt disrupting and destabilizing the exchanges. When the President says that we do not know if we are going to enforce the individual mandate or the subsidies that we provide for low-income people, who get their coverage in the exchanges, to help cover their co-pays or deductibles—they do not know if they are going to keep doing that. They are basically saying of the ObamaCare exchanges to just put them in a death spiral. Let them just die. Then, maybe, the Democrats will come to the table.

I think that that would be a huge mistake. Most of the people would suffer. As a matter of fact, a lot of the folks who voted for them are in rural States, and a lot of them are in red States around the country. I think it is just cruel, and I do not think it is very smart.

Last Friday morning at 2 a.m., three Republicans—Lisa Murkowski, of Alaska; Susan Collins, of Maine; and John McCain, of Arizona—joined 48 Democrats in saying: Let’s hit the pause button on degrading, further bringing down, the Affordable Care Act. Let’s hit the pause button. It is not because they do not like the Affordable Care Act, but because we know there are things in it that need to be fixed, but there are portions that need to be preserved as well.

We said: Let’s see if we can’t hit the pause button—kind of pivot—and stabilize the exchanges. First of all, then we do the fix, and then do the repair that needs done in the ACA. We would keep the stuff that is really good and that everyone says is good and move on. Let’s not just do it as Republicans by themselves or Democrats by themselves. We have tried that. Let’s try working together.

Now we have a chance to do that, and people, like the President, who have very good ideas will have a chance to present those ideas that will be held by Senators Lamar Alexander and Patty Murray right after we come back here, just after the Labor Day holiday.

I learned in our Finance Committee today that Chairman Orrin Hatch and Senator Ron Wyden, who is the senior Democrat on the committee, will also be holding a hearing or hearings on how do we stabilize the exchanges and how do we maybe, find some ways to improve on what we have done in the Affordable Care Act. I can think of any number. I am sure that the President will be able to as well.

We have not been discouraged. This is a country about which people say: You must be miserable serving in the U.S. Senate.

I say: Oh, no, not at all. I am sort of energized by what has been going on, not discouraged.

A long time ago, we fought the Civil War. One hundred fifty years ago, we fought the Civil War. My friend here from Mississippi remembers that. I grew up in the last capital of the Confederacy. Senator Tillman—Democrat Tillman of South Carolina. One hundred fifty years ago, hundreds of thousands of people were killed, maimed, or wounded. When it was over, our President was assassinated, and his successor was impeached.

Somehow, we got through that and made it to the 20th century and fought, not one, but two World Wars. We won them both and led them both. We fought the Cold War. We led it. We led the world out of the Great Depression and into the 21st century.

The 21st century emerged, and the Sun came up that January day in 2001. America had the strongest economy on Earth and the most productive workforce on Earth. We are a nation of peace. We had four balanced budgets in a row. We had not balanced a budget since 1968. Then we figured out how to do that four times in a row during the last 4 years of the Clinton administration. In 2001, we were the most admired Nation on Earth and the most admired force for justice on Earth.
I like to remind people that if we can get through the 150 years after the Civil War and end up where we were on January 1, 2001, we will get through this as well.

The last thing I would say is this: When we come back, there is plenty to do. One of the things we have to do is deal with our financial plan, our budget, and figure out what to do with respect to the debt ceiling. We will be combing through the hearings that I described on the Affordable Care Act and trying to stabilize the exchanges. We will begin to figure out what we ought to do beyond stabilizing the exchanges and do it as Democrats and Republicans working together.

When we passed Social Security, Medicare, the Civil Rights Act, and the GI bill, those were not all Democratic ideas or all Republican ideas. Some of the best work we do is when we work together.

We will also have the opportunity to tackle our Tax Code. We have a tax code that, in some cases, discourages companies, especially larger companies, that we have in the United States and continuing to do business here and employing people here. In some cases, we encourage them to look for other places around the world in which to locate their businesses. We need to make sure we have a tax code that encourages innovation and that encourages companies to expand and grow here.

My hope is that we can, especially on the Finance Committee, really focus on that and work with our colleagues, work Republicans, work Democrats, and work with the administration.

I am a really optimistic person about most things, but the last time we did comprehensive tax reform in this country was in 1986. At that time, we had Republican President Reagan, who was for it. He had a great Treasury Secretary, Jim Baker, who was for it. Dan Rostenkowski, the chairman of the Ways and Means Committee in the House, was for it. Tip O'Neill, the Democratic Speaker of the House, was for it. We had Bob Packwood and Bill Bradley, a Democrat and a Republican—brilliant people on the Finance Committee. They were for it, and it still took 5 years to do it—really hard stuff.

We need to get serious about it, and we need to get going. My hope is that we will end up having revenue-neutral. We could use some revenues, but I hope it will be revenue-neutral. At the end of the day, I hope that what we do will answer these four questions: Is it fair? Does it foster economic growth? Does it make the Tax Code less complex or more complex? Finally, how does it affect the Treasury—our budget situation? My hope is that we can keep those questions in our minds as we formulate tax reform and answer them in an appropriate way.

I see my colleagues here with whom I serve on the Finance Committee and on the Environment and Public Works Committee. He is waiting his turn, and I have talked long enough.

I will close where I started, with the words of the late Senator Phillip Hart, of Michigan, who was admired by a lot of people here in this body before we came here. He said these words:

I leave as I arrived, understanding clearly the complexity of the situation into which we were born and optimistic that if we give our best shot, we will come close to achieving the goals set for us 200 years ago.

Boy, those words ring true today, don't they? As we are about to leave, unlike our friend Philip Hart, who left the Senate, those who serve today in the Senate are going to come back in 4 weeks. My hope is that when we come back, we will come back determined to work together. That is what people want us to do. They want us to work together because, if we do, we will get a lot more things done.

My wife and I went to Africa and actually met up there with one of our sons and a friend of his two summers ago, this August. I learned more about Africa in, actually, a week to 10 days than I had learned in all of my life. One of the things I learned was an African proverb that some of you already know. It goes something like this: If you want to go fast, travel alone. If you want to go far, travel together.

Think about that: If you want to go fast, travel alone. If you want to go far, travel together.

We have tried going it alone, and we have not gotten that far. My hope is that when we come back, we will travel together, and we will go a long, long way and make everyone proud of us.

I say again to my colleagues and the pages and our staffs, thank you for the good work that you have done. It is a pleasure serving with all of you.

I bid you adieu. Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

BENEFIT ACT

Mr. WICKER. Mr. President, my esteemed colleague from Delaware says that we have plenty to do when we get back, and he is, certainly, correct. I would join many of my colleagues today, though, in pointing out that in the last 3 days, we have actually gotten substantial work done. Perhaps we have condensed into 3 days what using the regular order and the filibuster and the motions to proceed might have taken 3 weeks otherwise. So the leadership on both sides of the aisle are to be commended for this burst of progress we have made, and I hope we can continue that when we get back.

Earlier today, this Congress passed a significant piece of legislation offered by the Senator who occupies the Chair, my good friend, Senator Johnson of Wisconsin. It is the Right to Try Act, which seeks to make it easier for patients who are willing to take a bit of a chance on a drug in order to save their lives—streamline the way they can have access to perhaps life-enhancing and lifesaving drugs. It is a real achievement. I congratulate my colleague from Wisconsin and congratulate the leadership facilitating this breakthrough.

In 2015, the Senate passed a companion bill authored by Senator Klobuchar and me known as the Better Empowerment Now to Enhance Framework and Improve Treatments Act or the BENEFIT Act. This is another win for patients who deserve to have a voice in the drug approval process. This bill, which is a companion bill to the very important Right to Try Act, will do that.

The BENEFIT Act calls for in simple amendment to the Food, Drug, and Cosmetic Act—one that could make a big difference to patients whose lives may depend on a new therapy or drug. Specifically, the Wicker-Klobuchar bill would require the use of patient experience in patient-focused development and related data in assessing the risk versus the benefit of these particular therapies.

The bill also includes information from patient advocacy groups and academic institutions. This is a small but important step forward.

If signed into law—and I certainly hope the House passes it and I hope the President will sign it into law—this bill would greatly enhance the data and information available to FDA when reviewing drugs, when reviewing medical products, and when reviewing therapies. It would also add to the promise Congress made in recent years, reaffirming the importance of patients’ perspectives in drug decisions—decisions that can have a profound and lasting impact on the lives of these patients. Ask any American who suffers from a disease or who is watching a loved one suffer, and they will tell us that all information should be on the table when a breakthrough or a cure is at stake.

Last year, Senator Klobuchar and I joined together to make the FDA’s use of patient perspectives more transparent with what we call the Patient-Focused Impact Assessment Act. This was passed and was signed into law as part of the 21st Century Cures Act.

The BENEFIT Act, passed by the Senate today, would keep that momentum going, building on the progress we have made.

Now, what progress have we made? Let me tell you what my colleagues think. For years, I have sought to find a cure for the devastating, fatal disease known as Duchenne muscular dystrophy. I have worked on this issue since my early years in the House of Representatives. My son is a boy—a young boy—and he is 12. My other son is a young man of 18 years—and it is whom this affects. These young boys face this fatal disease, and they know better than anyone what a drug can do to improve the quality of their lives.

Since the Congress passed and the President signed the MD-CARE Act dealing with Duchenne muscular dystrophy more than 15 years ago, research has led to innovative therapies
that have added a decade to the lives of these young boys. What an achievement for the government to have unleashed cures and research in this area.

I thank my colleagues in the Senate for joining with us on a unanimous consensus to pass this legislation. I thank the leadership on this side of the aisle and our Democratic counterparts on the other side.

Private appreciation goes to Senator ALEXANDER, the chairman of the HELP Committee, and to Senator MURRAY, the ranking Democrat on the HELP Committee, for their valuable help. Appreciation goes to perhaps a new attitude for the rest of the year in the Senate to join together with unanimous consent and move bills and nominations forward that have widespread support and consensus around the country.

I congratulate the Presiding Officer, the Senator from Wisconsin, on an outstanding achievement, and I congratulate the Senate for joining with Senator KLOCHNER and me to help out in another way.

Thank you.

I yield the floor.

I suspect the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MAKING OPPORTUNITIES FOR BROADBAND INVESTMENT AND LIMITING EXCESSIVE AND NECESSARY OBSTACLES TO WIRELESS ACT

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 17, S. 19.

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

The senior assistant legislative clerk read as follows:

A bill (S. 19) to provide opportunities for broadband investment, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act” or the “MOBILE NOW Act”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Making 500 megahertz available.
Sec. 4. Millimeter wave spectrum.
Sec. 5. 3 gigahertz spectrum.
Sec. 6. Communications facilities deployment on Federal property.
Sec. 7. Broadband infrastructure deployment.
Sec. 8. National broadband facilities asset database.
Sec. 9. Relocation incentives.
Sec. 10. Bidirectional sharing study.
Sec. 11. Unlicensed services in guard bands.
Sec. 12. Pre-auction funding.
Sec. 13. Immediate transfer of funds.
Sec. 15. GAO assessment of unlicensed spectrum and Wi-Fi use in low-income neighborhoods.
Sec. 16. Rulemaking related to partitioning or disaggregating licenses.
Sec. 17. Unlicensed spectrum policy.
Sec. 18. National plan for unlicensed spectrum.
Sec. 19. Spectrum challenge prize.
Sec. 20. Wireless telecommunications tax and fee collection fairness.
Sec. 21. Rules for trained personnel acquisition.
Sec. 22. Relationship to Middle Class Tax Relief and Job Creation Act of 2012.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives; and

(C) each committee of the Senate or of the House of Representatives with jurisdiction over a Federal entity affected by the applicable section in which the term appears.

(2) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(3) FEDERAL ENTITY.—The term “Federal entity” has the meaning given the term in section 113(h) of the National Telecommunications and Information Act (47 U.S.C. 923(h)).

(4) NTIA.—The term “NTIA” means the National Telecommunications and Information Administration of the Department of Commerce.

(5) OMB.—The term “OMB” means the Office of Management and Budget.

(6) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

SEC. 3. MAKING 500 MEGAHERTZ AVAILABLE.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Consistent with the Presidential Memorandum of June 28, 2010, entitled “Unleashing the Wireless Broadband Revolution” and establishing a goal of making a total of 500 megahertz of Federal and non-Federal spectrum available on a licensed or unlicensed basis for wireless broadband use by 2020, not later than December 31, 2020, the Secretary, working through the NTIA, and the Commission shall make available at a total of at least 255 megahertz of Federal and non-Federal spectrum below the frequency of 6000 megahertz for mobile and fixed wireless broadband use.

(2) UNLICENSED AND LICENSED USE.—Of the spectrum made available under paragraph (1), not less than—

(A) 100 megahertz shall be made available on an unlicensed basis; and

(B) 100 megahertz shall be made available on an exclusive, licensed basis for commercial mobile use, pursuant to the Commission’s authority to implement a fixed network, and, subject to potential continued use of such spectrum by incumbent Federal entities in designated geographic areas indefinitely or for such length of time stipulated in transition plans approved by the Technical Panel under section 113(h) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(h)) for those incumbent entities to be relocated to alternate spectrum.

(b) NON-ELIGIBLE SPECTRUM.—For purposes of satisfying the requirement under paragraph (1), the following spectrum shall not be counted:

(A) The frequencies between 1695 and 1710 megahertz.

(B) The frequencies between 1715 and 1780 megahertz.

(C) The frequencies between 2155 and 2180 megahertz.

(D) The frequencies between 3550 and 3700 megahertz.

(E) Spectrum that the Commission determines had more than de minimis mobile or fixed wireless broadband operations within the band on the day before the date of enactment of this Act.

(2) RELLOCATION PRIORITIZED OVER SHARING.—This section shall be carried out in accordance with section 113(h) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(h)).

(5) CONSIDERATIONS.—In making spectrum available under this section, the Secretary and Commission shall consider—

(A) the need to preserve critical existing and planned Federal Government capabilities;

(B) the impact on existing State, local, and tribal government capabilities;

(C) the international implications;

(D) the need for appropriate enforcement mechanisms and authorities; and

(E) the importance of the deployment of wireless broadband services in rural areas of the United States.

(b) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to impair or otherwise affect the functions of the Director of OMB relating to budgetary, administrative, or legislative proposals;

(2) to require the disclosure of classified information, law enforcement sensitive information, or other information that must be protected in the interest of national security;

(3) to affect any requirement under section 156 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921) as added by section 1062(a) of the National Defense Authorization Act for Fiscal Year 2000, or any other relevant statutory requirement applicable to the reallocation of Federal spectrum.

SEC. 4. MILLIMETER WAVE SPECTRUM.

(a) FEASIBILITY ASSESSMENT.—Not later than 18 months after the date of enactment of this Act, the NTIA, in consultation with the Commission, shall conduct a feasibility assessment regarding the impact, on Federal entities and operations in any of the following bands, of authorizing mobile or fixed terrestrial wireless operations, including for advanced mobile service operations, in the following bands:

(1) The band between 31800 and 33000 megahertz.

(2) The band between 71000 and 76000 megahertz.

(3) The band between 82000 and 86000 megahertz.

(b) REQUIREMENTS.—In conducting the feasibility assessment under subsection (a), the NTIA shall—

(1) consult directly with Federal entities with respect to frequencies allocated to Federal use by such entities in the bands identified in that subsection;

(2) consider what, if any, impact authorizing mobile or fixed terrestrial wireless operations, including advanced mobile service operations, in any of such frequencies would have on an affected Federal entity; and

(3) identify any such frequencies in the bands described in that subsection that the NTIA assessment determines are feasible for authorizing mobile or fixed terrestrial wireless operations, including any advanced mobile service operations.
hertz, except for any frequencies with Federal
allocations, in the following radio frequency bands:

(1) The band between 24250 and 24450 mega-
hertz.
(2) The band between 25050 and 25250 mega-
hertz.

(3) The band between 31800 and 33400 mega-
hertz, except for any frequencies with Federal allocations.
(4) The band between 42000 and 42500 mega-
hertz.
(5) The band between 71000 and 76000 mega-
hertz, except for any frequencies with Federal allocations.
(6) The band between 81000 and 86000 mega-
hertz, except for any frequencies with Federal allocations.

(2) the bands described in subsection (a) and (b), including regarding the
bands identified in such reports as feasible purs-
tion to subsection (c)(4).

SEC. 6. COMMUNICATIONS FACILITIES DEPLOY-
MENT ON FEDERAL PROPERTY.

(a) IN GENERAL.—Section 6409 of the Middle
Class Tax Relief and Job Creation Act of 2012
(47 U.S.C. 1455) is amended by striking sub-
section (a) and inserting the fol-
lowing:

"(c) MASTER CONTRACTS FOR COMMUNICA-
TIONS FACILITY INSTALLATION SITINGS.—
(1) IN GENERAL.—Notwithstanding section
704 of the Telecommunications Act of 1996 (Pub-
lic Law 104–104; 110 Stat. 351) or any other provi-
sion of law, the Administrator of General Services shall—
(d) FEDERAL EASEMENTS, RIGHTS-OF-WAY,
AND LEASES.—

(1) GRANT.—If an executive agency, a State,
a political subdivision or agency of a State, or a person, firm, or organi-
ization applies for the grant of an easement, right-of-way, or lease to,
in, over, or on a building or other property owned by the Federal Government for the right to install, construct, modify, or maintain a
communications facility installation, the executive agency having control of the building or other property may grant to the applicant, on behalf
of the Federal Government, subject to para-
graph (5), an easement, right-of-way, or lease to perform such installation, construction, modifi-
cation, or maintenance.

(2) APPLICATION.—

"(A) IN GENERAL.—The Administrator of Gen-
eral Services shall develop a common form for
eliciting, from a fixed location pursuant to author-
ization by the Commission or is using duly au-
thorized devices that do not require individual
licences; and

(3) the criteria that may be necessary to en-
sure shared licensed or unlicensed services would not cause harmful interference to Federal or non-Federal users already operating in the fre-
quency band described in that subsection.

(4) If such sharing is feasible, an identifica-
tion of which of the frequencies described in
the frequency band identified in that subsection.

(c) REQUIREMENTS.—A report under sub-
section (a) or (b) shall include the follow-
ing:

(1) An assessment of the operations of Federal entities and Federal Government sta-
tions authorized to use the frequencies described in
that subsection.
(2) An assessment of the possible impacts of
such sharing on Federal and non-Federal users already operating on the frequencies described in
that subsection.

(3) The criteria that may be necessary to en-
sure shared licensed or unlicensed services would not cause harmful interference to Federal or non-Federal users already operating in the fre-
quency band described in that subsection.

(4) If such sharing is feasible, an identifica-
tion of which of the frequencies described in
the frequency band identified in that subsection.

(5) TIMELY CONSIDERATION OF APPLICA-
TIONS.—

"(A) IN GENERAL.—Not later than 270 days
after the date on which an executive agency re-
ceives a duly filed application for an easement,
right-of-way, or lease under this subsection, the exec-
utive agency shall—

(1) grant or deny, on behalf of the Federal Government, the application; and

(ii) notify the applicant of the grant or de-
nial.

"(B) EXPLANATION OF DENIAL.—If an exec-
utive agency denies an application under sub-
paragraph (A), the executive agency shall notify
the applicant in writing, including a clear state-
ment of the reasons for the denial.

"(C) FULFILLMENT OF ENVIRONMENTAL LAWS.—Nothing in this paragraph shall be con-
strued to relieve an executive agency of the re-
quirements of division A of subtitle III of title
70 of the United States Code, or the National Environ-

(3) ORGANIZATIONAL RELATIONSHIPS.—

(a) I N GENERAL.—The Administrator of Gen-
eral Services shall not apply to an executive agency if the head of the
executive agency designates one or more appro-
priate individuals within the executive agency to act as a point of contact with the applicant.

(b) MASTER CONTRACTS FOR COMMUNICA-
TIONS FACILITY INSTALLATION SITINGS.—
SEC. 7. USE OF PROPERTY RELATING TO
COMMUNICATIONS FACILITIES.

(a) IN GENERAL.—Section 6409 of the Middle
Class Tax Relief and Job Creation Act of 2012
(47 U.S.C. 1455) is amended by adding the fol-
lowing:

"(3) FEE.—

"(A) IN GENERAL.—Notwithstanding any other
provision of law, the Administrator of General
Services shall establish a fee for the grant of an
easement, right-of-way, or lease pursuant to par-
agraph (1) that is based on direct cost recov-
er.
(ii) is designed to be operated, or is operating, from a fixed location pursuant to authorization by the Commission or using duly authorized devices that do not require individual licenses; and

(iii) is added to a tower, building, or other structure.

(b) COVERED PROPERTY.—The term ‘‘covered property’’—

(A) means any real property capable of supporting a communications facility installation; and

(B) any antenna or apparatus that—

(i) is designed for the purpose of emitting radio frequency energy;

(ii) is designed to be operated, or is operating, from a fixed location pursuant to authorization by the Commission or using duly authorized devices that do not require individual licenses; and

(iii) is added to a tower, building, or other structure.

(c) STREAMLINING BROADBAND FACILITY APPLICATIONS.—

(1) DEFINITION OF COMMUNICATIONS FACILITY INSTALLATION.—In this subsection, the term ‘‘communications facility installation’’ has the meaning given the term in section 6409(d) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(d)), as amended by subsection (a).

(2) REQUIREMENTS FOR RECOMMENDATIONS.—The recommendations developed under subparagraph (A) shall include—

(i) procedures for the tracking of applications described in subparagraph (A);

(ii) methods by which to reduce the amount of time between the receipt of an application and the issuance of a final decision on an application;

(iii) policies for expediting renewals of an existing permit, license, or other authorization to locate communications facility installations on land managed by the agencies described in subparagraph (A); and

(iv) policies that would prioritize or streamline a permit for construction in a previously disturbed right-of-way.

(B) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the NTIA, in coordination with the Department of the Interior, the Department of Defense, the Department of Transportation, OMB, and the General Services Administration, shall develop recommendations to streamline, for consideration by the agencies under section 6409(b) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(b)), as amended by subsection (a).

(C) REPORT TO CONGRESS .—Not later than 2 years after the date on which the recommendations are reported to Congress, the NTIA shall submit to the Committee on Commerce of the House of Representatives a report describing the procedures developed pursuant to paragraph (2), methods by which to reduce the amount of time between the receipt of an application and the issuance of a final decision on an application, policies for expediting renewals of an existing permit, license, or other authorization to locate communications facility installations on land managed by the agencies described in subparagraph (A), and policies that would prioritize or streamline a permit for construction in a previously disturbed right-of-way.

(3) BROADBAND INFRASTRUCTURE DEPLOYMENT.—To facilitate the installation of broadband infrastructure and achieve the policy described in subsection (a), the Secretary of Transportation shall ensure that each State that receives funds under chapter I of title 23, United States Code, meets the following requirements:

(1) BROADBAND CONSULTATION.—The State department of transportation, in consultation with appropriate State agencies, shall—

(A) identify a broadband utility coordinator, that may have additional responsibilities, whether in the State department of transportation or in another State agency, that is responsible for facilitating the broadband infrastructure right-of-way efforts within the State;

(B) establish a process for the registration of broadband infrastructure right-of-way efforts that seek to be included in the broadband infrastructure right-of-way facilitation efforts within the State;

(C) establish a process to electronically notify broadband infrastructure entities identified under subparagraph (B) of the State transportation improvement program on an annual basis and provide additional notifications as necessary to achieve the goals of this section; and

(D) coordinate initiatives carried out under this section with other statewide telecommunication and transportation plans, including strategies to minimize repeated excavations that involve the installation of broadband infrastructure in a right-of-way.

(2) PRIORITY.—If a State chooses to provide for the installation of broadband infrastructure in the right-of-way of a State highway project under this subsection, the State department of transportation shall carry out any appropriate measures to ensure that any existing broadband infrastructure entities are not disadvantaged, as compared to other broadband infrastructure entities, with respect to the program under this subsection.

(3) EFFECT OF EARTHQUakes.—This section applies only to activities for which obligations or expenditures are initially approved on or after the date of enactment of this Act. Nothing in this section establishes a mandate or requirement that a State install broadband infrastructure in a highway right-of-way.

SEC. 7. BROADBAND INFRASTRUCTURE DEPLOYMENT.

(a) FINDING REGARDING FEDERAL AND STATE DEPARTMENTS OF TRANSPORTATION.—Congress finds that it is the policy of the United States for the Department of Transportation and State departments of transportation—

(1) to adopt or otherwise develop right-of-way policies for Federal-aid highways to effectively accommodate broadband infrastructure; and

(2) to ensure safe and efficient accommodation of broadband infrastructure in the public right-of-way; and

(b) APPROPRIATE FEDERAL AGENCIES.—The term ‘‘appropriate Federal agency’’ means an agency that is responsible for—

(1) developing and updating a database for all users will be appropriately efficient and secure; and

(c) DATA.—The term ‘‘database’’ means the database established under subsection (b).

(3) COVERED PROPERTY.—The term ‘‘covered property’’—

(A) means any real property capable of supporting a communications facility installation; and

(B) includes any antenna or apparatus described in subparagraph (A).

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(3) Subsequently acquired property.—If an Executive agency acquires covered property after the date on which the database is established under subsection (b), the head of the Executive agency shall provide a report to the Director of the Office of Science and Technology Policy the information required under paragraph (1) with respect to the covered property not later than 30 days after date of acquisition.

(e) State and local governments.—

(1) In general.—The Director of the Office of Science and Technology Policy (referred to in this subsection as the “Director”) shall make the database available to State and local governments so that such governments may provide to the database similar information to the information required under subsection (d)(1) regarding covered property owned, leased, or otherwise managed by such governments.

(2) Report on incentivizing participation by State and local governments.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with the Chairman of the Commission, the Assistant Secretary of Commerce for Communications and Information, the Under Secretary for Standards and Technology, the Administrator of General Services, and the Director of OMB, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on potential ways to incentivize State and local governments to provide to the Director the database similar information required under subsection (d)(1) regarding covered property owned, leased, or otherwise managed by such governments under paragraph (1) of this subsection or through other means.

(B) Considerations.—The Director, in preparing the report under subparagraph (A), shall—

(1) consult with State and local governments, or their representatives, to identify for inclusion in the report the most cost-effective options for State and local governments to collect and provide the information described in subparagraph (A), including utilizing and leveraging State broadband initiatives and programs; and

(2) make recommendations on ways the Federal Government can assist State and local governments in collecting and providing the information described in subparagraph (A).

(3) Report update.—Not later than 2 years after the date on which the database is established under this section, the Director shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives an update to the report required under subparagraph (A) that identifies State and local governments that have contributed to the database and recommends ways to further incentivize participation by State and local governments.

(f) Database updates.—

(1) Timely inclusion.—After the establishment of the database, the Director of the Office of Science and Technology Policy shall ensure that information provided under subsection (d) or (e) is included in the database not later than 7 days after the date on which the Director receives the information.

(2) Date of addition or update.—Information in the database relating to covered and unprotected property shall include the date on which the information was added or most recently updated.

(g) Report.—Not later than 180 days after the date that the Director of the Office of Science and Technology Policy seeks public comment under subsection (c)(1), the Director shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Energy and Commerce of the House of Representatives a report on the progress in establishing the database under this section. The Director shall update the report annually until the date that the database is fully operational. After the database is fully operational and for the 5 years thereafter, the Director shall provide annual reports regarding the use of the database, recommendations of how the database may provide additional utility to the entities described in subsection (d), and such recommendations are warranted, and how previous recommendations have been implemented.

SEC. 9. REALLOCATION INCENTIVES.

(a) In general.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Commission, the Director of OMB, and the head of each affected Federal agency, shall make recommendations to incentivize a Federal entity to relinquish, or share with Federal or non-Federal users, Federal spectrum for the purpose of allowing commercial wireless broadband services to operate on that Federal spectrum.

(b) Post-auction payments.—

(1) Report.—In preparing the report under subsection (a), the Secretary shall—

(A) consider whether permitting eligible Federal institutions that are implementing a transition plan under section 113(h) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(h)) to accept payments could result in access to the eligible frequencies for exclusive non-Federal use or shared use sooner than would otherwise occur without such payments; and

(B) include in the recommendations under paragraph (A), including any recommendations for legislative or regulatory recommendations to incentivize a Federal entity to relinquish or share with Federal or non-Federal users, Federal spectrum for the purpose of allowing commercial wireless broadband services to operate on that Federal spectrum.

(c) Limitation.—Nothing in this section shall be construed as limiting the Commission or the Secretary from otherwise making spectrum available for licensed or unlicensed use in the frequency bands that are designated as guard bands, including under section 3, consistent with their statutory jurisdictions.

SEC. 10. BIDIRECTIONAL SHARING STUDY.

(a) In general.—The Comptroller General of the United States shall make a study to determine the best means of providing Federal entities flexible access to non-Federal spectrum on a shared basis across a range of short-, mid-, and long-range standards in which non-Federal users may use the frequencies available for exclusive non-Federal use under the guard band or in an adjacent band.

(b) Considerations.—In conducting the study under subsection (a), the Comptroller General shall consider and evaluate—

(1) the regulatory certainty that commercial spectrum users and Federal entities need to make longer-term investment decisions for shared access to be viable; and

(2) any barriers to voluntary commercial arrangements in which non-Federal entities may provide access to Federal entities.

(c) Report update.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Commission, the Director of OMB, and the Secretary from otherwise making spectrum available for licensed or unlicensed use in the frequency bands that are designated as guard bands, including under section 3, consistent with their statutory jurisdictions.

SEC. 11. UNLICENSED SERVICES IN GUARD BANDS.

(a) In general.—After public notice and comment, and in consultation with the Secretary and the head of each affected Federal agency (or a designee thereof), with respect to frequencies allocated for exclusive use, the Commission shall adopt rules that permit unlicensed services where feasible to use any frequencies that are designated as guard bands to protect frequencies similarly allocated for exclusive use, the date of enactment of this Act by competitive bidding under section 309(i) of the Communications Act of 1934 (47 U.S.C. 309(i)), including spectrum that acts as a guard band to protect shared access to Federal entities.

(b) Limitation.—The Commission may not permit any use of a guard band under this section that would cause harmful interference to a licensed service or a Federal service operating in the guard band or in an adjacent band.

(c) Rule of construction.—Nothing in this section shall be construed as limiting the Commission or the Secretary from otherwise making spectrum available for licensed or unlicensed use in the frequency bands that are designated as guard bands, including under section 3, consistent with their statutory jurisdictions.

SEC. 12. PRE-AUCTION FUNDING.

(a) Rationale.—Not later than 30 days after the date of enactment of this Act, the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(e)(1)) is amended by striking “8 years” and inserting “5 years”.

(b) Limitation.—The Commission may not make payments to any Federal agency (or a designee thereof) to support the payment in cash or in-kind by any auction winner, or any person affiliated with an auction winner, of eligible frequencies during the period after eligible frequencies have been reallocated by competitive bidding under section 309(i) of the Communications Act of 1934 (47 U.S.C. 309(i)) but prior to the completion of relocations or sharing transition of such eligible frequencies per transition plans approved by the Technical Panel.

(c) Eligible frequencies.—The term “eligible frequencies” means the frequencies in section 113(g)(2)(B) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)).

(d) Funds.—Not later than 6 months after the date of enactment of this Act, the Commission shall forward to the Treasury the amount under subparagraph (A) immediately.

(e) Authority.—The Comptroller General of the United States shall evaluate the availability of broadband Internet access using unlicensed spectrum and wireless networks in low-income neighborhoods.

(f) Study.—The Comptroller General of the United States shall evaluate the availability of broadband Internet access using unlicensed spectrum and wireless networks in low-income neighborhoods.

Sec. 13. IMMEDIATE TRANSFER OF FUNDS.

Section 118(c)(1) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(e)(1)) is amended by adding at the end the following:

“(2) The transfer of amounts under paragraph (1) to the Treasury shall be made not later than 2 years after the date of enactment of this Act.”

SEC. 14. AMENDMENTS TO THE SPECTRUM PIPELINE ACT.

(a) Title.—Section 1008 of the Spectrum Pipeline Act of 2015 (Public Law 114–74; 129 Stat. 584) is amended in the matter preceding paragraph (1) by inserting “within 60 days after an opportunity for public comment,” after “the Commission”.

(b) Study.—The Comptroller General shall evaluate the availability of broadband Internet access using unlicensed spectrum and wireless networks in low-income neighborhoods.
(A) the availability of wireless Internet hotspots and access to unlicensed spectrum in low-income neighborhoods, particularly for elementary and secondary school-aged children in such neighborhoods;

(B) any barriers preventing or limiting the deployment and use of wireless networks in low-income neighborhoods;

(C) how to overcome any barriers described in subparagraph (B), including through incentives, policies, or requirements that could increase the availability of unlicensed spectrum and related technologies in low-income neighborhoods; and

(D) how to encourage home broadband adoption by households with elementary and secondary school-age children that are in low-income neighborhoods.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

(1) summarizes the findings of the study conducted under subsection (a); and

(2) makes recommendations with respect to potential incentives, policies, and requirements that could be used to achieve the goals described in subparagraphs (C) and (D) of subsection (a).

SEC. 16. RULEMAKING RELATED TO PARTITIONING OR DISAGGREGATING LICENSES.

(a) Definitions.—In this section—

(1) covered small carrier.—The term "covered small carrier" means a carrier (as defined in section 332 of the Communications Act of 1934 (47 U.S.C. 153)) that—

(A) has not more than 1,500 employees (as determined under section 121106 of title 12, Code of Federal Regulations, or any successor thereto); and

(B) offers services using the facilities of the carrier.

(2) rural area.—The term "rural area" means any area other than—

(A) a city, town, or incorporated area that has a population of more than 20,000 inhabitants; or

(B) an urbanized area contiguous and adjacent to a city or town that has a population of more than 50,000 inhabitants.

(b) Rulemaking.—

(1) in general.—Not later than 1 year after the date of enactment of this Act, the Commission shall promulgate a rule to assess whether to establish a program, or modify existing programs, under which a licensee that receives a license for the exclusive use of specified frequencies in a specific geographic area under section 301 of the Communications Act of 1934 (47 U.S.C. 301) may partition or disaggregate the license by sales or long-term leases—

(A) in order to—

(i) provide services consistent with the license; and

(ii) make unused spectrum available to—

(I) an unaffiliated covered small carrier; or

(II) an unaffiliated carrier to serve a rural area; and

(B) the Commission finds that such a program would promote—

(i) the availability of advanced telecommunications services in rural areas; or

(ii) spectrum availability for covered small carriers.

(2) Considerations.—In conducting the rulemaking proceeding under paragraph (1), the Commission shall consider the goals described in the program proposed to be established under that paragraph—

(A) whether reduced performance requirements with respect to spectrum obtained through the program would facilitate deployment of advanced telecommunications services in the areas covered by the program;

(B) whether the Commission may be added on transfers of spectrum under the program to allow covered small carriers that obtain spectrum under the program to build out the spectrum in a reasonable period of time;

(C) what incentives may be appropriate to encourage licensees to lease or sell spectrum, including—

(i) extending the term of a license granted under section 301 of the Communications Act of 1934 (47 U.S.C. 301); or

(ii) waiving performance requirements of the license relating to the leased or sold spectrum; and

(D) the administrative feasibility of—

(i) the incentives described in subparagraph (C); and

(ii) other incentives considered by the Commission that further the goals of this section.

(3) FORFEITURE OF LICENSE.—If a party fails to meet any build out requirements set by the Commission for any spectrum sold or leased under this section, the right to the spectrum shall be forfeited to the Commission unless the Commission finds that there is good cause for the failure of the party.

(4) REQUIREMENTS.—The Commission may offer a license incentive or reduced performance requirements under this section only if the Commission finds that doing so would likely result in increased availability of advanced telecommunications services in rural areas.

SEC. 17. UNLICENSED SPECTRUM POLICY.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to maximize the benefit to the people of the United States of the spectrum resources of the United States;

(2) to advance innovation and investment in wireless broadband services; and

(3) to promote spectrum policy that makes available on an unlicensed basis radio frequency bands sufficient to meet consumer demand for unlicensed wireless broadband operations.

(b) COMMISSION RESPONSIBILITIES.—The Commission shall ensure that the efforts of the Commission related to spectrum allocation and assignment make available on an unlicensed basis radio frequency bands sufficient to meet demand for unlicensed wireless broadband operations.

(c) COMMISSION ACTIONS.—Not later than 18 months after the date of enactment of this Act, the Commission shall take action to implement subsection (b).

SEC. 18. NATIONAL PLAN FOR UNLICENSED SPECTRUM.

(a) DEFINITIONS.—In this section—

(1) spectrum relocation fund.—The term "spectrum relocation fund" means the fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928).

(2) unlicensed operations.—The term "unlicensed operations" means the use of spectrum on a non-exclusive basis under—

(A) part 15 of title 47, Code of Federal Regulations; or

(B) licensing by rule under part 96 of title 47, Code of Federal Regulations.

(b) NATIONAL PLAN.—Not later than 1 year after the date of enactment of this Act, the Commission, in consultation with the NTIA, shall develop a national plan for making additional radio frequency bands available for unlicensed operations.

(c) REQUIREMENTS.—The plan developed under this section shall—

(1) identify an approach that ensures that any costs associated with the development of unlicensed spectrum to conduct unlicensed operations in a range of radio frequencies to meet consumer demand;

(2) recommend specific actions by the Commission, in consultation with the NTIA, to permit unlicensed operations in additional radio frequency ranges that the Commission finds—

(A) are consistent with the statement of policy under section 18(a); and

(B) will—

(i) expand opportunities for unlicensed operations in spectrum bands; or

(ii) otherwise improve spectrum utilization and intensity of use of bands where unlicensed operations are already permitted;

(c) HOMELAND SECURITY.—The Commission—

(1) shall not cause harmful interference to Federal or non-Federal users of such bands; and

(2) shall not significantly impact homeland security or national security communications systems.

(d) Spectrum relocation fund.—To be included as part of the plan developed under this section, the NTIA shall share with the Commission recommendations about how to reform the Spectrum Relocation Fund.

SEC. 19. SPECTRUM CHALLENGE PRIZE.

(a) short title.—This section may be cited as the "Spectrum Challenge Prize Act".

(b) definition of prize competition.—In this section, the term "prize competition" means a prize competition conducted by the Secretary under subsection (c)(1).

(c) Spectrum Challenge Prize.—

(1) IN GENERAL.—The Secretary, in consultation with the Assistant Secretary of Commerce for Communications and Information and the Under Secretary of Commerce for Standards and Technology, shall, subject to the availability of funds for prize competitions under this section—

(A) conduct prize competitions to dramatically accelerate the development and commercialization of technologies that improve spectrum efficiency and is capable of cost-effective deployment; and

(B) define a measurable set of performance goals for participants in the prize competitions to demonstrate their solutions on a level playing field while making a significant advancement over the current state of the art.

(2) authority of Secretary.—In carrying out paragraph (1), the Secretary may—

(A) enter into a grant, contract, cooperative agreement, or other agreement with a private entity or a public entity to administer the prize competitions;

(B) invite the Defense Advanced Research Projects Agency, the Commission, the National Science Foundation, the National Aeronautics and Space Administration, the National Security Foundation, or any other Federal agency to provide advice and assistance in the
design or administration of the price competitions; and
(C) award not more than $5,000,000, in the aggregate, to the winner or winners of the price competition;
(d) CRITERIA.—Not later than 180 days after the date on which funds for price competitions are made available pursuant to this section, the Commission, after consultation with a technical panel on spectrum efficiency providing criteria that may be used for the design of the price competitions.
(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated sums as may be necessary to carry out this section.

SEC. 20. WIRELESS TELECOMMUNICATIONS TAX AND FEE COLLECTION FAIRNESS.

(a) SHORT TITLE.—This section may be cited as the “Wireless Telecommunications Tax and Fee Collection Fairness Act”.

(b) DEFINITIONS.—In this section:

(1) FINANCIAL TRANSACTION.—The term “financial transaction” means a transaction in which the purchaser or user of a wireless telecommunications service upon whom a tax, fee, or surcharge is imposed gives cash, credit, or any other exchange of monetary value or consideration to the person who is required to collect or remit the tax, fee, or surcharge.

(2) LOCAL JURISDICTION.—The term “local jurisdiction” means a political subdivision of a State.

(3) STATE.—The term “State” means any of the several States, the District of Columbia, and any territory or possession of the United States.

(4) STATE OR LOCAL JURISDICTION.—The term “State or local jurisdiction” includes any governmental entity or person acting on behalf of a State or local jurisdiction that has the authority to assess, impose, levy, or collect taxes or fees.

(5) TELECOMMUNICATIONS SERVICE. —The term “wireless telecommunications service” means a commercial mobile radio service, as defined in section 20.3 of title 47, Code of Federal Regulations, or any successor thereto.

SEC. 21. RULES OF CONSTRUCTION.

(a) RANGES OF FREQUENCIES.—Each range of frequencies described in this Act shall be construed to be inclusive of the upper and lower frequencies in the range.

(b) ASSESSMENT OF ELECTROMAGNETIC SPECTRUM EFFICIENCY.—Nothing in this Act shall be construed to affect any requirement under section 156 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 note), as added by section 1062(a) of the National Defense Authorization Act for Fiscal Year 2000.

SEC. 22. REGISTRATION AND THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012.

Nothing in this Act shall be construed to limit, restrict, or circumvent in any way the implementation of the nationwide public safety broadband network defined in section 6001 of title VI of the Middle Class Tax Relief and Job Creation Act of 2012 or any rules implementing that network under title VI of that Act (47 U.S.C. 1401 et seq.).

Mr. WICKER. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to; the bill, as amended, 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 committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 19), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

IMPROVING RURAL CALL QUALITY AND RELIABILITY ACT OF 2017

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 19, S. 96.

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

The senior assistant legislative clerk read as follows:

A bill (S. 96) to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

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

Mr. WICKER. 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. 96) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 96
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Improving Rural Call Quality and Reliability Act of 2017”.

SEC. 2. ENSURING THE INTEGRITY OF VOICE COMMUNICATIONS.

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

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

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

“(1) register with the Commission; and

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

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

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

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

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

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

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

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

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

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

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

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

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

“(i) DEFINITIONS.—In this section—

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

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

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

(B) through any service provided by a covered provider in the context of originating or conjunction with an affiliate, serve as a covariance that is generated from the placement of a call—

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

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

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

FEDERAL COMMUNICATIONS COMMISSION CONSOLIDATED REPORTING ACT OF 2017

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 77, S. 174.

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

The senior assistant legislative clerk read as follows:

A bill (S. 174) to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

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

Mr. WICKER. 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. 174) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

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 “Federal Communications Commission Consolidated Reporting Act of 2017”.

SEC. 2. COMMUNICATIONS MARKETPLACE REPORT.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

“SEC. 13. COMMUNICATIONS MARKETPLACE REPORT.

“(a) In General.—In the last quarter of every even-numbered year, the Commission shall publish on its website and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the state of the communications marketplace.

“(b) CONTENTS.—Each report required under subsection (a) shall—

“(1) assess the state of competition in the communications marketplace, including competition to deliver voice, video, audio, and data services among providers of commercial mobile service (as defined in section 332), multichannel video programming distributors (as defined in section 662), broadcast stations, providers of satellite communications, Internet service providers, and other providers of communications services;

“(2) assess the state of deployment of communications satellites capable of delivering communications capability, including advanced telecommunications capability (as defined in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 151 et seq.) of the technology used for such deployment;

“(3) assess whether laws, regulations, regulatory practices, or demonstrated marketplace practices pose a barrier to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications services; and

“(4) describe the agenda of the Commission for the next 2-year period for addressing the challenges and opportunities in the communications marketplace that were identified through the assessment under paragraphs (1) through (3).

“(c) EXTENSION.—If the Senate confirms the Chairman of the Commission during the third or fourth quarter of an even-numbered year, the report required under subsection (a) may be published on the website of the Commission and submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by March 1 of the following odd-numbered year.

“(d) SPECIAL REQUIREMENTS.—

“(1) ASSUMPTIONS.—In assessing the state of competition under subsection (b)(1), the Commission shall consider all forms of competition, including the effect of intermodal competition, and competition from new and emerging communications services, including the provision of content and communications using the internet.

“(2) ASSESSING DEPLOYMENT.—In assessing the state of deployment under subsection (b)(2), the Commission shall include a list of geographical areas that are not served by any provider of advanced telecommunications capability.

“(3) CONSIDERING SMALL BUSINESSES.—In assessing the state of competition under subsection (b)(1) and barriers under subsection (b)(3), the Commission shall consider market entry barriers for entrepreneurs and other small businesses in the communications marketplace, including international broadband data services among providers of service to end users.

“(4) CONSIDERATION OF MARKET BARRIERS.—In assessing the state of competition under subsection (b)(1) and barriers under subsection (b)(3), the Commission shall consider market entry barriers for entrepreneurs and other small businesses in the communications marketplace, including international broadband data services among providers of service to end users.

“(5) REPORT.—Section 628 of the Communications Act of 1994 (47 U.S.C. 332(c)(1)(C)) is amended by adding—

““(i) IN GENERAL.—Section 4 of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is repealed.

“(b) SATellite Competition Report.—Section 4 of Public Law 109–34 (47 U.S.C. 703) is repealed.

“(c) International Broadband Data Report.—Section 105(b) of the Broadband Data Improvement Act of 1994 (47 U.S.C. 153(b)(1)) is amended by striking “the assessment and report” and all that follows through “the assessment and report” and inserting “its report under section 13 of the Communications Act of 1994, the Federal Communications Commission”.


“(1) by striking subsection (j) as subsection (g); and

“(2) by redesigning subsection (j) as subsection (g); and

“(3) by transferring subsection (g) (as redesignated) so that it appears after subsection (f).

“(e) Report on Cable Industry Prices.—Section 628(k) of the Communications Act of 1994 (47 U.S.C. 546) is amended—

“(1) in paragraph (1), by striking “annually publish” and inserting “publish with its report under section 13 of the Communications Act of 1994”; and

“(2) in paragraph (2), by striking “ANNUAL”.

“(f) Triennial Report Identifying and Eliminating Market Entry Barriers for Entrepreneurs and Other Small Businesses.—Section 257 of the Communications Act of 1994 (47 U.S.C. 257) is amended by striking subsection (c).

“(g) State of Competitive Market Conditions With Respect to Commercial Mobile Radio Services.—Section 332(c)(1)(C) of the Communications Act of 1994 (47 U.S.C. 332(c)(1)(C)) is amended by striking the first and second sentences.

“(h) Previously Eliminated Annual Reports.—

“(1) In General.—Section 4 of the Communications Act of 1994 (47 U.S.C. 151) is amended—

“(A) by striking subsection (k); and

“(B) by redesigning subsections (l) through (o) as subsections (k) through (n), respectively.

“(2) In General.—The Communications Act of 1994 (47 U.S.C. 151 et seq.) is amended—

“(A) in section 9(i), by striking “In the Commission’s annual report the Commission shall prepare an analysis of its progress in developing such systems and” and inserting “The Commission”;

“(B) in section 306(b)(6)(B), by striking the last sentence.

“(i) Additional Outdated Reports.—

“(1) In General.—The Communications Act of 1994 (47 U.S.C. 151 et seq.) is amended—

“(A) in section 4—

“(i) in subsection (b)(2)(B)(ii), by striking “and shall furnish notice of such action” and all that follows through “subject of the waiver”;

“(ii) in subsection (g)—

“(I) by striking paragraph (2); and

“(II) by redesignating paragraph (3) as paragraph (2); and

“(B) in section 215—

“(i) by striking subsection (b); and

“(ii) by redesignating subsection (c) as subsection (b).

“(C) in section 227(e)—

“(i) by striking paragraph (4); and

“(ii) by redesigning paragraphs (5) through (9) as paragraphs (4) through (8), respectively.

“(D) in section 303(a)(1)(B), by striking “section 173(f)” and inserting “section 715(e)”;

“(E) in section 309(j)—

“(i) by striking paragraph (12);
than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission’
inserting ‘‘The Commission’’.

(B) DEADLINE.—The Commission shall pre-
scribe such rules and regulations as the amendments made by this subsection not later than 18
months after the date of enactment of this Act.

(5) EFFECTIVE DATE.—The amendments made
by this subsection shall take effect on the date
that is 6 months after the date on which the
Commission prescribes regulations under para-
graph (j).

(b) CONSUMER EDUCATION MATERIALS ON HOW TO AVOID SCAMS THAT RELY UPON MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

(1) DEVELOPMENT OF MATERIALS.—Not later
than 1 year after the date of enactment of this
Act, the Commission, in collaboration with the
Federal Trade Commission, shall develop con-
sumer education materials that provide informa-
tion about—

(A) ways for consumers to identify scams and
other fraudulent activity that rely upon the use
of misleading or inaccurate caller identification
information; and

(B) consumer technologies, if any, that a con-
sumer can use to protect against such scams and
other fraudulent activity.

(2) CONTENTS.—In developing the consumer
education materials under paragraph (1), the
Commission—

(A) identify existing technologies, if any, that
can help consumers guard themselves against
scams and other fraudulent activity that rely
upon the use of misleading or inaccurate caller
identification information, including—

(i) descriptions of how a consumer can use
the technologies to protect against such scams
and other fraudulent activity; and

(ii) details on how consumers can access and
use the technologies; and

(B) provide other information that may help
consumers identify and avoid scams and other
fraudulent activity that rely upon the use of
misleading or inaccurate caller identification
information.

(3) UPDATES.—The Commission shall ensure
that the consumer education materials required
under paragraph (1) are updated on a regular
basis.

(4) WEBSITE.—The Commission shall include
the consumer education materials developed
under paragraph (1) on its website.

(c) GAO REPORT ON COMBATING THE FRAUDU-
LENT PROVISION OF MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

(1) IN GENERAL.—The Comptroller General
of the United States shall conduct a study of the
extent to which the Federal Trade Commission
have taken to combat the fraudulent provision
of misleading or inaccurate caller identification
information, and the additional measures that
could be taken to combat such activ-
ty.

(2) REQUIRED CONSIDERATIONS.—In con-
ducting the study under paragraph (1), the
Comptroller General shall examine—

(A) trends in the types of scams that rely on
misleading or inaccurate caller identification
information;

(B) previous and current enforcement actions
by the Commission and the Federal Trade Com-
misson to combat the practices prohibited by
section 227(e)(1) of the Communications Act of
1934 (47 U.S.C. 227(e)(1));

(C) current efforts by industry groups and
other entities to develop technical standards to
deter or prevent the fraudulent provision of
misleading or inaccurate caller identification
information, and how such standards may help com-
batt the current and future provision of mis-
leading or inaccurate caller identification
information; and

(D) whether there are additional actions the
Commission, the Federal Trade Commission, and
Congress should take to combat the fraudulent
provision of misleading or inaccurate caller
identification information.

(2) REPORT.—Not later than 18 months after
the date of enactment of this Act, the Compt-
roller General shall submit to the Committee on
Commerce, Science, and Transportation of the
Senate and the Committee on Energy and Com-
merce of the House of Representatives a report
on the findings of the study conducted under
paragraph (1), including any recommendations
regarding the fraudulent provision of misleading
or inaccurate caller identification informa-
tion.

(d) RULE OF CONSTRUCTION.—Nothing in this
section, nor any provision made by this sec-
tion, shall be construed to modify, limit, or oth-
erwise affect any rule or order adopted by the
Commission in connection with

(1) the Telephone Consumer Protection Act of
1991 (Public Law 102-243; 105 Stat. 2294) or the
amendments made by that Act; or

(2) the CAN-SPAM Act of 2003 (15 U.S.C. 7701
et seq.).

Mr. WICKER. Mr. President, I ask unanimous consent that the com-
mittee-reported substitute amendment be considered and agreed to, the bill, as amended, be considered read a third
time and passed, and the motion to reconside-
red be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 134), as amended, was or-
ered to be engrossed for a third reading,
was read the third time, and passed.

KARI’S LAW ACT OF 2017

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate
proceed to the immediate consider-
ation of Calendar No. 104, S. 123.

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

The senior assistant legislative clerk read as follows:

A bill (S. 123) to amend the Communica-
tions Act of 1934 to require multi-line tele-
phone systems to have a default configura-
tion that permits users to directly initiate a
call to 9–1–1 using the system, the
facility where the system is installed ini-
tiates a call to 9–1–1 using the system, the
system described in paragraph (1) for other calls.

(A) a central location at the facility; or

(B) a person or organization with respon-
sibility for the safety or security operation as
designated by the manager or operator of the
system.

(2) APPLICATION.—A system described in
this paragraph is a multi-line tele-
phone system that is able to be configured to
provide the notification described in paragraph (1)
without any improvement to the system.

(3) REGULATIONS.—

(1) AUTHORITY.—The Commission may
prescribe regulations to carry out this sec-
tion.

(2) TECHNOLOGICALLY NEUTRAL.—Regula-
tions prescribed under paragraph (1) shall, to
the extent practicable, promote the purposes of
this section in a technologically neutral man-
ner.

(3) ENFORCEMENT.—This section shall be
enforced under title V, except that section
554(b) applies only to the extent that the sec-
tion provides for the imposition of a fine.

(4) EFFECT ON STATE LAW.—Nothing in
this section or in regulations prescribed
under this section shall prevent any State from
enforcing any State law that is not inconsistent
with this section.

(b) EFFECTIVE DATE.—The amendment
made by subsection (a) shall apply with re-
spect to a multi-line telephone system that is
manufactured, imported, offered for first
DEVELOPING INNOVATION AND GROWING THE INTERNET OF THINGS ACT

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 123, S. 88.

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

The senior assistant legislative clerk read as follows:

A bill (S. 88) to ensure appropriate spectrum planning and interagency coordination to support the Internet of Things.

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

Mr. WICKER. Mr. President, I ask unanimous consent that the Fischer substitute amendment at the desk be considered and agreed to, and the bill, as amended, be considered read a third time.

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

The amendment (No. 769) in the nature of a substitute was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

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

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

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

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

The bill (S. 88), as amended, was passed.

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

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

Mr. WICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUNT). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. 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.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 101 and 102.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The legislative clerk read the nominations of Neil Chatterjee, of Kentucky, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2021, and Robert Powelson, of Pennsylvania, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2020.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate’s action; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; and that the Senate then resume session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nominations?

The amendment (No. 769) in the nature of a substitute was agreed to.

The bills were ordered to be engrossed and the credentials he will bring to the Energy and Natural Resources Committee for consideration his name before the Energy and Natural Resources Committee.

He is extremely knowledgeable, extremely committed and dedicated, and it has been a real pleasure to work with him.

I don’t know Mr. Powelson as well, but having had an opportunity to advance his name before the Energy and Natural Resources Committee for confirmation, too, I know that the expertise and the credentials he will bring to the Commission are greatly appreciated.

I think we recognize that there is much we are anxious to see happen throughout the country in a new administration where we are talking a lot about infrastructure—when we are talking about our energy assets and what we can do to help facilitate the build-out of an aging infrastructure and the add-on of new infrastructure.

But in order to proceed with much of this, you have to have the FERC actually operating, working to review the permit applications more quickly, and I think that is important for us to have the FERC be responsible for it.

As somebody who works through the rate-making cases, it is substantive work, it is challenging work, and it is work that has now been stacked up for months and months. So knowing that the FERC will be able to commence its operations again with a quorum is really good news today.

I think it is also important to note that the White House sent just this week two additional nominations—those of Mr. Glick and Mr. McIntyre. The Energy and Natural Resources Committee will be considering those in early September when we return so that, hopefully, we can get a full complement to this very important Commission.

Mr. MCCONNELL. Mr. President, Richard Glick and Kevin McIntyre have been nominated by the President for positions on the Federal Energy Regulatory Commission. I understand they will be heard and marked up in tandem in September and I have told the Democratic leader that they will move as a pair across the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate be in 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.

FDA REAUTHORIZATION BILL

Mr. HATCH. Mr. President, I wish to speak on the importance of maintaining a strong Food and Drug Administration. Today we approved the user fee reauthorizations for the FDA. We have done the important work of passing these essential user fee agreements out of the committee and have now debated and passed them on the Senate floor.

The HELP Committee is filled with strong personalities. These personalities reflect the passion and diversity of opinion of millions across our nation today. While we may disagree on certain policies, most of us can agree that funding the drug, device, and biologic centers of the FDA is essential.

Our future scientific endeavors require a strong FDA that communicates openly with the industry that it regulates, and this agreement sets up protocols to achieve that goal. A strong FDA also requires clear steps for product review, and only through such deliberative actions can we bring more competition and clarity to our drugs, devices, and biologic products.

I have championed multiple provisions in this bill, but there are two I would like to highlight today. First, there is the counterfeit and diverted drug language. This language strengthens the drug supply chain by legalizing the importation neither harder nor easier. Rather, it protects and liberative actions can we bring more competition and clarity to our drugs, device, and biologic products.

In fact, it doesn’t change importation drug language. This language makes products reflect the passion and diversity of opinion of millions across our nation today. While we may disagree on certain policies, most of us can agree that funding the drug, device, and biologic centers of the FDA is essential.

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I have championed multiple provisions in this bill, but there are two I would like to highlight today. First, there is the counterfeit and diverted drug language. This language strengthens the drug supply chain by legalizing the importation neither harder nor easier. Rather, it protects and liberative actions can we bring more competition and clarity to our drugs, device, and biologic products.
simply increasing penalties for criminals that choose to divert drugs into the United States or sell counterfeit drugs.

Current penalties for illegally diverting drugs in the United States change arbitrarily based on the location where the drugs are manufactured. Our bill addresses this disparity by enforcing the same penalties for diverting drugs made outside the United States as for those made inside the United States. To ensure public health and to enhance consumer confidence, it is critical that Congress eliminate these differing penalties for certain types of diversion and counterfeiting.

The second provision I wish to call attention to is a bipartisan proposal from Senators BENNET, BURD, and CASEY. These fine Senators have joined together to address how clinical trials are designed early on in their development. By offering guidance on how to include the intended patient population, especially those with rare diseases, drug sponsors can craft trials that generate useful data for health professionals and patients to review.

This bill builds upon the success of other expanded access provisions that put into the hands of patients with rare diseases, patients and their families, and community, treatments to the rare disease community, patients and their families suffer.

Drug companies possess considerable scientific knowledge on drugs that have already been approved for common diseases. Some of these drugs could be repurposed for the treatment of rare diseases. Repurposing drugs is faster, less expensive, and generally less risky than traditional drug development.

The OPEN ACT would encourage such repurposing by providing an additional 6 months of market exclusivity to drugs that are repurposed and approved by FDA for a rare disease or condition.

Finding legislative ways help medical innovators treat rare diseases has been among my top priorities for over 30 years, since I first championed the bipartisan, bicameral Orphan Drug Act in 1983. The OPEN ACT is a natural next step in expanding that effort to close the gap for rare diseases for which we have yet to develop treatments. In addition to increasing the number of rare disease therapies, this legislation will boost innovation and provide safer options for rare disease patients using drugs off-label. My bill enjoys enormous support with the backing of over 250 rare disease organizations and patient advocacy groups, not to mention overwhelming support from academic medical and research centers.

Although this provision is not in the bill before us, I have had assurances from the Senate’s bipartisan leadership that they will continue working with me and the cosponsors of this bill to see it become law. I have spoken to Ranking Member MURRAY in the past about it, and I remain optimistic that my colleagues share my concern for the rare disease community and are willing to advance this legislation in the future. I would like to thank the chairman and ranking member for their dedication to children and families in need.

I wish to conclude by reminding my colleagues that many of the debates that have led to the bill before us today are the culmination of years of experience. When I led the effort to pass what became Hatch-Waxman, the true impact of that law dwarfed even our loftiest hopes. Hatch-Waxman was a resounding success because Senators and Congressmen worked together to improve our country’s situation and reduce barriers to market entry. This bill is vital to continuing that goal, and I am pleased to see where the negotiations have landed.

TAX REFORM

Mr. HATCH. Mr. President, last week, I joined the Senate majority leader, the Speaker of the House, the chairman of the House Ways and Means Committee, the Treasury Secretary, and the Director of the National Economic Council in issuing a joint statement on tax reform.

I ask unanimous consent that the text of the joint statement be printed in the RECORD at the conclusion of my remarks.

Since the statement’s release, critics and naysayers have said quite a bit, some even going so far as to declare their opposition to the statement. That is a little odd, given that the statement is not a bill or a tax plan; it is simply a statement of agreed upon principles for tax reform.

That is not to say it was insignificant. Quite the opposite, in fact. The joint statement is an important development in the overall tax reform effort for several reasons.

For example, over the past several months, the favored tax reform narrative among some in the pundit class has been that Republicans are deeply divided. According to this narrative, Republicans in the Senate, the House, and the administration have such fundamentally different views on tax reform that it will be impossible for us all to get on the same page.

Some of that was, to use an outdated description, pure poppycock.

When the administration puts out a framework that calls for a 15 percent corporate tax rate while the House blueprint has a 20 percent rate target, that is not really a disagreement. Both sides want to lower the corporate rate significantly, and the general idea in both cases is to reduce the rate as much as is reasonably possible.

Admittedly, there were some key differences of opinion. At the outset of tax reform in Congress, with Senator BURD, and Senator CASEY—prominent Senators who ultimately supported the administration’s agenda—were not included in the package being debated today, the provisions of the Orphan Product Extension Now Accelerating Cures and Treatments Act—a bill I introduced this Congress with Senator MURRAY, and last Congress with Senator KLOUCHAR—would promote new therapies for rare diseases.

New therapies are essential to help the nearly 30 million Americans suffering from a rare disease or condition. Because complex rare diseases with small patient populations have limited market potential, there are few economic incentives to develop new drugs targeting those diseases. While there are 7,000 rare diseases that impact millions of Americans, 95 percent of these diseases have no treatment. All too often, misconceptions about the dangers of exclusivities keep bipartisan measures from being introduced. We must remain focused, however, and remember that, each day we delay in getting treatments to the rare disease community, patients and their families suffer.

Drug companies possess considerable scientific knowledge on drugs that have already been approved for common diseases. Some of these drugs could be repurposed for the treatment of rare diseases. Repurposing drugs is
blueprint and the President's tax framework, even though there are not enough specifics in place to score anything yet. Those scores, generated by whatever is in the imagination of the outside groups, and not based on any facts, will be the authors' choice that includes a call for bipartisan hearings in the Finance Committee. The joint statement confirms that both chambers of Congress will take that kind of approach.

The Finance Committee is already hard at work. We have been talking about specific reform proposals for months now, and every member on the majority side of the committee is ready to do the work. More broadly, the committee has been at work in a bipartisan way on tax reform for many years now.

We have a number of great members on the Finance Committee, all of whom—at least on the Republican side—are working toward this effort. I will continue to gather their input with an eye toward crafting a tax reform bill and moving it through the committee this fall. Once again, the committee process is going to be robust. It is intended to have a robust and transparent process for tax reform in the Senate. The joint statement confirms that both chambers of Congress will take that kind of approach.

The joint statement also noted that Republican leaders hoped that our Democratic colleagues would be willing to participate in this effort.

That came as no surprise. I have been calling on my Democrat friends to work with us on tax reform for months, even years.

For months now, I have been coming to the floor on multiple occasions to ask my Democrat friends to come to the table.

I held a bipartisan hearing on tax reform in the Finance Committee just a few weeks ago, where we heard from experts on both sides of the aisle.

Earlier this week, the committee had another bipartisan hearing. This one on affordable housing. Of course, most of the Federal affordable housing incentives are found in the Tax Code, meaning that issue will undoubtedly be part of the larger discussion.

These hearings are just the latest in a very long line of bipartisan, tax-related hearings in the Finance Committee.

So let's get to the point. There should not be any doubt that, when I sign onto a statement that includes a call for bipartisanship, the call is both serious and sincere.

In addition, there is quite a bit of bipartisan agreement over the policy principles noted in joint statement.

As I said here on the floor just a few weeks ago, a number of Democrats—including a number of our Senate colleagues and the two most recent Democratic Presidents—have expressed support for lowering the U.S. corporate tax rate, which is the highest in the industrialized world.

The proponents include a number of experts on both sides of the aisle, some of which are found in the Tax Code, meaning that the issue will undoubtedly be part of the larger discussion.

Both of these concepts are prominently mentioned in our joint statement.

The statement also talks about tax relief for middle-class families and reduced burdens on small businesses. Democrats, last time I checked, were largely in favor of this as well.

So long story short, there is nothing in the statement, either in terms of process or policy, that should discourage a number of Democrats from getting on board with this effort.

Yet, earlier this week, every member of the Senate Democratic Caucus—except those who signed the letter I distributed to a call for compromise and bipartisanship. However, if you read the details of the letter, it was really a set of up-front demands peppered in between political attacks.

First and foremost, my colleagues demanded in their letter that Republicans not use budget reconciliation to move a tax reform bill.

That has been a precondition for Democratic involvement in this effort for months now, among other demands unrelated to tax reform, and, as I have said many times, it is preposterous. The demand that Republicans agree upfront to a particular process is really unprecedented and, not to put too fine a point on it, laughable.

If Democrats are willing to engage in good faith on tax reform, why would they first demand that we ensure their ability to block it from ever even coming to a vote? It would be wilful to engage on the substance? The logic is a little dizzying, to say the least.

On top of that, if reconciliation remains on the table, why would that stop Democrats from agreeing on the substance?

Obviously, budget reconciliation gives the majority the tools it needs to move legislation—under specified rules and conditions—without the threat of a filibuster. But the rules require reconciliation to be bipartisan. In fact, historically speaking, tax bills moved through reconciliation tend to get bipartisan support. For example, the so-called Bush Tax Cuts of 2001 and 2003 did not do so without reconciliation; yet there were both Republicans and Democrats voting in favor of the package.

Recent history shows that working together on the substance of policy is not precluded by the existence of a reconciliation instruction.

In 2009, with a reconciliation instruction in place, Senate Republicans in the Finance Committee participated in the healthcare reform process, with hearings, roundtables, and bipartisan discussion groups, before we were shut out of the final ObamaCare bill. Republicans did not operate as though there was a prerequisite of no reconciliation before discussion could occur.

In 2013, with a $1 trillion tax-hike reconciliation instruction in place, Senate Republicans in the Finance Committee participated in discussions that produced 10 bipartisan tax option papers; we participated in what was called a blank slate approach to tax reform; and we participated in discussion draft conversations. Republicans did not operate as though there was a prerequisite of no reconciliation before discussion could occur.

Now, our friends on the other side are critical of us when we follow the path they, themselves, took. They are insisting that the way that they would not do it is better than the way we would do it. They are not participating on the same constructive basis we did when we were in their place.

From their leader on down, they act as if the past does not exist or if they are ignorant of it. They are applying too clever a rhetorical lash to those on this side, my friends on the other side should heed the advice of Lord Byron: "Keep thy smooth words and juggling homilies for those who know thee not."

If Democrats will work with us to reach agreement on the substance of tax reform, the process by which it moves through the Senate shouldn't really be a concern. Any implication that the process will necessarily dictate the substance is misleading.

Ideally, the tax reform process would be bipartisan, particularly here in the Senate. That would be the best-case scenario for the tax reform effort.

In a perfect world, reconciliation would not be necessary.

For that to happen, the Democrats would have to be willing to engage in a constructive manner. In my view, opening the discussion of the possibility that Republicans unilaterally disarm and commit to not using the tools we have under the rules of the Senate—the very tools that have been used by both sides in the past—smacks of disingenuousness.

If they are truly willing to engage constructively on these efforts—and I hope they are—we should begin by talking about the substance, not dealing with process demands.

It is illogical to believe that what the sweeping is posturing. I hope that my Democratic colleagues will recognize the significance of the unity expressed in last week's joint statement and get on board for what will hopefully be a historic effort. The majority leader has indicated that he is willing to go that way. I am willing to go that way as well.

However, to get us to the point, a number of things have to happen, not
the least of which is the passage of budget resolution. For now, I am focusing on the substantive policies and proposals, and I will keep working with my colleagues on the Finance Committee to deliver on the tasks we were charged in the joint statement.

The immediate objection, the material was ordered to be printed in the Record, as follows:

[July 27, 2017]

JOINT STATEMENT ON TAX REFORM

WASHINGTON.—Today, House Speaker Paul Ryan and Senate Majority Leader Mitch McConnell (R-KY), Treasury Secretary Steven Mnuchin, National Economic Council Director Gary Cohn, Senate Finance Committee Chairman Orrin Hatch (R-UT), and House Ways and Means Committee Chairman Kevin Brady (R-TX) issued the following joint statement on tax reform:

"For the first time in many years, the American people have elected a President and Congress that are fully committed to ensuring that ordinary Americans keep more of their hard-earned money and that our tax policies encourage employers to invest, hire, and grow. And under the leadership of President Trump, the House and Senate have met with over 200 members of the House and Senate and hundreds of grassroots and business groups to talk and listen to ideas on how to lower taxes.

"We are all united in the belief that the single most important action we can take to grow our economy and help the middle class get ahead is to fix our broken tax code for families, small business, and American job creators competing at home and around the globe. Our shared commitment to fixing America'stax code represents a once-in-a-generation opportunity, and so for three months we have been meeting regularly to develop a shared template for tax reform.

"Over many years, the members of the House Ways and Means Committee and the Senate Finance Committee have examined various options for tax reform. During our meetings, the Chairmen of those committees have brought to the table the views and priorities of their committee members. Building on this work, as well as on the efforts of the Administration and input from other stakeholders, we are confident that a shared vision for tax reform exists, and are prepared for the committees to take this template and begin producing legislation for the President to sign.

"Above all, the mission of the committees is to protect American jobs and make taxes simpler, fairer, and lower for hard-working American families. We have always been in agreement that tax relief for American families should be at the heart of our plan. We also believe there should be a lower tax rate for small businesses so they can compete with larger ones, and lower rates for all Americans so they can compete with foreign ones. The goal is a plan that reduces tax rates as much as possible, allows unprecedented capital expense, places a priority on permanence, and creates a system that encourages American companies to bring back jobs and profits trapped overseas. And we are now confident that, without transferring our current domestic consumption-based tax system, there is a viable approach for ensuring a level playing field between American and foreign companies and working toward a level playing field for American jobs and the U.S. tax base. While we have debated the pro-growth benefits of border adjustability, we appreciate that there are many unknowns associated with it and have decided that this policy aside in order to advance tax reform.

"Given our shared sense of purpose, the time has arrived for the two tax-writing committees to develop and draft legislation that will result in the first comprehensive tax reform in decades that will be the responsibility of the members of those committees to produce legislation that achieves the goals shared broadly within Congress, the White House, and those who have burdened too long by an outdated tax system. Our expectation is for this legislation to move through the committees this fall, under regular order, followed by consideration on the House and Senate floors. As the committees work toward this end, our hope is that our friends on the other side of the aisle will support this effort. The President fully supports these principles and is committed to this approach.

"American families are counting on us to deliver historic tax reform. And we will."

FDA REAUTHORIZATION BILL

Mr. REED. Mr. President, today, the Senate passed the Food and Drug Administration Reauthorization Act of 2017, FDARA, to reauthorize user fees and other programs at the FDA to ensure that new, safe, and effective treatments get to patients in need as quickly as possible to save lives and greatly improve the quality of life. While I have long preferred that Congress appropriate funding to the FDA for this purpose to avoid any conflicts of interest, I have supported user fee bills and will do so again today, as it represents a bipartisan pathway for timely drug approvals. I am pleased that this legislation increases the amount of funding that drug and device companies will contribute to the approval process. However, I am disappointed that this legislation does not address drug pricing in a comprehensive way, as I have long advocated. I will continue to work with my colleagues to press for Senate action on this critical issue.

FDARA includes a number of key provisions to improve the pipeline for new pediatric drugs and devices. In particular, this legislation will reauthorize funding for critical pediatric programs such as pediatric clinical trials at the National Institutes of Health and the Pediatric Device Consortia grants under the FDA. In addition, this legislation will spur more pediatric drug development because of critical reforms to require drug companies to begin consideration of pediatric studies earlier in the drug development process and to make additional important steps to spur drug development for and better consideration of the needs of neonates, recognizing that treatments for infants must be considered differently than for teenagers.

Having worked for many years to improve access to care for children with cancer and childhood cancer survivors, I am also pleased to support the bill’s new requirements for more pediatric studies on treatments for cancer. These provisions are designed to spur new and better treatments for children suffering from cancer. However, I believe that we should be making these changes to support new treatments for all diseases impacting children, not just those with cancer. While we were unable to go that far in this bill, we were able to add a study of this issue. I look forward to seeing the results and working with my colleagues to expand these requirements in subsequent legislation. I am also concerned that this legislation does nothing to limit the ability of drug companies to benefit from exemptions from current pediatriuc study requirements. I filed an amendment to FDARA to close the most egregious of those loopholes in which a drug company can technically be exempted from pediatric study requirements because the treatment would only be used for a rare pediatric condition. I would hope that my colleagues on both sides of the aisle could agree that this loophole must be closed.

FDARA is an important step forward and an example of strong bipartisan health legislation in this Congress. I hope that we can continue this work, building on these efforts to repeal the Affordable Care Act that occupied this body for much of the year.

Mr. MENENDEZ. Mr. President, I am pleased the Senate advanced H.R. 2430, the FDA Reauthorization Act. This bipartisan, bicameral legislation ensures Americans will continue to have access to safe medications and the FDA has the tools they need to continue our Nation’s approval process remains the gold standard. I am also pleased to see tropical disease priority review vouchers state that a sponsor qualifies for a neglected tropical disease priority review voucher under existing law until September 30, 2017, so long as they submit at least one portion of a human drug application by that date. I would like to thank Senator ISAKSON if it is our intention to allow for sponsors who have been working in good faith with the Food and Drug Administration on a human drug application for a product that addresses a neglected tropical disease to qualify for a priority review voucher, as long as they begin a rolling submission to the agency by September 30, 2017?

Mr. ISAKSON. Mr. President, as my colleague Senator MENENDEZ indicated, the intent of the language in the FDA Reauthorization Act is this: so long as the submission process for a given product is begun by the sponsor on or before September 30, 2017, the product would qualify for a priority review voucher under the neglected tropical disease priority review voucher program.

Mr. MENENDEZ. Mr. President, I thank my colleague, Senator ISAKSON, for clarifying the language. It is important to provide this clarity to ensure products, for which at least one portion of the application is submitted in accordance with Section 566(d) of the Food, Drug & Cosmetic Act by September 30, 2017, qualify for the vouchers under current law.
CONFIRMATION OF MARVIN KAPLAN

Mr. VAN HOLLEN. Mr. President, I voted in opposition to the nomination of Marvin Kaplan to the National Labor Relations Board, NLRB. The NLRB has an important responsibility to resolve labor disputes, protect worker rights, and ensure fair access to collective bargaining. Mr. Kaplan does not have experience arguing the law before the NLRB; rather, he has a history of working to erode its authority to protect the workforce.

As chair of the House Committee on Education and the Workforce, Mr. Kaplan has worked on legislation to overturn key NLRB decisions and delay and distort the union election process. He has provided no assurance that he would recuse himself from issues pertaining to his prior work that might lead to bias. Throughout his career, he has pursued policies that would undermine worker protections. He should not be appointed to a board that is charged with safeguarding them.

President Trump has repeatedly promised to put the American worker first. The NLRB has a key role to ensure a fair deal for workers. It is unfortunate that the President’s nominees for the Board have not demonstrated a commitment to that mission.

227TH ANNIVERSARY OF THE UNITED STATES COAST GUARD

Mr. NELSON. Mr. President, on August 4, the U.S. Coast Guard will celebrate its 227th anniversary. On this special occasion, I want to commend the men and women of the Coast Guard for their valiant service on, under, and over our Nation’s high seas and waters. They have a proud history. Most Americans know the Coast Guard for its orange and white helicopters, fast small boats, cutters, and rescue swimmers, but they probably don’t know that the Coast Guard is one of our country’s oldest institutions of the U.S. Government.

On August 4, 1790, President George Washington signed the Tariff Act, authorizing construction of the first 10 cutters of what would eventually become the Coast Guard. They were known as the revenue cutters, and their original mission was to enforce tariffs and trade laws and to prevent smuggling. More than a hundred years, the cutters and their crew operated under the names Revenue Marine Service and the Revenue Cutter Service. Not until 1915, when Congress merged the Revenue Cutter Service and the U.S. Life-Saving Service, did the Coast Guard get its name.

Over time, the Coast Guard has become synonymous with saving those in peril on the sea. Their wide red bar and narrow blue bar, canted at 64 degrees, will always be a sign of assistance to mariners in danger.

Today, in times of peace, the Coast Guard operates as a part of the Department of Homeland Security, performing its 11 critical, statutory missions. Right now, there are courageous young men and women aboard buoy tenders and icebreakers, ensuring our waterways remain open for commerce. Fast response cutters patrol the seas, enforcing the law and conducting search-and-rescue missions. Small boat stations enforce our laws while educating the public on safe-boating practices. And as a reliable partner to a multitude of Federal, State, and local agencies, the Coast Guard does so much more, from responding to oil spills to combating drug trafficking.

In times of war or at the direction of the President, the Coast Guard valiantly serves as part of the Navy Department.

As you can see, the Coast Guard is a small but mighty organization. As ranking member of the Commerce Committee, I have had the privilege to meet many of the men and women of our Coast Guard and see their valuable work firsthand.

Through all the passing decades, some things about the Coast Guard have always been the same: the service’s proud tradition and the skill and professionalism of its men and women whose sacrifices contribute to protecting our national security. The Coast Guard’s core values of honor, respect, and devotion to duty are evident in everything it does. As the Coast Guard motto says, Semper Paratus, it is always ready for the call.

I want to take this opportunity to express our sincere gratitude to the men and women of the Coast Guard on 227 outstanding years of exemplary service to our Nation.

100TH ANNIVERSARY OF THE 88TH REGIONAL SUPPORT COMMAND

Ms. BALDWIN. Mr. President, today I wish to honor the 100th anniversary of the 88th Regional Support Command. I am humbled to recognize the men and women who are bravely fighting for our country’s freedom.

The 88th Regional Support Command, RSC, began as the 88th Infantry Division, ID, Organized in August 1917 at Camp Dodge, IA, the members of the “Cloverleaf Division” fought among the Allied Forces in the Aisace Campaign. They returned home following the war, and the Army demobilized the unit in June 1919.

Three years later, the 88th reformed within the Organized Reserve, with headquarters in Minneapolis and subordinate units elsewhere in Minnesota, Iowa, and North Dakota. The 88th ID trained soldiers, which the Germans referred to as the “Blue Devils.” The 88th ID fought on the front lines during the 1944 Italian campaign. Its arrival provided much-needed relief to the allied soldiers fighting on the Italian front. Led by Major General John E. Sloan, the 88th was the first division to enter the newly liberated Rome. After 100 straight days of activation, the Blue Devils were finally permitted to receive needed respite from the war. However, MG Sloan quickly instituted a training regimen that kept his soldiers in fighting condition, and they were ordered to head north to combat the Germans and provide support for American soldiers in Northern Italy.

For 344 days, the 88th Infantry fought to protect our American values during World War II. At the beginning of the war, MG Sloan promised, “the glory of the colors will never be sullied, as long as one man of the 88th still lives.” Although many lives were lost, the 88th Infantry Division was deactivated in October 1947, having fulfilled MG Sloan’s promise.

In April 1996, the 88th ID was redesignated as the 88th RSC. Headquartered in Fort McCoy, WI, the 88th RSC provides logistical and administrative support for Army Reserve soldiers. Whether they are providing training logistics, equipment maintenance or medical support, the members of the 88th RSC are making a difference for servicemen and servicewomen from Wisconsin all the way to the Pacific Coast.

Today the 88th ID lives on through the 88th Regional Support Command.

REMEMBERING RICHARD DUDMAN

Ms. COLLINS. Mr. President, Richard Dudman, one of our Nation’s most esteemed journalists, passed away at his Maine home last night. I rise today in tribute to a great American reporter and engaged citizen.

After serving in the Merchant Marine and U.S. Navy Reserve during World War II, Mr. Dudman began his journalism career at the Denver Post in 1945. He joined the Post-Dispatch 4 years later. In his more than three decades at the Post-Dispatch, he covered Fidel Castro’s Cuban revolution, the assassination of President John F. Kennedy, the Bay of Pigs invasion, the Watergate and Iran-Contra scandals, as well as armed conflicts from the Middle East and Asia to Central and South America.

In 1970, while covering the Vietnam war, Mr. Dudman was captured by the Viet Cong and held prisoner inCambodia. He was released in a narrow exchange he wrote about in his acclaimed book, “Forty Days With the Enemy.” In 1981, on his last day as Washington bureau chief for
the Post-Dispatch, he ran up Connecticut Avenue to cover the attempted assassination of President Ronald Reagan. For some of the most momentous events of the second half of the 20th Century, Richard Dudman wrote of history.

After retiring and moving to Ellsworth and Little Cranberry Island in Maine, Mr. Dudman continued to contribute to the Post-Dispatch and wrote more than 1,000 editorials for the Baltimore Sun. Among his many accolades are the prestigious George Polk Career Award in Journalism and inclusion into the Maine Press Association Hall of Fame.

Mr. Dudman combined his journalistic professionalism with a spirit of serving others. In 2014, he and his wife, Helen, were presented with the Golden Eagle Award from the Boy Scouts of America for their commitment to community and quality of life. This work ran through their remarkable 69 years of marriage.

In this time of sorrow, I offer my deep condolences to Helen and their family. I hope they will find comfort in Richard's inspiring legacy and the well-lived life he led. It has been said that we all have a birth date and a death date, with a dash in between. It is what we do with our dash that counts. Richard Dudman’s dash was extraordinarily long, and he made it count. He filled it with passion, professionalism, and dedication. May his memory inspire us all to do the same.

TRIBUTE TO CHIEF MASTER SERGEANT ROBERT “TREY” WALKER

Mr. BOOZMAN. Mr. President, today I wish to recognize and congratulate a tremendous airman, CMSgt Robert “Trey” Walker, on his recent promotion to the highest enlisted rank within the U.S. Air Force, effective August 1, 2017. Selection for chief master sergeant is extremely competitive, as only 1 percent of the Air Force’s entire enlisted population may hold the pay grade of E-9 at any time. Chief Walker clearly epitomizes the finest qualities of a military leader, as evidenced by his distinguished career and elevation to the highest enlisted level of leadership within the Air Force.

Chief Master Sergeant Walker entered the U.S. Air Force on September 11, 1996, as a voice network systems specialist and was later selected for retraining into the field of imagery intelligence. Chief Walker’s honorable service has spanned numerous overseas and stateside assignments including four European countries, two States, and the Nation’s Capital. He has also completed deployments in Operations Desert Fox, Northern Watch, and Enduring Freedom. Chief Walker currently serves as the deputy chief of strategic basing and force structure in the Office of the Secretary of the Air Force’s legislative liaison directorate.

Chief Master Sergeant Walker has chosen to repeatedly lead his airmen by example. Despite years of challenging work schedules and countless military obligations, Chief Walker elected to make his education a priority. Since 2005, he has earned two associate degrees, a bachelor’s degree, two master’s degrees, and a graduate-level certificate. Furthermore, Chief Walker’s outstanding performance has garnered numerous accolades, including the 548th ISR Group’s Lance P. Sijan Leadership Award, the Noncommissioned Officer Academy’s Distinguished Graduate Award, the Senior Noncommissioned Officer Academy’s Distinguished Graduate Award and Academic Achievement Award.

As a true testament to Chief Master Sergeant Walker’s exceptional career, he was selected to represent the U.S. Air Force on Capitol Hill as its sole enlisted legislative fellow in 2016. I was fortunate to have Chief Walker spend the year in my office as an integral part of Team BOOZMAN and was pleased with his professionalism, character, and devotion to duty. His tireless efforts were critical to the passage and implementation of Public Law 144–292, the Combat-Injured Veterans Tax Fairness Act of 2016. Moreover, Chief Walker led a bipartisan effort to protect the Defense Department’s basic allowance for housing by educating 18 Senators on the impact for military members.

Finally, he played a key role in the successful execution of the Senate Air Force Caucus agenda by increasing service engagement opportunities with Members of Congress.

Chief Walker, congratulations on your well-deserved promotion and successful career thus far. I am so proud of your many accomplishments and wish you the very best for you and your family in the future.

ADDITIONAL STATEMENTS

REMEMBERING RICHARD “DICK” GORDON, JR.

• Mr. BOOZMAN. Mr. President, today I wish to recognize the life and legacy of Arkansas World War II veteran and civic activist Richard “Dick” Gordon, Jr., who recently passed away.

Dick dedicated his life to regional conservation and civic issues. He encouraged involvement in local government and left a legacy as a respected community leader.

His father, Colonel Richard Gordon, Sr., a decorated WWI and WWII veteran, set an example that his son followed. During World War II, the young two-master’s degree earned him the nickname “The Bird Man.”

As a community leader in the Fort Smith area, Dick made a big impact on numerous agencies and projects. He championed improvements in the health network in various capacities over the past 20 years. He recently co-chaired a $72 million capital campaign for Danbury and New Milford Hospitals. In July 2017, Litchfield Magazine named Spencer one of Litchfield County’s 25 most influential people.

Today, I am pleased to join Spencer’s colleagues from across Connecticut and the Post-Dispatch, he ran up Connecticut Avenue to cover the attempted assassination of President Ronald Reagan. For some of the most momentous events of the second half of the 20th Century, Richard Dudman wrote of history.

After retiring and moving to Ellsworth and Little Cranberry Island in Maine, Mr. Dudman continued to contribute to the Post-Dispatch and wrote more than 1,000 editorials for the Baltimore Sun. Among his many accolades are the prestigious George Polk Career Award in Journalism and inclusion into the Maine Press Association Hall of Fame.

Mr. Dudman combined his journalistic professionalism with a spirit of serving others. In 2014, he and his wife, Helen, were presented with the Golden Eagle Award from the Boy Scouts of America for their commitment to community and quality of life. This work ran through their remarkable 69 years of marriage.

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TRIBUTE TO SPENCER M. HOULDIN

• Mr. MURPHY. Mr. President, today I wish to recognize Spencer M. Houldin of Roxbury, CT, as he nears the end of his term as chairman of the National Government Affairs Committee of the Independent Insurance Agents & Brokers of America, also known as the Big I. Spencer was installed as chairman of the Big I in September 2016, becoming the youngest person to serve as chairperson in the association’s 120-year history. Throughout his term, even when he and I disagreed, Spencer was always a thoughtful and dedicated advocate for independent insurance agents.

Prior to becoming the chairman, Spencer often served as a leader in the independent agency system. He chaired the Big I national Government Affairs Committee in 2009 and served as the president of the Connecticut Big I association in 2004. In these leadership positions, Spencer consistently promoted an environment where independent agents, in both Connecticut and across the country, could both thrive in their business and represent their customers with the highest quality of care.

Spencer has consistently served his community in Connecticut. He resides in Roxbury, CT, with his wife, Carol, and two sons, Chandler and Carter. Spencer is president of Ericson Insurance Services in Washington Depot, CT, where he has 23 years of experience as a personal insurance advisor, working alongside his brother Peter. He currently sits on the board of the Western Connecticut Health Network, which is comprised of Danbury Hospital, Norwalk Hospital, and New Milford Hospital. He has been involved with the health network in various capacities over the past 20 years. He recently co-chaired a $72 million capital campaign for Danbury and New Milford Hospitals. In July 2017, Litchfield Magazine named Spencer one of Litchfield County’s 25 most influential people.

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Today, I am pleased to join Spencer’s colleagues from across Connecticut and
the Nation in congratulating him as he finishes his term as chairman of the Big I.

100TH ANNIVERSARY OF THE MINNESOTA-DAKOTAS KIWANIS DISTRICT CONVENTION

Mr. ROUNDS. Mr. President, today I wish to recognize the 100th anniversary of the Minnesota-Dakotas Kiwanis District Convention.

Founded in 1915, Kiwanis International is a global organization of volunteers dedicated to serving the children of the world. With a motto of “One Child and One Community at a Time,” Kiwanis members dedicate more than 18 million volunteer hours and invest more than $107 million in projects that strengthen communities and serve children. These projects include helping shelter the homeless, feeding the hungry, mentoring the “disadvantaged,” caring for the sick, developing the youth as leaders, building playgrounds, raising funds for pediatric research, and much more.

Today the Minnesota-Dakotas District of Kiwanis has over 4,000 members. With a club slogan of “Serving the children of the World,” the chapter supports a range of programs, including Kiwanis Kids—elementary students—Builder’s Club—middle school students—Key Club—high school students—and Circle K—college students. In addition, the chapter supports Akton clubs for adults with disabilities. These programs allow our youth and adults to develop character, leadership skills and learn more about themselves and their communities.

I congratulate the Kiwanis International Minnesota-Dakotas District of Kiwanis International on their 100th convention. It has demonstrated leadership and dedication to children and to their communities. May they continue to thrive for the 100 years to come.

REMEMBERING ELLIJAH “YOCKIE” DELEE

Mr. SCOTT. Mr. President, today I would like to take a moment to recognize and honor the life of a great South Carolinian and American veteran, Mr. Elijah “Yockie” DeLee, who departed this life on July 20, 2017.

Elijah was a lifelong resident of Dorchester County, SC, where he worked tirelessly as a beloved deacon at Surprise Baptist Church. He was drafted into the Vietnam war shortly after graduating high school. As a soldier in the Vietnam war, he was always eager to lend a helping hand. Yockie loved and adored his family, and next to God and his church, they were always part of his family. He was a true provider, mediator, demonstrator, and imitator of Godly character. He will surely be missed among family, friends, and the community of Dorchester as a great American and South Carolinian.

150TH ANNIVERSARY OF NEW LIGHT BEULAH BAPTIST CHURCH

Mr. SCOTT. Mr. President, I would like to congratulate and honor New Light Beulah Baptist Church in Hopkins, SC, for their 150th anniversary, which will be celebrated on August 11 to 13, 2017.

New Light Beulah Baptist Church was established in 1867 when 665 African-American members of Beulah Baptist Church chose to separate from the White members and began independent rule. Despite the sanctuary burning to the ground in 1916, the church thrived and expanded. Since then, several other churches have been formed out of New Light Beulah Baptist. In 2015, the members accepted Dr. Malcolm Taylor as their pastor, and over 360 members call New Light Beulah their place of worship today.

In August 2017, New Light Beulah Baptist Church will be the first African-American church in the lower Richland community to be registered in the National Register of Historic Places. The church has remained committed to its mission, and I encourage all South Carolinians to recognize the rich history of the church and its contribution to the Palmetto State. I acknowledge and celebrate the church’s 150 years of independence as a congregation faithfully serving their community.

REMEMBERING HORACE MERRILL

Mr. SHELBY. Mr. President, today I wish to honor the life of Horace Sellers Merrill of Micaville, AL, who passed away on February 17, 2017. He will be remembered as a dedicated public servant who worked faithfully for the citizens of Alabama. He was committed to bettering his community and State through his public service and involvement in the community.

Mr. Merrill began a career with the Dixie Mines Mica Mining Company in the late 1950s before entering Alabama politics. In 1964, he was elected circuit clerk of Cleburne County, a position he held for 12 years. Following his term as circuit clerk, Mr. Merrill was elected probate judge and chairman of the Cleburne County Commission, where he served for 6 years.

Mr. Merrill will be remembered for his leadership in completing the Alabama welcome center and rest area on Interstate 20, as well as his efforts to utilize the Dyke Creek watershed to service the citizens of Cleburne County with a countywide water system.

Outside of his professional career, Mr. Merrill was a very active member of his community. He was president of the Lions Club, the Jaycees, and the local Athletics Boosters Club. In his earlier years, Mr. Merrill was an accomplished athlete. He lettered in both baseball and football and then attended the University of Alabama on an athletic scholarship. He later served as the announcer for Little League and junior high football games in Cleburne County and helped organize the first youth baseball program in Heflin.

Additionally, Mr. Merrill was a long-time member in the Cleburne Baptist Association, serving as an officer and pastor of several churches. A member of Heftin Baptist Church for more than 50 years, Mr. Merrill was deacon, a Sunday school teacher, Sunday school superintendent, church training director, and sanctuary choir member.

Horace’s many accomplishments and contributions to the State of Alabama will long be remembered. He touched the lives of many over the years, and he will be greatly missed.

I offer my deepest condolences to Horace’s wife, Mary, and to all of their loved ones as they celebrate his life and mourn this great loss.

RECOGNIZING THE NORTHWEST MONTANA CHAPTER OF VIETNAM VETERANS OF AMERICA

Mr. TESTER. Mr. President, today I wish to honor the Vietnam Veterans of America and the work Mr. John Burgess and the local Flathead Valley communities have done on behalf of their fellow veterans of the Vietnam war.

During that war, more than 2.5 million Americans fought bravely in service to their country. While more than 58,000 Americans made the ultimate sacrifice, many more endured and are still here with us today. However, it has not been an easy road for these veterans. For far too long, veterans of the Vietnam war have received neither the recognition nor the benefits that they truly deserved.

As ranking member of the Senate Veterans’ Affairs Committee, it has been my honor to fight for legislation that rectifies this oversight like the Blue Water Navy Vietnam Veterans Act that would allow veterans who served in the waters offshore during the Vietnam war to also be eligible for service-connected disability benefits as a result of agent orange exposure. I also support the Toxic Exposure Research Act which increases research into the health conditions of descendants of veterans who were exposed to toxins during their military service, particularly those exposed to the herbicide agent orange during the Vietnam war.

Honoring these veterans takes more than just legislation; it takes dedicated
people who are committed to telling their stories and honoring those who have served. The local northwest Montana chapter of the Vietnam Veterans of America in the Flathead Valley, which now has more than 100 members, has been an important partner working to ensure that veterans who fought in the Vietnam war are receiving the care, honor, and distinction they have earned.

The Vietnam Veterans of America has become an invaluable part of the community, hosting bingo events at the Montana veterans home, providing residents and staff with an annual picnic, helping with many ceremonies, and working with the Flathead Valley Community College Veterans with a scholarship for veteran students.

John Burgess and the northwest Montana chapter of the Vietnam Veterans of America are carrying on this legacy of service September 7 to 10 with the arrival of the traveling Vietnam veterans memorial wall in Kalispell. Through “Bringing the Wall That Heals,” countless Vietnam veterans and their families with be presented with an opportunity to find peace and closure while honoring those we have lost in service. This special event helps mark the 35th anniversary of the Vietnam Veterans Memorial.

On Veterans Day of 1996, the Vietnam Veterans Memorial Fund unveiled a half-scale replica of the Vietnam Veterans Memorial in Washington, DC, designed to travel to communities throughout the United States. Since its dedication, the “Wall That Heals” has visited more than 400 cities and towns throughout the Nation, spreading the memorial’s healing legacy to millions.

To John, the northwest Montana chapter of the Vietnam Veterans of America and all those who dedicated their lives to this country in service, on behalf of myself, Montana, and our Nation, I express my greatest thanks for your enduring bravery, service, and self-sacrifice.

TRIBUTE TO GEORGE S. HAERLE

● Mr. YOUNG. Mr. President, today I wish to recognize, with the highest respect, the service and life of George Shepard Haerle for his dedication to serving Indiana and the Nora Community. Over the course of NCC’s 50-year history, George has volunteered 47 years of his own to leave an indelible mark on the Nora community. The great State of Indiana is proud of and ever thankful for George’s distinguished commitment and exemplary service.

Since its founding, the Nora Community Council has covered 12 square miles with 25,000 to 28,000 Hoosier residents, including 60 local neighborhoods under the civic umbrella. As a chairman of the NCC, George commits hundreds of hours each year to promote growth, development, and the general welfare of the Nora community.

George Haerle’s renowned service was rightfully recognized on July 29, 2017, when Governor Eric Holcomb bestowed upon him Indiana’s most prestigious designation, a Sagamore of the Wabash. George follows in the footsteps of his father, Rudolf K. Haerle, who was also recognized as a Sagamore of the Wabash for his contributions to the State as the first president of the Civil War Round Table and a former long-time member of the Library Board of the Indiana Historical Society.

George has not only been a role model for the NCC, but he has also been an outstanding advocate for the community of Nora-Northside. His remarkable service is exceeded only by his dedication to travel to communities throughout the nation, spreading the values of respect, honesty, and leadership in young Hoosiers that he has had a lasting impact on our state. I am very proud of troop No. 533 for all of their service over the past 90 years and applaud their dedication to bettering their community.

Boy Scout Troop No. 533 was formed in 1927 by Munster native Mr. Muary Kraay when he was in eighth grade. Since its founding, troop No. 533 has been active in their community. During World War II, the Boy Scouts organized parades and rallies for war bonds, planted community gardens, practiced blackout drills, and participated in wartime recycling programs. On June 14, 1947, when President Coolidge dedicated Wicker Park in Highland, IN, troop No. 533 was there to welcome him. The Boy Scouts also had a crucial role during the September 2008 flooding of the Little Calumet River. In anticipation of the flood, troop No. 533 assisted in filling sandbags, and after the flood, they assisted in yard cleanup and regraveling driveways. Over the past 90 years, Boy Scout Troop No. 533 has produced over 100 Eagle Scouts, one of the highest levels of honor a Boy Scout can achieve.

I would like to thank Boy Scout Troop No. 533 for their 90 years of outstanding public service. On behalf of all Hoosiers, congratulations on your 90th anniversary.

EXECUTIVE MESSAGES REFERRED

As in executive session the President of the United States submitted sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1757. A bill to strengthen border security, increase resources for enforcement of immigration laws, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BARRASSO, from the Committee on Environment and Public Works, without amendment:

S. 1359. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes (Rept. No. 115–144).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1057. A bill to amend the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 to address harmful algal blooms, and for other purposes (Rept. No. 115–141).

By Mr. HATCH, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 870. A bill to amend title XVIII of the Social Security Act to implement Medicare payment policies designed to improve management of chronic disease, streamline care coordination, and improve quality outcomes without adding to the deficit (Rept. No. 115–146).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1393. A bill to streamline the process by which active duty military personnel and veterans receive commercial driver’s licenses.

S. 1532. A bill to disqualify from operating a commercial motor vehicle an individual who uses a commercial motor vehicle in committing a felony involving human trafficking.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. CORKER for the Committee on Foreign Relations.

Jay Patrick Murray, of Virginia, to be Alternate Representative of the United States of America for Special Political Affairs in
the United Nations, with the rank of Ambassador.

*Jay Patrick Murray, of Virginia, to be an Alternate Representative of the United States of America to the General Assembly of the United Nations, during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

*Michael Arthur Raynor, of Maryland, 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 Federal Democratic Republic of Ethiopia. 

Nominee: Raynor, Michael Arthur. 
Post: Ethiopia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

**Contributions, amount, date, and donee:**

1. **Self:** None.
2. **Spouse:** Raynor, Kathleen M.: None. 
3. **Children and Spouses:** Raynor, Bradley J.—None; Raynor, Emma C.—None.
4. **Parents:** Raynor, Albert B.—Deceased; Raynor, Hazel P.—Deceased; Bradley, William—Deceased; Bradley, Beatrice M.—Deceased.
5. **Grandparents:** Raynor, Albert B.—Deceased; Raynor, Hazel P.—Deceased; Bradley, William—Deceased.
6. **Brothers and Spouses:** Raynor, Gregory P.—None; Raynor, Geoffrey B.—Deceased.
7. **Sisters and Spouses:** Raynor, Catherine L.—None.

**Maria E. Brewer, of Indiana, 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 Sierra Leone.**

Nominee: Maria E. Brewer.
Post: Freetown, Sierra Leone.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

**Contributions, amount, date, and donee:**

1. **Self:** None.
2. **Spouse:** Mark A. Brewer: None.
3. **Children and Spouses:** Arina N. Brewer: None.
4. **Parents:** William C. and Maria E. Brewer: None.
5. **Grandparents:** Gregorio and Domitilla Lerma: Deceased; John and Mary Pallick: None.
6. **Brothers and Spouses:** William C. and Margaret Pallick: None.
7. **Sisters and Spouses:** N/A.

**John P. Desrocher, of New York, 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 People's Democratic Republic of Algeria.**

Nominee: John Desrocher.
Post: Embassy Algiers.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

**Contributions, amount, date, and donee:**

1. **Self:** None.
2. **Spouse:** Karen Rose: None.

**3. Children and Spouses:** N/A.
4. **Parents:** Mary Desrocher, none; Roy Desrocher—deceased.
5. **Grandparents:** Clifford Desrocher—deceased; Lilian Desrocher—deceased; Peter Grant—deceased; Florence Grant—deceased.
6. **Brothers and Spouses:** Michael Desrocher: None.
7. **Sisters and Spouses:** Victoria Merecki: None; James Merecki: None.

By Mr. GRASSLEY for the Committee on the Judiciary.

Peter E. Deegan, Jr., of Iowa, to be United States Attorney for the Northern District of Iowa for the term of years.

Nominee: Marc Krickhau, of Iowa, to be United States Attorney for the Southern District of Iowa for the term of years.

Jeffrey Bossert Clark, of Virginia, to be an Assistant Attorney General.

Michael Dunavant, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of years.

Louis V. Franklin, Sr., of Alabama, to be United States Attorney for the Middle District of Alabama for the term of years.

Jessie K. Liu, of Virginia, to be United States Attorney for the District of Columbia for the term of years.

Richard M. Myers, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of 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. (Nomination was marked with 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. WHITEHOUSE (for himself and Mr. PORTMAN):

S. 1732. A bill to amend title XI of the Social Security Act to provide for a limited and temporary extension of unemployment compensation for Federal Government employees. 

By Mr. BLUMENTHAL (for himself, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. MURPHY):

S. 1735. A bill to amend certain propria-
tions Acts to repeal the requirement direct-
ing the Administrator of General Services to sell Federal property and assets that support the operations of the Plum Island Animal Disease Center in Plum Island, New York; to the Committee on Environment and Public Works.

By Mr. WARNER (for himself, Mr. ISAKSON, Mr. CRUZ, Mr. BENNET, Mr. PORTMAN, Ms. KLOBUCHAR, Mr. ROBERTS, Mr. BLUMENTHAL, Mr. PERDUE, Mrs. GILLIBRAND, Mr. COCHRAN, Mr. BROWN, Mr. WICKER, Ms. BALDWIN, Mr. KING, and Mr. COONS):

S. 1738. A bill to amend title XVIII of the Social Security Act to provide for a home infusion therapy services temporary transitional payment under the Medicare program; to the Committee on Finance.

By Mr. MURPHY:

S. 1739. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting the per-
son's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent permitted to the insured individual's death (without affecting any other per-
son's entitlement to any benefit thereunder). 

By Mr. PAUL:

S. 1740. A bill to provide guidance and pri-
orities for Federal Government obligations in the event that the debt limit is reached and to provide a limited and temporary au-
thorization to exceed the debt limit for priority obligations; to the Committee on Finance.

By Mr. TILLIS (for himself and Mr. COONS):

S. 1741. A bill to ensure independent investig-
ations by allowing judicial review of the removal of a special counsel; for other purposes; to the Committee on the Judiciary.

By Ms. STABENOW (for herself, Mr. BROWN, Ms. BALDWIN, Mr. WHITEHOUSE, Mr. LRAHY, Mr. MERRILY, Mr. REED, Mr. FRANKEN, and Mr. BOOKER):

S. 1742. A bill to amend title XVIII of the Social Security Act to provide for an option for any citizen or permanent resident of the United States age 55 to 64 to buy into Medi-
care; to the Committee on Finance.

By Mr. BENNET:

S. 1743. A bill to amend the Internal Rev-
euence Code of 1986 to create tax incentives for coal community zones, to provide education and training opportunities for individuals living and working in coal communities, and for other purposes; to the Committee on Finance.

By Ms. BALDWIN (for herself and Mr. PERDUE):

S. 1744. A bill to require the Securities and Exchange Commission to amend certain reg-
ulations, and for other purposes; to the Committee on Banking, Housing, and Urban Af-
fairs.

By Mr. TILLIS (for himself and Mr. BURR):

S. 1745. A bill to revise the boundaries of a John H. Chafee Coastal Barrier Resources System Unit in Topsail, North Carolina; to the Committee on Environment and Public Works.

By Mr. LEE (for himself, Mr. BLUMENTHAL, Mr. CORRINT, Mr. CRUZ, Mr. DAINES, Mr. INHOFE, Mr. JOHNSON, Mr. LANKFORD, Mr. PAUL, Mr. PERDUE,
Mr. Risch, Mr. Roberts, Mr. Rounds, Mr. Rubio, and Mr. Wicker:

S. 1746. A bill to require the Congressional Budget Office to make publicly available the fiscal and mathematical models, data, and other details of computations used in cost analysis and scoring; to the Committee on the Budget.

By Mr. Nelson:

S. 1747. A bill to authorize research and recovery activities to provide for the protection, conservation, and recovery of the Florida manatee, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. Risch (for himself and Mr. Nelson):

S. 1748. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a sustainable conservation and management for the Gulf of Mexico and South Atlantic fisheries and the communities that rely on them, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. Hatch:

S. 1749. A bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance; to the Committee on Finance.

By Mr. Hatch:

S. 1750. A bill to protect American job creation by striking the Federal mandate on employers to offer health insurance; to the Committee on Finance.

By Mr. Donnelly (for himself, Mr. Toomey, Mr. Manchin, Mr. Cotton, and Mr. Peters):

S. 1751. A bill to modify the definitions of a mortgage originator, a high-cost mortgage, and a loan originator; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. Flake, Mr. Risch, and Mr. Hatch:

S. 1752. A bill to amend the Healthy Forests Restoration Act of 2003 to expedite wildfire prevention projects to reduce the risk of wildfire on certain high-risk Federal land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. Heller (for himself and Mr. Menendez):

S. 1753. A bill to amend the S.A.F.E. Mortgage Licensing Act of 2008 to provide a temporary loan originators transitioning between employers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. Collins (for himself, Mr. Tester, Mr. Cochran, Mr. Manchin, Mr. Daines, Ms. Harris, and Mr. Boozman):

S. 1754. A bill to reauthorize section 340H of the Public Health Service Act to continue to encourage the expansion, maintenance, and establishment of approved graduate medical residency programs at qualified teaching health centers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. Whitehouse:

S. 1755. A bill to amend title 18, United States Code, to prohibit unsafe operation of unmanned aircraft, and for other purposes; to the Committee on the Judiciary.

By Mr. Sullivan (for himself, Mrs. Fischer, Mrs. Capito, and Mrs. Shelby):

S. 1756. A bill to improve the processes by which environmental documents are prepared and permits and applications are processed and regulated by Federal departments and agencies, and for other purposes; to the Committee on Environment and Public Works.

By Mr. Cornyn (for himself, Mr. Barrasso, Mr. Johnson, Mr. Tillis, Mr. Heller, Mr. Scott, and Mr. Inhofe):

S. 1757. A bill to strengthen border security, increase resources for enforcement of immigration laws, and for other purposes; read the first time.

By Mr. Booker:

S. 1758. A bill to amend the Fair Credit Reporting Act to provide requirements for landlords and consumer reporting agencies relating to housing credit records, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. Hirono (for herself and Mr. Grassley):

S. 1759. A bill to amend title 38, United States Code, to extend authorities relating to homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. Blumenthal:

S. 1760. A bill to provide for the relief of Marco Antonio Reyes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. Cruz (for himself and Mr. Leahy):

S. Res. 245. A resolution designating the first week in August 2017 as "World Breastfeeding Week," and designating August 2017 as "National Breastfeeding Month"; to the Committee on Foreign Relations.

By Mr. Merkley (for himself and Mr. Markey):

S. Res. 246. A resolution designating the first week in August 2017 as "World Breastfeeding Week," and designating August 2017 as "American Grown Flower Month"; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. Bine-

NET, Mr. Isakson, and Ms. Klob-

Huchar):


By Mrs. Feinstein (for herself and Mr. Murkowski):

S. Res. 248. A resolution expressing the sense of the Senate that flowers grown in the United States support the farmers, small businesses, jobs, and economy of the United States, that flower farming is an honorable business, and to the same extent as permanent resident aliens, and for other purposes; to the Committee on Foreign Relations.

By Mrs. Feinstein (for herself and Mr. Lankford):

S. Res. 249. A resolution designating September 2017 as "National Child Awareness Month" to promote awareness of charities that benefit children and youth-serving organizations throughout the United States and recognizing the efforts made by those charities and organizations to protect children and youth as critical contributions to the future of the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 66

At the request of Mr. Heller, the name of the Senator from Maryland (Mr. Van Hollen) was added as a cosponsor of S. 66, a bill to amend title 10, United States Code, to permit veterans who have a service-connected, permanent disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces entitled to such travel.

S. 130

At the request of Ms. Baldwin, the name of the Senator from Michigan (Mr. Peters) was added as a cosponsor of S. 130, a bill to require enforcement against misbranded milk alternatives.

S. 194

At the request of Mr. Whitehouse, the name of the Senator from Massachusetts (Mr. Markey) 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. 266

At the request of Mr. Hatch, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. 266, a bill to award the Congressional Gold Medal to Anwar Sadat in recognition of his heroic achievements and courageous contributions to peace in the Middle East.

S. 384

At the request of Mr. Blunt, the name of the Senator from Montana (Mr. Daines) was added as a cosponsor of S. 384, a bill to amend the Internal Revenue Code of 1986 to permanently extend the new markets tax credit, and for other purposes.

S. 393

At the request of Mr. Scott, the name of the Senator from Iowa (Mrs. Ernst) was added as a cosponsor of S. 393, a bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for employees who participate in qualified apprenticeship programs.

S. 405

At the request of Mr. Coons, the name of the Senator from Massachusetts (Ms. Warren) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 and the Higher Education Act of 1965 to provide an exclusion from income for student loan forgiveness for students who have died or become disabled.

S. 486

At the request of Mr. Brown, the name of the Senator from Hawaii (Mr. Schatz) was added as a cosponsor of S. 486, a bill to amend title XVIII of the Social Security Act to provide for treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program.
unlawfully influence the political process.

At the request of Mr. Toomey, the name of the Senator from Illinois (Ms. Duckworth) was added as a cosponsor of S. 964, a bill to revise section 18 of title 18, United States Code, and for other purposes.

At the request of Mr. Kaine, the name of the Senator from South Dakota (Mr. Thune) was added as a cosponsor of S. 754, a bill to support our Nation's growing cybersecurity workforce needs by expanding the cybersecurity education pipeline.

At the request of Mr. Sullivan, the names of the Senator from New Hampshire (Mrs. Shaheen), the Senator from Florida (Mr. Rubio) and the Senator from Connecticut (Mr. Murphy) were added as cosponsors of S. 756, a bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

At the request of Mr. Isakson, the name of the Senator from Illinois (Ms. Duckworth) was added as a cosponsor of S. 794, a bill to amend title XVIII of the Social Security Act in order to improve the process whereby Medicare administrative contractors issue local coverage determinations under the Medicare program, and for other purposes.

At the request of Mr. Murphy, the name of the Senator from Illinois (Ms. Duckworth) was added as a cosponsor of S. 835, a bill to require the Supreme Court of the United States to promulgate a code of ethics.

At the request of Mrs. Ernst, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 926, a bill to authorize the Global War on Terror Memorial Foundation to establish the National Global War on Terrorism Memorial as a commemorative site on the grounds of the United States Capitol, and for other purposes.

At the request of Mrs. Stabenow, the name of the Senator from Arkansas (Mr. Boozman) was added as a cosponsor of S. 967, a bill to amend title XVIII of the Social Security Act to increase access to ambulance services under the Medicare program and to reform payments for such services under such program, and for other purposes.

At the request of Mr. Moran, the names of the Senator from Iowa (Mrs. Ernst) and the Senator from South Dakota (Mr. Rounds) were added as cosponsors of S. 1002, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

At the request of Mrs. Feinstein, the names of the Senator from Delaware (Mr. Coons) and the Senator from Vermont (Mr. Leahy) were added as cosponsors of S. 1113, a bill to amend the Federal Food, Drug, and Cosmetic Act to ensure the safety of cosmetics.

At the request of Mr. Young, the names of the Senator from Arizona (Mr. Flake) and the Senator from Alabama (Mr. Strange) were added as cosponsors of S. 1182, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of The American Legion.

At the request of Ms. Warren, the name of the Senator from Florida (Mr. Nelson) was added as a cosponsor of S. 1198, a bill to protect individuals who are eligible for increased pension under laws administered by the Secretary of Veterans Affairs on the basis of need of regular aid and attendance from dishonest, predatory, or otherwise unlawful practices, and for other purposes.

At the request of Mrs. McCaskill, the name of the Senator from Wisconsin (Ms. Baldwin) was added as a cosponsor of S. 1201, a bill to allow individuals living in areas without qualified health plans to purchase health insurance coverage as Members of Congress and congressional staff.

At the request of Mrs. Feinstein, the name of the Senator from Illinois (Ms. Duckworth) was added as a cosponsor of S. 1182, a bill to ensure the safety of cosmetics.

At the request of Mr. Cornyn, the names of the Senator from Oklahoma (Mr. Inhofe) and the Senator from Missouri (Mr. Blunt) were added as cosponsors of S. 1311, a bill to provide assistance in abolishing human trafficking in the United States.

At the request of Mr. Grassley, the names of the Senator from Mississippi (Mr. Wicker), the Senator from Arizona (Mr. McCain), the Senator from Mississippi (Mr. Cochran), the Senator from Maine (Ms. Collins) and the Senator from Louisiana (Ms. Cassidy) were added as cosponsors of S. 1312, a bill to prioritize the fight against human trafficking in the United States.

At the request of Ms. Baldwin, the name of the Senator from Pennsylvania (Mr. Casey) was added as a cosponsor of S. 1357, a bill to amend title XIX of the Social Security Act to provide a standard definition of therapeutic family care services in Medicaid.
At the request of Mr. Brown, the name of the Senator from Connecticut (Mr. Blumenthal) was added as a cosponsor of S. 1369, a bill to amend the Internal Revenue Code of 1986 to establish a Federal fund in certain prescription drugs which have been subject to a price spike, and for other purposes.

At the request of Mr. Coons, the names of the Senator from Rhode Island (Mr. Whitehouse) and the Senator from Nebraska (Ms. Fischer) were added as cosponsors of S. 1413, a bill to authorize the Secretary of Education to award grants to establish teacher leader development programs.

At the request of Mr. Cardin, the name of the Senator from Louisiana (Mr. Cassidy) was added as a cosponsor of S. 1513, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

At the request of Mr. Markey, the name of the Senator from New Hampshire (Ms. Hassan) was added as a cosponsor of S. 1568, a bill to require the Secretary of the Treasury to mint coins in commemoration of President John F. Kennedy.

At the request of Mr. Rubio, the name of the Senator from Nevada (Mr. Heller) was added as a cosponsor of S. 1595, a bill to amend the Helms-Border Security, Economic Assistance, and drug Interdiction and Severity Act of 2006 to modify the definition of drug trafficking.

At the request of Ms. Collins, her name was added as a cosponsor of S. 1616, a bill to award the Congressional Gold Medal to Bob Dole, in recognition for his service to the nation as a soldier, legislator, and statesman.

At the request of Mr. Roberts, the names of the Senator from Tennessee (Mr. Alexander), the Senator from Wisconsin (Ms. Baldwin), the Senator from Wyoming (Mr. Barrasso), the Senator from Colorado (Mr. Bennet), the Senator from Connecticut (Mr. Blumenthal), the Senator from Missouri (Mr. Blunt), the Senator from New Jersey (Mr. Booker), the Senator from Arkansas (Mr. Boozman), the Senator from Ohio (Mr. Brown), the Senator from North Carolina (Mr. Burr), the Senator from Washington (Ms. Cantwell), the Senator from West Virginia (Mrs. Capito), the Senator from Maryland (Mr. Cardin), the Senator from Delaware (Mr. Carper), the Senator from Pennsylvania (Mr. Casey), the Senator from Louisiana (Mr. Cassidy), the Senator from Delaware (Mr. Coons), the Senator from Tennessee (Mr. Corker), the Senator from Texas (Mr. Cornyn) the Senator from Nevada (Ms. Cortez-Masto), the Senator from Arkansas (Mr. Cotton), the Senator from Idaho (Mr. Crapo), the Senator from Texas (Mr. Cruz), the Senator from Montana (Mr. Daines), the Senator from Indiana (Mr. Donnelly), the Senator from Illinois (Ms. Duckworth), the Senator from Illinois (Mr. Durbin), the Senator from Wyoming (Mr. Enzi), the Senator from Nebraska (Mrs. Fischer), the Senator from Arizona (Mr. Flake), the Senator from Minnesota (Mr. Franken), the Senator from Colorado (Mr. Gardner), the Senator from New York (Mrs. Gillibrand), the Senator from South Carolina (Mr. Graham), the Senator from California (Ms. Harris), the Senator from New Hampshire (Ms. Hassan), the Senator from New Mexico (Mr. Heinrich), the Senator from North Dakota (Ms. Heitkamp), the Senator from Nevada (Mr. Heller), the Senator from Hawaii (Ms. Hirono), the Senator from North Dakota (Mr. Hoeven), the Senator from Georgia (Mr. Isakson), the Senator from Wisconsin (Mr. Johnson), the Senator from Virginia (Mr. Kaine), the Senator from Louisiana (Mr. Kennedy), the Senator from Maine (Mr. King), the Senator from Minnesota (Ms. Klobuchar), the Senator from Oklahoma (Mr. Lankford), the Senator from Utah (Mr. Lee), the Senator from West Virginia (Mr. Manchin), the Senator from Massachusetts (Mr. Markey), the Senator from Missouri (Mrs. McCaskill), the Senator from New Jersey (Mr. Menendez), the Senator from Oregon (Mr. Merkley), the Senator from Alaska (Mr. Murkowski), the Senator from Connecticut (Mr. Murphy), the Senator from Florida (Mr. Nelson), the Senator from Kentucky (Mr. Paul), the Senator from Georgia (Mr. Perdue), the Senator from Michigan (Mr. Peters), the Senator from Ohio (Mr. Portman), the Senator from Rhode Island (Mr. Reed), the Senator from Idaho (Mr. Risch), the Senator from South Dakota (Mr. Rounds), the Senator from Florida (Mr. Rubio), the Senator from Arizona (Mr. Sinema), the Senator from Nebraska (Mr. Sasse), the Senator from Hawaii (Mr. Schatz), the Senator from New York (Mr. Schumer), the Senator from South Carolina (Mr. Scott), the Senator from New Hampshire (Ms. Shaheen), the Senator from Michigan (Ms. Stabenow), the Senator from Alabama (Mr. Strange), the Senator from Alaska (Mr. Sullivan), the Senator from Montana (Mr. Tester), the Senator from South Dakota (Mr. Thune), the Senator from Vermont (Mr. Tillis), the Senator from Pennsylvania (Mr. Toomey), the Senator from New Mexico (Mr. Udall), the Senator from Maryland (Mr. Van Hollen), the Senator from Virginia (Mr. Warner), the Senator from Massachusetts (Ms. Warren), the Senator from Rhode Island (Mr. Whitehouse), the Senator from Mississippi (Mr. Wicker) and the Senator from Indiana (Mr. Young) were added as cosponsors of S. 1595, a bill to amend the Controlled Substances Act of 1970, as amended, to allow healthcare professionals to prescribe and dispense naloxone to patients at risk of opioid overdose.

At the request of Mr. Graham, the name of the Senator from South Carolina (Mr. Graham) was added as a cosponsor of S. 1616, a bill to prohibit the use of chlorpyrifos on food, and for other purposes.

At the request of Mr. Blumenthal, the name of the Senator from Mississippi (Mr. Wicker) was added as a cosponsor of S. 1666, a bill to direct the Secretary of Transportation to issue a rule requiring all new passenger motor vehicles to be equipped with a child safety alert system, and for other purposes.

At the request of Mr. Portman, the name of the Senator from Nebraska (Mr. Sasse) was added as a cosponsor of S. 1669, a bill to amend the Communications Act of 1934 to clarify that section 202 of that Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sex trafficking.

At the request of Mr. Menendez, the names of the Senator from South Carolina (Mr. Graham), the Senator from Maryland (Mr. Cardin), the Senator from California (Ms. Feinstein), the Senator from Delaware (Mr. Coons), the Senator from Florida (Mr. Nelson) and the Senator from Georgia (Mr. Perdue) were added as cosponsors of S. 1697, a bill to condition assistance to the West Bank and Gaza on steps by the Palestinian Authority to end violence and terrorism against Israeli citizens and United States citizens.

At the request of Mr. Schumler, his name was added as a cosponsor of S. 1697, supra.

At the request of Mr. Menendez, the names of the Senator from Connecticut (Mr. Murphy), the Senator from Delaware (Mr. Carper), the Senator from Maryland (Mr. Van Hollen) and the Senator from Massachusetts (Mr. Markey) were added as cosponsors of S. 1706, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

At the request of Mr. Roberts, the name of the Senator from Texas (Mr. Cornyn) were added as a cosponsor of S. 1729, a bill to amend title XVIII of the Social Security Act to provide for independent accreditation for dialysis facilities and assurances of high quality surveys.

At the request of Mr. Cardin, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. Res. 195, a resolution recognizing June 20, 2017, as “World Refugee Day”.

At the request of Ms. Baldwin, the names of the Senator from Connecticut (Mr. Murphy) and the Senator from Oregon (Ms. Taylor) were added as co-sponsors of amendment No. 329 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018.
2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 527

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 527 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 528

At the request of Mr. LEAHY, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of amendment No. 528 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 529

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 529 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 530

At the request of Mr. DURBIN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of amendment No. 530 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 531

At the request of Mr. WHITEHOUSE, the names of the Senator from North Carolina (Mr. TILLIS) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 531 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. TESTER, Mr. COCHRAN, Mr. MANCHIN, Mr. DAINES, Ms. HARRIS, and Mr. BOOZMAN):

S. 1754. A bill to reauthorize section 340H of the Public Health Service Act to continue the expansion, maintenance, and establishment of approved graduate medical residency programs at qualified teaching health centers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Madam President, I rise today to introduce legislation with my colleague from Montana, Senator TESTER, that would extend an important program to fund Teaching Health Centers, which support the health and well-being of families in rural and medically underserved communities. I am pleased that Senators COCHRAN, MANCHIN, DAINES, HARRIS, and BOOZMAN, have joined as cosponsors.

In the background of the health care debate, there is another crisis that looms. We are facing a severe shortage of doctors. By 2025, we will need more than 100,000 new primary care doctors to meet the demand for health care services across the Country. The shortage is especially critical in rural and underserved communities, which are often those that have been hit hardest by the opioid epidemic. The most significant shortage is among family medicine, general internal medicine, pediatrics, obstetrics and gynecology, psychiatry, and dentistry.

These shortages have reached crisis levels in many places. In clinics and health centers in Aroostook County, Maine’s northernmost county where I grew up, I hear stories about vacancies forcing Mainers to travel many miles simply to see a primary care doctor or dentist.

For the past six years, one program, the Teaching Health Centers Graduate Medical Education Program, has worked to fill these gaps. This program helps to train medical residents in community-based settings, including low-income, underserved rural and urban neighborhoods. For example, since 2011, the Penobscot Community Health Care Center has trained 31 residents and served more than 15,000 dental patients in Bangor, Maine.

We need to meet people in the communities in which they live and work. This program is training the next generation of physicians, and has produced real results. When compared with traditional Medicare graduate medical education residents, those who train at teaching health centers are significantly more likely to practice primary care and remain in underserved or rural communities. The numbers speak for themselves: 82 percent of Teaching Health Center, or THC, residents choose to remain in primary care, compared to 23 percent of traditional Medicare Graduate Medical Education residents; and 55 percent of THC residents choose to remain in underserved communities, compared to 26 percent of traditional Medicare GME residents.

Teaching health centers are serving Americans from coast to coast. A total of 742 THC residents are serving in 27 states and the District of Colombia. The program is competitive, and trains the best of the best. For each residency position, THC programs receive more than 100 applications. In 2017, THC residents and faculty will provide more than one million primary care medical visits to underserved communities.

Teaching Health Centers have demonstrated a record of success, and it is imperative that we support them. Our legislation would reauthorize the Teaching Health Centers Graduate Medical Education Program for three years. It would also allow new programs to expand within existing centers and the creation of entirely new teaching health centers.

This bill is widely supported by leading community health and physician organizations, including the American Association of Teaching Health Centers, National Association of Community Health Centers, American Academy of Family Physicians, American Association of Colleges of Osteopathic Medicine, American Osteopathic Association, American Council of OB/GYNs, Society of Teachers of Family Medicine, and Council of Academic Family Medicine. We have also received letters of support from teaching health centers in Maine, Montana, Tennessee, Iowa, Oklahoma, North Carolina, California, Mississippi, Pennsylvania, Washington, Texas, Connecticut, New York, Illinois, Massachusetts, and Idaho.

In the face of nationwide physician shortages, our legislation would provide a solution for communities today and a path forward to train the physicians of tomorrow. I urge all of my colleagues to join in support of this important legislation for the Next Generation of Primary Care Doctors Act of 2017.

Ms. COLLINS. Madam President, I ask unanimous consent that the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PENOBSCT COMMUNITY HEALTH CARE,
August 2, 2017.

Hon. SUSAN COLLINS, U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: On behalf of Penobscot Community Health Care, General Practice Dental Residency program, a Teaching Health Center training 3-4 residents a year (with over 28 residents trained since 2011) and serving 15,000 dental patients in Bangor, Maine, I want to express our appreciation for your relentless efforts to develop legislation to continue funding and expand the Teaching Health Center Graduate Medical Education (THCGME) program. We know that you and your staff have worked long and hard with multiple stakeholder organizations, including the American Association of Teaching Health Centers, to create the best possible legislation that will fund
adequately this vital program for at least another three years and provide for expansion to additional medically underserved areas of our country.

THCs currently train more than 742 residents nationally and are providing more than a million patient visits in underserved rural and urban communities. The continuation of this program is vital in all of the communities they are located, and preserving this program is critical to the health of hundreds of thousands around the country. This investment of federal funding in the THCGME program, coupled with private, nonfederal resources, guarantees that every dollar is used effectively for primary care training, all in community-based settings. Residents trained in community-based settings are three times more likely than traditionally trained residents to practice primary care in a community based setting ensuring that doctors trained in these settings remain in communities where they are needed most.

Penobscot Community Health appreciates your leadership on this important issue and is pleased to support your legislation, which is helping to address the doctor shortage that plagues so many communities, both urban and rural.

We are grateful for your leadership on this issue and pleased to support your legislation, which is helping to address the doctor shortage that plagues so many communities, both urban and rural. The THCGME program is a vital source of training for primary care residents to help expand access to care in rural and underserved communities throughout the country. This legislation, which funds the Teaching Health Centers Graduate Medical Education (THCGME) program, currently trains more than 742 residents in much-needed primary care fields including family medicine, internal medicine, pediatrics, obstetrics and gynecology, psychiatry, geriatrics, and dentistry. The majority of these programs are accredited by the AOA or are dually accredited (DO/MD) programs, supporting nearly 800 osteopathic resident physicians through their training since the program began. And true to the name of the THCGME program, residents who train in these programs are far more likely to practice primary care and remain in the communities in which they have trained.

As osteopathic physicians, we are trained in a patient-centered, hands-on approach to care that focuses on the whole person, including the physical, mental, and psychosocial aspects of health. Our training and philosophy includes a strong emphasis on primary care—in fact, approximately half of all osteopathic physicians practice in primary care specialties. Given this strong presence in primary care, osteopathic medicine aligns naturally with the mission and goals of THCs. THCGME has proven successful in helping address the existing gaps in our nation’s primary care workforce.

Your legislation provides much-needed stability through continued funding for the THCGME program, and also creates a pathway for the expansion of existing centers as well as the creation of entirely new teaching health centers. We deeply appreciate your commitment to training the future of the primary care workforce and thank you for introducing this important legislation. The AOA and our members stand ready to assist you in securing its enactment into law.

Sincerely,

MARK A. BAKER, DO, President.

COUNCIL OF ACADEMIC FAMILY MEDICINE,

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND TESTER: On behalf of the American Osteopathic Association (AOA) and the nearly 130,000 osteopathic physicians and osteopathic medical students we represent, we are introducing the “Training the Next Generation of Primary Care Doctors Act of 2017.” This important bipartisan legislation renews the commitment to the continued development of the Teaching Health Centers Graduate Medical Education (THCGME) program to help ensure a robust primary care workforce in our nation’s communities.

We are grateful for your leadership on this critical issue.

Sincerely,

AMERICAN OSTEOPATHIC ASSOCIATION,

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

Hon. JON TESTER,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND TESTER: On behalf of the American Osteopathic Association (AOA) and the nearly 130,000 osteopathic physicians and osteopathic medical students we represent, we are introducing the “Training the Next Generation of Primary Care Doctors Act of 2017.” This important bipartisan legislation renews the commitment to the continued development of the Teaching Health Centers Graduate Medical Education (THCGME) program to help ensure a robust primary care workforce in our nation’s communities.

We are grateful for your leadership on this critical issue.

Sincerely,

JEREMY CRIDER, MD,
Residency Director.

THE AMERICAN CONGRESS OF OBSTetricIANS AND GYNECOLOGISTS,

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

Hon. JON TESTER,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND TESTER: The American Congress of Obstetricians and Gynecologists (ACOG), with more than 58,000 physicians and partners dedicated to advancing women’s health, is pleased to endorse the Training the Next Generation of Primary Care Doctors Act of 2017. Your bill would help improve access for women in rural and underserved areas to timely, high quality health care by training primary care physicians, ob-gyns and other primary care physicians in an efficient and effective manner. Community-based THCGME medical training programs are critical to filling workforce shortages, as physicians trained through this program are more likely to practice in underserved communities. According to the Health Resources and Services Administration (HRSA), primary care residents trained in community-based settings are three times more likely to practice in an underserved community-based setting. An investment in THCGME to improve access to care in rural and underserved communities has a long-term impact positive impact.

Thank you for introducing this legislation to improve access to high quality care for women. Should you have any questions or if we can be of further assistance, please contact Mallory Schwartz, ACOG Federal Affairs Manager.

Sincerely,

HAYWOOD L. BROWN, MD, FACOG, President.

THE AMERICAN CONGRESS OF OBSTETRICIANS AND GYNECOLOGISTS,

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

Hon. JON TESTER,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND TESTER: The American Congress of Obstetricians and Gynecologists (ACOG), with more than 58,000 physicians and partners dedicated to advancing women’s health, is pleased to endorse the Training the Next Generation of Primary Care Doctors Act of 2017. Your bill would help improve access for women in rural and underserved areas to timely, high quality health care by training primary care physicians, ob-gyns and other primary care physicians in an efficient and effective manner. Community-based THCGME medical training programs are critical to filling workforce shortages, as physicians trained through this program are more likely to practice in underserved communities. According to the Health Resources and Services Administration (HRSA), primary care residents trained in community-based settings are three times more likely to practice in an underserved community-based setting. An investment in THCGME to improve access to care in rural and underserved communities has a long-term impact positive impact.

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HAYWOOD L. BROWN, MD, FACOG, President.

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Washington, DC.

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U.S. Senate,
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HAYWOOD L. BROWN, MD, FACOG, President.

THE AMERICAN CONGRESS OF OBSTETRICIANS AND GYNECOLOGISTS,

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

Hon. JON TESTER,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND TESTER: The American Congress of Obstetricians and Gynecologists (ACOG), with more than 58,000 physicians and partners dedicated to advancing women’s health, is pleased to endorse the Training the Next Generation of Primary Care Doctors Act of 2017. Your bill would help improve access for women in rural and underserved areas to timely, high quality health care by training primary care physicians, ob-gyns and other primary care physicians in an efficient and effective manner. Community-based THCGME medical training programs are critical to filling workforce shortages, as physicians trained through this program are more likely to practice in underserved communities. According to the Health Resources and Services Administration (HRSA), primary care residents trained in community-based settings are three times more likely to practice in an underserved community-based setting. An investment in THCGME to improve access to care in rural and underserved communities has a long-term impact positive impact.

Thank you for introducing this legislation to improve access to high quality care for women. Should you have any questions or if we can be of further assistance, please contact Mallory Schwartz, ACOG Federal Affairs Manager.

Sincerely,

HAYWOOD L. BROWN, MD, FACOG, President.

THE AMERICAN CONGRESS OF OBSTETRICIANS AND GYNECOLOGISTS,
that the THC program graduates are more likely to practice in rural and medically underserved communities. We are pleased that the proposed legislation supports ten new THCs programs, which is a priority for those serving rural and medically underserved populations and areas, recognizing the importance of growing this successful program.

The Council of Graduate Medical Education (COGME), an advisory body empaneled by Congress, has urged Congress to continue the THCGME program, stating that “THCGME programs deliver excellent value in physician training,” and that the program encourages training in “delivery systems that emphasize team-based care in Patient Centered Medical Homes that maximize quality at a moderate cost”; Additionally, the Institute of Medicine (IOM), now National Academy of Medicine in a 2014 report identified the THCGME program as helping meet the need for primary care physicians, especially those who provide care to underserved populations and worthy of a permanent funding source.

The current authorization for this vital program expires at the end of this fiscal year. Without legislative action, the expiration of this program would mean an exacerbation of the primary care physician shortage, and a lessening of support for training in underserved and rural areas. We are grateful to you both for your exceptional leadership in supporting and sustaining this vital program by introducing this bill and helping to shepherd it toward enactment.

The CAFM organizations and our members are pleased to work with you to secure this legislation’s enactment.

Sincerely,

STEPHEN A WILSON, MD,
President, Society of Teachers of Family Medicine.

VALERIE GILCHRIST, MD,
President, Association of Departments of Family Medicine.

KAREN B MITCHELL, MD,
President, Association of Family Medicine Residency Directors.

WILLIAM HOOG, MD,
President, North American Primary Care Research Group.

RIVERSTONE HEALTH,
Billings, MT, August 2, 2017.

HON. SUSAN COLLINS,
U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the Montana Family Medicine Residency and RiverStone Health Clinic, one of the nation’s original eleven teaching health centers training 24 family medicine residents and serving over 15,000 residents or Yellowstone and Carbon Counties. I want to express our appreciation for your relentless efforts to develop legislation to continue funding and expand the Teaching Health Center Graduate Medical Education (THCGME) program. We know that you and your staff have worked long and hard with multiple stakeholder organizations, including the American Association of Teaching Health Centers and the National Association of Community Health Centers, to create the best possible legislation that will fund adequately this vital program for at least another three years and provide for expansion to additional medically underserved areas of our country.

THCs currently train more than 742 residents nationwide and are providing more than a million patient visits in underserved rural and urban communities. The continuation of this program is vital in all of the communities they are located and preserving this program is critical to the health of hundreds of thousands around the country, particularly those who lack access to healthcare centers and providers. This investment of federal funding in the THCGME program, coupled with private and nonfederal resources, guarantees that every dollar is used exclusively for primary care training, all in community-based settings.

Residents trained in community-based settings are three times more likely than traditionally trained residents to practice primary care in a community based setting ensuring that doctors that are needed are providers. Some 70% of our residency’s more than 100 graduates practice in MT, a state with widespread provider shortage areas and multiple counties with no medical care provider at all. RiverStone Health and Montana Family Medicine Residency appreciate your leadership on this important issue and are pleased to support your legislation, which is helping to address the doctor shortage that plagues so many communities, both urban and rural.

Sincerely,

JOHN FELTON, MPH, MBA, FACHE,
President & CEO / Health Officer.

By Mr. CORNYN (for himself, Mr. BARRASSO, Mr. JOHNSON, Mr. TILLIS, Mr. HELLER, Mr. SCOTT, and Mr. DUKENFELD): S. 1757. A bill to strengthen border security, increase resources for enforcement of immigration laws, and for other purposes; read the first time.

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:

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

SECTION 1. SHORT TITLE. TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Building America’s Trust Act.”

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Definitions.

TITLE I—BORDER SECURITY

Sec. 101. Definitions.

Subtitle A—Infrastructure and Equipment

Sec. 102. Strengthening the requirements for barriers along the southern border.

Sec. 103. Air and marine operations flight hours.

Sec. 104. Capability deployment to specific sectors and regions.

Sec. 105. U.S. Border Patrol physical infrastructure improvements.

Sec. 106. U.S. Border Patrol activities.

Sec. 107. U.S. Border Patrol forward operating bases.

Sec. 108. Border security technology program management.

Sec. 109. Authority to acquire leaseholds.

Sec. 110. National Guard support to secure the southern border and reimbursement of States for deployment of the National Guard at the southern border.

Sec. 111. Operation Phalanx.

Sec. 112. Merida Initiative.

Sec. 113. Prohibitions on actions that impede border security on certain Federal land.

Sec. 114. Landowner and rancher security enhancement.

Sec. 115. Limitation on land owner’s liability.

Sec. 116. Eradication of carrizo cane and salt cedar.

Sec. 117. Prevention, detection, control, and eradication of diseases and pests.

Sec. 118. Exemption from government contracting and hiring rules.

Sec. 119. Transactional criminal organization illicit spotting prevention and detection.

Sec. 120. Southern border threat analysis.

PART II—Personnel

Sec. 121. Authorization of Appropriations.

PART III—PROMOTION AND LAW ENFORCEMENT PERSONNEL

Sec. 131. Additional U.S. Customs and Border Protection agents and officers.

Sec. 132. U.S. Customs and Border Protection hiring and retention incentives.

Sec. 133. Anti-Border Corruption Reauthorization Act.

Sec. 134. Additional U.S. Immigration and Customs Enforcement personnel.

Sec. 135. Other immigration and law enforcement personnel.

PART II—JUDICIAL RESOURCES

Sec. 141. Judicial resources for border security.

Sec. 142. Deportment to State and local prosecutors for federally initiated, immigration-related criminal cases.

Subtitle C—Grants

Sec. 151. State criminal alien assistance program.

Sec. 152. Operation Stonegarden.


Sec. 154. Grant accountability.

Subtitle D—Authorization of Appropriations

Sec. 161. Authorization of appropriations.

TITLE II—EMERGENCY PORT OF ENTRY PERSONNEL AND INFRASTRUCTURE FUNDING

Sec. 201. Ports of entry infrastructure.


Sec. 203. Border Security Deployment Program.

Sec. 204. Pilot and upgrade of license plate readers at ports of entry.

Sec. 205. Biometric technology.

Sec. 206. Biometric exit data system.

Sec. 207. Sense of Congress on cooperation between agencies.

Sec. 208. Authorization of appropriations.

TITLE III—DOMESTIC SECURITY AND INTERIOR ENFORCEMENT

Subtitle A—General Matters

Sec. 301. Ending catch and release for repeat immigration violators and criminals.

Sec. 302. Deterring visa overstays.

Sec. 303. Increase in immigration detention capacity.

Sec. 304. Collection of DNA from criminal and detained aliens.

Sec. 305. Collection, use, and storage of biometric data.

Sec. 306. Pilot program for electronic field processing.

Sec. 307. Ending abuse of parole authority.

Sec. 308. Stop Dangerous Sanctuary Cities Act.

Sec. 309. Reimbursement of the Secure Communities program.

Sec. 310. Prevention and deterrence of fraud in obtaining relief from removal.
Subtitle B—Protecting Children and America’s Homeland Act of 2017

Sec. 320. Short title.
Sec. 322. Expeditious due process and screening for unaccompanied alien children.
Sec. 323. Child welfare and law enforcement information sharing.
Sec. 324. Accountability for children and taxpayers.
Sec. 325. Custody of unaccompanied alien children in formal removal proceedings.
Sec. 326. Fraud in connection with the transfer of custody of unaccompanied alien children.
Sec. 327. Notification of States and foreign governments, reporting, and monitoring.
Sec. 328. Emergency immigration judge resource.
Sec. 329. Reports to Congress.

TITLE IV—PENALTIES FOR SMUGGLING, DRUG TRAFFICKING, HUMAN TRAFFICKING, TERRORISM, AND ILLEGAL ENTRY AND REENTRY; BARS TO REMISSION OF REMOVED ALIENS

Sec. 402. Putting the Brakes on Human Smuggling.
Sec. 404. Establishing inadmissibility and deportability.
Sec. 405. Penalties for illegal entry; enhancement of penalties for entering with intent to aid, abet, or commit terrorism.
Sec. 406. Penalties for receipt of deported aliens.
Sec. 407. Laundering of monetary instruments.
Sec. 408. Freezing bank accounts of international criminal organizations and money launderers.
Sec. 409. Criminal proceeds laundered through prepaid access devices, digital currencies, or other similar instruments.
Sec. 410. Closing the loophole on drug cartels and associates engaged in money laundering.

TITLE V—PROTECTING NATIONAL SECURITY AND PUBLIC SAFETY

Subtitle A—General Matters
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Sec. 542. Visa information sharing.
Sec. 543. Visa interviews.

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Sec. 807. Other amendments.
Sec. 808. Repeals; construction.
Sec. 809. Miscellaneous technical corrections.

SEC. 2. DEFINITIONS.
In this Act:
(1) NORTHERN BORDER.—The term “northern border” means the international border between the United States and Canada.
(2) SOUTHERN BORDER.—The term “southern border” means the international border between the United States and Mexico.

TITeL I—BORDER SECURITY

Sec. 101. DEFINITIONS.
In this title:
(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term “appropriate congressional committee” has the meaning given the term in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).
(2) COMMISSIONER.—The term “Commissioner” means the Commissioner of U.S. Customs and Border Protection.
(3) HIGH TRAFFIC AREAS.—The term “high traffic areas” has the meaning given that
term in section 102(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 102 of this Act.

(4) OCCUPATIONAL AWARENESS.—The term “situational awareness” has the meaning given that term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–226; 6 U.S.C. 232(a)(7)).

Subtitle A—Infrastructure and Equipment

SEC. 102. STRENGTHENING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) is amended—

(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—The Secretary of Homeland Security shall take such actions as may be necessary (including the removal of obstacles to the detection of illegal entrants) to construct, install, deploy, operate, and maintain tactical infrastructure and border technology in the vicinity of the United States border to deter, impede, and detect illegal activity in high traffic areas.”;

(2) in subsection (b), by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”; and

(3) in subsection (c), by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security is authorized to waive all legal requirements the Secretary of Homeland Security, in the Secretary’s sole discretion, determines necessary to ensure the expedited construction, installation, operation, and maintenance of the tactical infrastructure and technology under this section.

“Notwithstanding any such waiver declared by the Secretary of Homeland Security shall be effective upon publication in the Federal Register.”;

and

(4) by striking subsection (d) and inserting the following:

“(d) CONSTRUCTION, INSTALLATION AND MAINTENANCE OF TECHNOLOGY.—

“(1) IN GENERAL.—Not later than January 20, 2021, the Secretary of Homeland Security, in carrying out subsection (a), shall deploy the most practical and effective technology available along the United States border for achieving situational awareness and operational control of the border.

“(2) TECHNOLOGY DEFINED.—In this subsection, the term ‘technology’ includes border surveillance and detection technology, including—

“(A) radar surveillance systems;

“(B) Vehicular and Dismount Exploitation Radars (VADER);

“(C) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology;

“(D) sensors;

“(E) unmanned cameras; and

“(F) man-portable and mobile vehicle-mounted unmanned aerial vehicles.

“(e) DEFINITIONS.—In this section:

“(1) HIGH TRAFFIC AREAS.—The term ‘high traffic areas’ means sectors along the northern, southern, or coastal border that—

“(A) are within the responsibility of U.S. Customs and Border Protection; and

“(B) have significant unlawful cross-border activity.

“(2) SITUATIONAL AWARENESS.—The term ‘situational awareness’ has the meaning given the term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–226).”.

SEC. 103. AIR AND MARINE OPERATIONS FLIGHT HOURS.

(a) INCREASED FLIGHT HOURS.—The Secretary of Homeland Security shall ensure that not fewer than 95,000 annual flight hours are carried out by Air and Marine Operations of U.S. Customs and Border Protection, relevant Federal, State, local, and tribal agencies that have jurisdiction over the Southern border, or in the maritime environment, and private property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life of the communities and residents located near the sites at which physical barriers and tactical infrastructure is to be constructed.”;

(b) in paragraph (2)—

(i) by striking “Attorney General” and inserting “Secretary of Homeland Security”;

and

(ii) by striking “construction of fences” and inserting “construction of physical barriers”;

(c) in paragraph (3) to read as follows:

“(3) AGENT SAFETY.—In carrying out this section, the Secretary of Homeland Security may not construct reinforced fencing, or tactical infrastructure, as the case may be, that would, in any manner, impede or negatively affect the safety of any officer or agent of the Department of Homeland Security or any other Federal, State, local, or tribal agency.”;

SEC. 104. CAPABILITY DEPLOYMENT TO SPECIFIC SECTORS AND REGIONS.

(a) IN General.—Not later than January 20, 2021, the Secretary of Homeland Security, in implementing section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by section 102 of this Act), and acting through the appropriate component of the Department of Homeland Security, shall deploy to one or more sectors of the Southern border the following additional capabilities:

(1) SAN DIEGO SECTOR.—For the San Diego sector, the following:

(A) Subterranean surveillance and detection technologies.

(B) To increase coastal maritime domain awareness, the following:

(i) Deployable, lighter-than-air surface surveillance equipment.

(ii) Unmanned aerial vehicles with maritime surveillance capability.

(iii) Maritime patrol aircraft.

(iv) Coastal radar surveillance systems.

(v) Maritime signals intelligence capabilities.

(B) Ultralight aircraft surveillance capabilities.

(C) Advanced unattended surveillance sensors.

(E) A rapid reaction capability supported by aviation assets.

(F) Mobile vehicle-mounted and man-portable surveillance capabilities.

(2) EL CENTRO SECTOR.—For the El Centro sector, the following:

(A) Tower-based surveillance technology.

(B) Deployable, lighter-than-air ground surveillance equipment.

(C) Man-portable unmanned aerial vehicles.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.

(3) YUMA SECTOR.—For the Yuma sector, the following:

(A) Tower-based surveillance technology.

(B) Mobile vehicle-mounted and man-portable surveillance systems.

(C) Deployable, lighter-than-air ground surveillance equipment.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.
(G) Mobile vehicle-mounted and man-portable surveillance capabilities.
(H) Man-portable unmanned aerial vehicles.
(4) TUCSON SECTOR.—For the Tucson sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Man-portable unmanned aerial vehicles.
(C) Tower-based surveillance technology.
(D) Ultralight aircraft detection capabilities.
(E) Advanced unattended surveillance sensors.
(F) Deployable, lighter-than-air ground surveillance equipment.
(G) A rapid reaction capability supported by aviation assets.
(H) Mobile vehicle-mounted and man-portable surveillance capabilities.
(I) Man-portable unmanned aerial vehicles.

(10) EASTERN PACIFIC MARITIME REGION.—For the Eastern Pacific Maritime region, the following:
(A) Not later than two years after the date of the enactment of this Act, an increase of not less than ten percent in the number of overall cutter, boat, and aircraft hours spent conducting interdiction operations over the average number of such hours during the preceding three fiscal years.
(B) Increased maritime signals intelligence capabilities.
(C) To increase maritime domain awareness, the following:
(i) Unmanned aerial vehicles with maritime surveillance capability.
(ii) Increased maritime aviation patrol hours.
(D) Increased operational hours for maritime security components dedicated to joint counter-smuggling and interdiction efforts with other Federal agencies, including the Deployable Specialized Forces of the Coast Guard.

(11) CARIBBEAN AND GULF MARITIME REGION.—For the Caribbean and Gulf Maritime region, the following:
(A) Not later than two years after the date of the enactment of this Act, an increase of not less than ten percent in the number of overall cutter, boat, and aircraft hours spent conducting interdiction operations over the average number of such hours during the preceding three fiscal years.
(B) Increased maritime signals intelligence capabilities.
(C) Increased maritime domain awareness and surveillance capabilities, including the following:
(i) Unmanned aerial vehicles with maritime surveillance capability.
(ii) Increased maritime aviation patrol hours.
(iii) Coastal radar surveillance systems with long range day and night cameras capable of providing 100 percent maritime domain awareness of the United States territorial waters surrounding Puerto Rico, Mona Island, Desecheo Island, Vieques Island, Culebra Island, Saint Thomas, Saint John, and Saint Croix.
(D) Increased operational hours for maritime security components dedicated to joint counter-smuggling and interdiction efforts with other Federal agencies, including the Deployable Specialized Forces of the Coast Guard.

(12) BLAINE SECTOR.—For the Blaine sector, the following:
(A) Coastal radar surveillance systems.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Improved agent communications systems.
(E) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(F) Man-portable unmanned aerial vehicles.
(G) Ultralight aircraft detection capabilities.

(13) SPOKANE SECTOR.—For the Spokane sector, the following:
(A) Mobile vehicle-mounted and man-portable surveillance capabilities.
(B) Advanced unattended surveillance sensors.
(C) Improved agent communications systems.
(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(E) Man-portable unmanned aerial vehicles.
(F) Completion of six miles of the Bog Creek road.

(14) HAVRE SECTOR.—For the Havre sector, the following:
(A) Mobile vehicle-mounted and man-portable surveillance capabilities.
(B) Advanced unattended surveillance sensors.
(C) Improved agent communications systems.
(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(E) Man-portable unmanned aerial vehicles.

(15) GRAND FORKS SECTOR.—For the Grand Forks sector, the following:
(A) Mobile vehicle-mounted and man-portable surveillance capabilities.
(B) Advanced unattended surveillance sensors.
(C) Improved agent communications systems.
(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(E) Mobile vehicle-mounted and man-portable surveillance capabilities.
(F) Modernized port of entry surveillance capabilities.

(17) BUFFALO SECTOR.—For the Buffalo sector, the following:
(A) Coastal radar surveillance systems.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Improved agent communications systems.
August 3, 2017

CONGRESSIONAL RECORD—SENATE

SEC. 434. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

(1) Major Acquisition Program Defined.—In this section, the term "major acquisition program" means an acquisition program of the Department that is estimated by the Secretary to require an initial total expenditure of at least $500,000,000 (based on fiscal year 2017 constant dollars) over its life cycle cost.

(2) Planning Documentation.—For each border security technology acquisition program of the Department that is determined to be a major acquisition program, the Secretary shall:

(a) ensure that each such program has a written acquisition program baseline approved by the relevant acquisition decision authority;

(b) document that each such program is consistent with the legal authorities under which it is implemented; and

(c) present a plan for implementing objectives by managing contractor performance.

(3) Organization.—The Secretary shall create within the Border Security and Technology Acquisition Program Office of the Department an organization to carry out the functions prescribed herein. The Secretary shall submit to the appropriate committees of the Senate and the House of Representatives a plan for establishing such organization, including a chart of its organization and a description of the duties and responsibilities of each of its components.

(4) Plan.—The Secretary, acting through the Under Secretary for Management, shall develop and implement a plan for the Border Security and Technology Acquisition Program to ensure that the Program is efficient, effective, and consistent with the Program's mission.

(5) Authorization.—The Secretary may order any units or personnel of the National Guard to assist in the performance of duties related to the Program in which the National Guard is engaged.
Customs and Border Protection to secure the southern border.  

(b) ASSIGNMENT OF OPERATIONS AND MISSIONS.  

(1) IN GENERAL.—National Guard units and personnel deployed under subsection (a) may be assigned such operations and missions specified in subsection (c) as may be necessary to secure the southern border.  

(2) NATURE OF DUTY.—The duty of National Guard personnel performing operations and missions described in paragraph (1) shall be full-time duty under title 32, United States Code.  

(c) RANGE OF OPERATIONS AND MISSIONS.—The operations and missions assigned under subsection (a) shall include the temporary authority to—  

(1) construct reinforced fencing or other barriers;  

(2) conduct ground-based surveillance systems;  

(3) operate unmanned and manned aircraft;  

(4) provide radio communications interoperability between U.S. Customs and Border Protection and State, local, and tribal law enforcement agencies; and  

(5) construct checkpoints along the southern border to bridge the gap to long-term permanent checkpoints.  

(d) MATERIEL AND LOGISTICAL SUPPORT.—The Secretary of Defense shall deploy such materiel and logistical support as may be necessary to ensure success of the operations and missions conducted by the National Guard under this section.  

(e) EXCLUSION FROM NATIONAL GUARD PERSONNEL STRENGTH LIMITATIONS.—National Guard personnel deployed under subsection (a) shall not be included in—  

(1) the calculation to determine compliance with limits on end strength for National Guard personnel; or  

(2) limits on the number of National Guard personnel that may be placed on active duty for operational support under section 115 of title 10, United States Code.  

(f) REIMBURSEMENT REQUIRED.  

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit a report to the Committees on Appropriations of—  

(A) the House of Representatives; and  

(B) the Senate;  

containing a description of—  

(1) the assistance provided;  

(2) the sources and amounts of funds used to provide such assistance; and  

(3) the amounts obligated to provide such assistance.  

(2) PERIOD SPECIFIED.—The period specified in paragraph (1) is—  

(A) in the case of the first report required under paragraph (1), the 90-day period beginning on the date of the enactment of this Act; and  

(B) in the case of any subsequent report submitted under paragraph (1), the calendar year for which the report is submitted.  

SEC. 112. MERIDA INITIATIVE.  

(a) SENSE OF CONGRESS.—It is the sense of Congress that assistance to Mexico, including assistance from the Department of State and the Department of Defense and any aid related to the Merida Initiative, should—  

(1) focus on providing enhanced border security and judicial reform and support for Mexico’s drug crop eradication efforts; and  

(2) prioritize security, training, and acquisition of equipment for Mexican security forces involved in drug crop eradication efforts.  

(b) ASSESSMENT FOR MEXICO.—The Secretary of State, in coordination with the Secretary of Homeland Security, and the Secretary of Defense shall provide assistance to Mexico to—  

(1) combat drug trafficking and related violence, organized crime, and corruption;  

(2) build a modern border security system capable of national action;  

(3) support border security and cooperation with United States law enforcement agencies on border incursions;  

(4) support judicial reform, institution building, and rule of law activities; and  

(5) provide for training and equipment for Mexican security forces involved in drug crop eradication efforts.  

(c) ALLOCATION OF FUNDS; REPORT.  

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit, to the congressional committees specified in paragraph (2), a detailed spending plan for assistance to Mexico under this section, which shall include a strategy, developed after consultation with relevant authorities of the Government of Mexico for—  

(A) combating drug trafficking and related violence and organized crime; and  

(B) anti-corruption and law activities, which shall include concrete goals, actions to be taken, budget proposals, and a description of anticipated results.  

(2) CONGRESSIONAL COMMITTEES SPECIFIED.—The congressional committees specified in this paragraph are—  

(A) the Committee on Appropriations of the House of Representatives;  

(B) the Committee on Foreign Affairs of the Senate;  

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;  

(D) the Committee on the Judiciary of the Senate;  

(E) the Committee on Homeland Security and Governmental Affairs of the House of Representatives;  

(F) the Committee on the Judiciary of the House of Representatives;  

(G) the Committee on Foreign Affairs of the House of Representatives;  

(H) the Committee on the Judiciary of the House of Representatives.  

SEC. 113. PROHIBITIONS ON ACTIONS THAT IMPEDE BORDER SECURITY ON CERTAIN FEDERAL LAND.  

(a) PROHIBITION ON INTERFERENCE WITH U.S. CUSTOMS AND BORDER PROTECTION.—  

(1) IN GENERAL.—The Secretary concerned shall not impede, prohibit, or restrict activities of U.S. Customs and Border Protection on covered Federal land to execute search and rescue operations or to prevent all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband, if such activities are occurring near the southern border or the northern border.  

(2) APPLICABILITY.—The authority of U.S. Customs and Border Protection to conduct operations described in paragraph (1) on covered Federal land applies without regard to whether a state of emergency exists.
TOMS AND BORDER PROTECTION.—

(1) IN GENERAL.—U.S. Customs and Border Protection shall have immediate access to covered Federal land to conduct the activities described in paragraph (2) on such land to prevent all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband through the southern border or the northern border.

(2) ACTIVITIES DESCRIBED.—The activities described in this paragraph are—

(A) the use of vehicles to patrol the border area, apprehend illegal entrants, and rescue individuals; and

(B) the construction, installation, operation and maintenance of tactical infrastructure and border technology as set forth in section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by section 102 of this Act).

(c) EXEMPTION FROM CERTAIN LAWS.—

(1) IN GENERAL.—The activities of U.S. Customs and Border Protection described in subsection (b)(2) may be carried out without regard to any provisions of law specified in paragraph (2).

(2) PROVISIONS OF LAW SPECIFIED.—The provisions of law specified in this paragraph are all Federal, State and other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following laws:

(A) The National Environmental Policy Act (42 U.S.C. 4321 et seq.).


(C) The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the “Clean Water Act”).

(D) Subchapter II of title 54, United States Code (54 U.S.C. 30001 et seq.) (formerly known as the “National Historic Preservation Act”).


(F) The Clean Air Act (42 U.S.C. 7401 et seq.).


(H) The Safe Drinking Water Act (42 U.S.C. 300f et seq.).


(J) The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).


(L) Chapter 3202 of title 54, United States Code (formerly known as the “Archaeological and Historic Preservation Act”).

(M) The Antiquities Act (16 U.S.C. 431 et seq.).

(N) Chapter 3203 of title 54, United States Code (formerly known as the “Historic Sites, Buildings, andAntiquities Act”).

(O) The Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).


(Q) The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).


(V) The Fish and Wildlife Coordination Act (16 U.S.C. 785 et seq.).

(W) Subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).


(Z) Division A of title I of section 104 of the National Park Service Organic Act (42 U.S.C. 6801 et seq.).

(1) The National Park Service General Authorities Act (16 U.S.C. 1a–1 et seq.).

(2) The Secretary of the Interior shall establish a National Border Security Advisory Committee, which

(1) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to border security matters, including—

(A) authorizing security claims and the border security metrics established by the Department of Homeland Security under section 1092 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 8 U.S.C. 223); and

(B) discussing ways to improve the security of high traffic areas along the northern border and the southern border; or

(2) may provide, through the Secretary, recommendations to Congress.

(b) CONSIDERATION OF VIEWS.—The Secretary of Homeland Security shall consider the information, advice, and recommendations of the National Border Security Advisory Committee in formulating policy regarding matters affecting border security.

(c) MEMBERSHIP.—The National Border Security Advisory Committee shall consist of at least one member per State who—

(1) has at least 5 years practical experience in border security operations; or

(2) lives and works in the United States within 50 miles from the southern border or the northern border.

(A) willful or malicious failure to guard or warn against a known dangerous condition, use, structure, or activity likely to cause harm;

(B) direct interference with, or hindrance of, any agent or officer of the Federal Government entering upon, or employed to enter, any place in the United States illegally or to evade execution of an arrest warrant for a violation of any immigration law;

(C) gross negligence; or

(D) direct interference with, or hindrance of, any agent or officer of the Federal Government entering upon, or employed to enter, any place in the United States illegally or to evade execution of an arrest warrant for a violation of any immigration law.

(2) LIMITATIONS ON PROTESTS.—The determinations of any executive agency under section 3304 of title 41, United States Code, to use noncompetitive procedures shall not be subject to challenge by protest to—

(A) any Executive agency entered into a contract with the United States under subchapter V of chapter 35 of title 31, United States Code; or

(B) the Court of Federal Claims under section 4512 of title 28, United States Code.
“(1) shall be fined under title 18, imprisoned not more than 10 years, or both; and
“(2) if, at the time of the offense, the person uses or carries a firearm or who, in furtherance of any such crime, possesses a firearm, shall be fined under title 18, imprisoned not more than 20 years, or both.”

“(c) CONSPIRACY AND ATTEMPT.—Any person who attempts to violate subsection (a) or (b) shall be punished in the same manner as a person who completes a violation of such subsection.”

“(2) improvements needed at and between points of entry along the southern border; and

“(B) in subparagraph (D)(ii), by inserting ‘‘, or 295’’ after ‘‘274(a)’’.

“(2) the term ‘‘alien smuggling crime’’ means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328);”

“(B) the term ‘‘alien smuggling crime’’ means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328);”

“(D) the term ‘‘security vulnerability’’ means—

“(i) has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

“(B) the term ‘‘alien smuggling crime’’ means any felony punishable under the Controlled Substances Import and Export Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 801 et seq.), or chapter 705 of title 49.”

“(4) by striking paragraph (2) through (4);

“(c) STATUTE OF LIMITATIONS.—Section 3298 of title 18, United States Code, is amended—

“(a) THREAT ANALYSIS.—

“(A) the term ‘‘crime of violence’’ means a felony offense that—

“(2) C LERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 294 the following:

“(Sec. 205. Unlawfully hindering immigration, border, and customs controls.”

“(1) the term ‘‘alien smuggling crime’’ means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328);”

“(C) the technology needs and challenges, including such needs and challenges identified as a result of previous investments that have not fully realized the security and operational benefits that were sought;

“(D) the infrastructure needs and challenges;

“(E) the status of coordination among Federal, State, local, tribal, and Mexican law enforcement entities relating to border security;

“(F) the terrain, population density, and climate along the southern border; and

“(G) the interagency agreements between the United States and Mexico related to border security.

“(I) CLASSIFIED.—To the extent possible, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Homeland Security of the House of Representatives a southern border threat analysis required under this subsection in unclassified form, but may submit a portion in classified form, if the Secretary determines to be necessary;

“(a) B ORDER PATROL AGENTS.—Not later than September 30, 2021, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign sufficient agents to maintain an active duty presence of not fewer than 26,370 full-time equivalent agents.

“(a) BORDER PATROL STRATEGIC PLAN.—

“(2) IN GENERAL.—Not later than 180 days after the submission of the threat analysis required under subsection (a) or June 30, 2018, and every five years thereafter, the Secretary of Homeland Security, acting through the Chief of the U.S. Border Patrol, and in consultation with the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, shall issue a Border Patrol Strategic Plan.

“(2) CONTENTS.—The Border Patrol Strategic Plan required under this subsection shall include—

“(A) the southern border threat analysis required under subsection (a), with an emphasis on efforts to mitigate threats identified in such threat analysis;

“(B) efforts to analyze and disseminate border security and border threat information between border security components of the Department of Homeland Security and other appropriate Federal departments and agencies with missions associated with the southern border;

“(C) efforts to increase situational awareness, including—

“(1) surveillance capabilities, including capabilities developed or utilized by the Department of Defense, and other technology determined to be excess by the Department of Defense; and

“(ii) the use of manned aircraft and unmanned aerial systems, including camera and sensor technology deployed on such assets.

“(C) efforts to detect and prevent terrorists and instruments of terrorism from entering the United States;

“(E) efforts to detect, interdict, and disrupt all illicit drugs at the earliest possible point;

“(F) efforts to focus intelligence collection to disrupt transnational criminal organizations operating within the United States; and

“(G) efforts to ensure that any new border security technology currently being deployed is purposefully and integrally integrated with existing technologies in use by the Department of Homeland Security;

“(H) any technology required to maintain, supplement, and enhance security and facilitate trade at ports of entry, including nonintrusive detection equipment, radiation detection equipment, biometric technology, surveillance systems, and other sensors and technology that the Secretary of Homeland Security determines to be necessary;

“(I) operational coordination unity of effort initiatives of the border security components of the Department of Homeland Security, including any relevant task forces of the Department of Homeland Security;

“(J) lessons learned from Operation Jumpstart and Operation Phalanx;

“(K) cooperative agreements and informa- tion sharing with State, local, tribal, terri- torial, and other Federal government agencies that have jurisdiction on the north- ern border or the southern border;

“(L) border security information received from consultation with State, local, tribal, or in the maritime environment, and from border community stakeholders (including through public meetings with such stakeholders), including representatives from border agro- cultural and ranching organizations and representatives from public and civic organizations along the northern border or the southern border;

“(M) staffing requirements for all depart- mental border security functions;

“(N) a prioritized list of departmental re- search and development needs to enhance the security of the southern border;

“(O) an assessment of training programs, including training programs for—

“(1) identifying and detecting fraudulent documents;

“(2) understanding the scope of enforce- ment authorities and the use of force poli- cies; and

“(iii) screening, identifying, and addressing vulnerable populations, such as children and victims of human trafficking; and

“(P) an assessment of how border security operations affect border crossing times.

Subtitle B—Personnel

PART 1—INCREASES IN IMMIGRATION AND LAW ENFORCEMENT PERSONNEL

SEC. 113. ADDITIONAL FUNDS FOR U.S. CUSTOMS AND BORDER PROTECTION AGENTS AND OFFICERS.

(a) BORDER PATROL AGENTS.—Not later than September 30, 2021, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign sufficient agents to maintain an active duty presence of not fewer than 26,370 full-time equivalent agents.

(b) CBP OFFICERS.—In addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within U.S. Customs and Border Protection as of such date, the Commissioner, subject to the availability of appropriations, may hire, train, and assign to duty, not later than September 30, 2021—
(1) sufficient U.S. Customs and Border Protection officers to maintain an active duty presence of not fewer than 27,725 full-time equivalent officers; and
(2) a period of lower support staff distributed among all United States ports of entry.

(c) AIR AND MARINE OPERATIONS.—Not later than September 30, 2021, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign sufficient agents for Air and Marine Operations of U.S. Customs and Border Protection to maintain not fewer than 1,675 full-time equivalent agents.

(d) U.S. CUSTOMS AND BORDER PROTECTION K–9 UNITS AND HANDLERS.—
(1) Not later than September 30, 2021, the Commissioner shall deploy not less than 300 new K–9 units, with supporting officers of U.S. Customs and Border Protection and other required staff, at land ports of entry and checkpoints on the southern border and the northern border.

(2) USE OF CANNES.—The Commissioner shall prioritize the use of canines at the primary inspection lanes at land ports of entry and checkpoints.

(e) U.S. CUSTOMS AND BORDER PROTECTION HORSEBACK UNITS.—
(1) INCREASE.—Not later than September 30, 2021, the Commissioner shall increase the number of horseback units, with supporting officers of U.S. Customs and Border Protection and other required staff, by not less than 100 officers and 50 horses for security patrol along the southern border.

(2) USE OF CANNES.—Of the amounts authorized to be appropriated for U.S. Customs and Border Protection in this Act, not more than one percent may be used for the purchase of additional horses, the construction of new stables, maintenance and improvements of existing stables, and for feed, medicine, and other resources needed to maintain the health and well-being of the horses that serve in the horseback units.

(f) U.S. CUSTOMS AND BORDER PROTECTION SEARCH TRAUMA AND RESCUE TEAMS.—Not later than September 30, 2021, the Commissioner shall increase by not fewer than 50 the number of officers engaged in search and rescue activities along the southern border.

(g) U.S. CUSTOMS AND BORDER PROTECTION TUNNEL DETECTION AND TECHNOLOGY PROGRAM.—Not later than September 30, 2021, the Commissioner may pay a retention incentive to a covered CBP employee to complete more than two years of employment with U.S. Customs and Border Protection to help meet the requirements set forth in section 131, the Commissioner shall consider—
(A) the salaries for law enforcement officers in other Federal agencies; and
(B) the costs of replacing the covered CBP employee, including the costs of training a new employee.

(h) AGRICULTURAL SPECIALISTS.—Not later than September 30, 2021, and in addition to the officers and agents authorized under paragraphs (a) through (g), the Secretary of Homeland Security shall hire, train, and assign to duty, 631 U.S. Customs and Border Protection agricultural specialists to ports of entry along the southern border and the northern border.

(i) GAO REPORT.—If the staffing levels required under this section are not achieved by September 30, 2021, the Comptroller General of the United States shall conduct a review of the reasons why such levels were not achieved.

SEC. 132. U.S. CUSTOMS AND BORDER PROTECTION HIRING AND RETENTION INCENTIVES.

(a) DEFINITIONS.—In this section:
(1) the term ‘‘covered CBP employee’’ means an employee of U.S. Customs and Border Protection performing activities that are critical to border security or the overall mission of the Department, as determined by the Commissioner.

(2) the term ‘‘covered CBP employee’’ means an employee of U.S. Customs and Border Protection performing activities that are critical to border security or the overall mission of the Department, as determined by the Commissioner.

(3) RATE OF BASIC PAY.—The term ‘‘rate of basic pay’’ means—
(A) the rate of pay fixed by law or administrative action for the position to which an employee is appointed before defections and including any special rates of pay authorized by law or by part 53 of title 5, United States Code, Federal Regulations, or a similar payment under other legal authority, and any additional amount paid by another Federal agency to the extent authorized by law; and
(B) any other terms and conditions under which the retention incentive is payable, subject to the requirements under this section.

(4) SPECIAL RATE OF PAY.—The term ‘‘special rate of pay’’ means—
(A) an amount of pay that exceeds the otherwise applicable rate of basic pay of a similar covered CBP employee at a land port of entry.

(b) HIRING INCENTIVES.—
(1) IN GENERAL.—The Commissioner may pay a hiring bonus to a covered CBP employee under paragraph (1) is contingent upon the covered CBP employee entering into a written agreement required under subpart C of part 530 of title 5, United States Code, or environmental differentials under section 5345(c)(4) of such title.

(2) SPECIAL RATE OF PAY.—The term ‘‘special rate of pay’’ means—
(A) an amount of pay that exceeds the otherwise applicable rate of basic pay of a similar covered CBP employee at a land port of entry.

(c) RETENTION INCENTIVES.—
(1) IN GENERAL.—The Commissioner may pay a retention bonus to a covered CBP employee under paragraph (1) is contingent upon the covered CBP employee entering into a written agreement required under subpart C of part 530 of title 5, United States Code, or environmental differentials under section 5345(c)(4) of such title.

(2) SPECIAL RATE OF PAY.—The term ‘‘special rate of pay’’ means—
(A) an amount of pay that exceeds the otherwise applicable rate of basic pay of a similar covered CBP employee at a land port of entry.

(d) PILOT PROGRAM ON SPECIAL RATES OF PAY.—The Commissioner may pay a retention incentive to a covered CBP employee under paragraph (1) is contingent upon the covered CBP employee entering into a written agreement required under subpart C of part 530 of title 5, United States Code, or environmental differentials under section 5345(c)(4) of such title.

(3) FORM OF PAYMENT.—A signing bonus paid to a covered CBP employee under paragraph (1) shall be paid in a single payment.

(e) EXCLUSION OF RETENTION INCENTIVE FROM RATE OF PAY.—A retention incentive paid to a covered CBP employee under paragraph (1) shall not be considered part of the rate of basic pay of the covered CBP employee for any purpose.

(f) RETENTION INCENTIVES.—
(1) IN GENERAL.—The Commissioner may pay a retention incentive to a covered CBP employee under paragraph (1) or (2) and the Commissioner shall consider—
(A) the length of the Federal service and the experience of the covered CBP employee; and
(B) the salaries for law enforcement officers in other Federal agencies; and
(C) the costs of replacing the covered CBP employee, including the costs of training a new employee.

(2) AMOUNT OF RETENTION INCENTIVE.—A retention incentive paid to a covered CBP employee under paragraph (1) shall be paid in a single payment.

(3) EFFECTIVE DATE AND SUNSET.—This subsection shall take effect on the date of the enactment of this Act and shall remain in effect until the earlier of—
(A) September 30, 2019; and
(B) the date on which U.S. Customs and Border Protection has 26,370 full-time equivalent agents.

(4) FORM OF PAYMENT.—A signing bonus paid to a covered CBP employee under paragraph (1) shall be paid in a single payment.

(5) EFFECTIVE DATE AND SUNSET.—This subsection shall take effect on the date of the enactment of this Act and shall remain in effect until the earlier of—
(A) September 30, 2019; and
(B) the date on which U.S. Customs and Border Protection has 26,370 full-time equivalent agents.

(c) RETENTION INCENTIVES.—
(1) IN GENERAL.—The Commissioner may pay a retention incentive to a covered CBP employee under paragraph (1) or (2) and the Commissioner shall consider—
(A) the length of the Federal service and the experience of the covered CBP employee; and
(B) the salaries for law enforcement officers in other Federal agencies; and
(C) the costs of replacing the covered CBP employee, including the costs of training a new employee.

(d) DOLLAR AMOUNT.—The dollar amount of a retention incentive paid to a covered CBP employee under paragraph (1) or (2) shall be determined by the Commissioner.

(e) .....
(A) In general.—Except as provided in subparagraph (B), the pilot program shall terminate on the date that is two years after the date of the enactment of this Act.

(B) Extension.—If the Secretary of Homeland Security determines that the pilot program is performing satisfactorily and there are metrics that prove its success in meeting the requirements set forth in section 131, the Secretary may extend the pilot program until the date that is four years after the date of the enactment of this Act.

(P) Reclass.—Shortly after the pilot program terminates under paragraph (3), the Commissioner shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that details—

(A) the total amount paid to covered CBP employees under the pilot program; and

(B) the covered areas in which the pilot program was implemented.

(e) Salaries.—

(1) in general.—Section 10(b) of the Enhanced Border and Visa Enforcement Act of 2002 (8 U.S.C. 1711(b)) is amended to read as follows:

‘’(b) Authorization of Appropriations for CBP Officers and Border Patrol Agents.—There are authorized to be appropriated to U.S. Customs and Border Protection such sums as may be necessary to increase, effective January 1, 2018, the annual rate of basic pay for U.S. Customs and Border Protection employees who have completed at least one year of service—

‘’(1) to the annual rate of basic pay payable for positions at GS–11 of the General Schedule under subchapter III of chapter 53 of title 5, United States Code, for officers and agents who are receiving the annual rate of basic pay payable for a position at GS–11 of the General Schedule;

‘’(2) to the annual rate of basic pay payable for positions at GS–12, step 10 of the General Schedule under such subchapter for supervisory CBP officers and supervisory Border Patrol agents who are receiving the annual rate of basic pay payable for a position at GS–10 of the General Schedule; and

‘’(3) to the annual rate of basic pay payable for positions at GS–13, step 1 of the General Schedule under such subchapter for supervisory CBP officers and supervisory Border Patrol agents who are receiving the annual rate of pay payable for a position at GS–11 of the General Schedule;

‘’(4) to the annual rate of basic pay payable for positions at GS–14, step 10 of the General Schedule under such subchapter for supervisory CBP officers and supervisory Border Patrol agents who are receiving the annual rate of pay payable for a position at GS–12 or GS–13 of the General Schedule; and

‘’(5) to the annual rate of basic pay payable for positions at GS–8, GS–9, or GS–10 of the General Schedule for assistants who are receiving an annual rate of pay payable for positions at GS–2, GS–5, GS–6, GS–7, or GS–9 of the General Schedule.’’.

(2) hardship duty pay.—In addition to the compensation to which Border Patrol agents are otherwise entitled, Border Patrol agents who are assigned to rural areas shall be entitled to receive hardship duty pay, in lieu of a retention incentive bonus under subsection (b), in an amount determined by the Commissioner of U.S. Customs and Border Protection, to be issued on a regular basis to Border Patrol agents, in an amount determined by the Commissioner and rounded to the nearest $500.

(3) overtime limitation.—Section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) is amended by striking ‘‘$25,000’’ and inserting ‘‘$45,000’’. SEC. 133. ANTI-BORDER CORRUPTION REAUTHORIZATION ACT.

(a) Short Title.—This section may be cited as the ‘‘Anti-Border Corruption Reauthorization Act of 2017’’.

(b) Hiring Flexibility.—Section 3 of the Anti-Border Corruption Act of 2010 (6 U.S.C. 221) is amended by striking subsection (b) and inserting the following:

‘’(b) Waiver Authority.—The Commissioner of U.S. Customs and Border Protection may waive the application of subsection (a)(1)—

‘’(1) to a current, full-time law enforcement officer employed by a State or local law enforcement agency who—

‘’(A) has continuously served as a law enforcement officer for not fewer than three years;

‘’(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension;

‘’(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from or been dismissed from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

‘’(D) has, within the past ten years, successfully completed a polygraph examination as a condition of employment with such officer’s current law enforcement agency;

‘’(2) to a current, full-time Federal law enforcement officer who—

‘’(A) has continuously served as a law enforcement officer for not fewer than three years;

‘’(B) is authorized to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

‘’(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from or been dismissed from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

‘’(D) has, within the past ten years, successfully completed a polygraph examination as a condition of employment with such officer’s current law enforcement agency;

‘’(3) to a current, full-time Federal law enforcement officer who—

‘’(A) has served in the Armed Forces for not fewer than three years;

‘’(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance;

‘’(C) holds, or has undergone within the past five years, a current Tier 4 background investigation or current Tier 5 background investigation;

‘’(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces and has not engaged in criminal activity or committed a serious military or civil offense under the Uniform Code of Military Justice; and

‘’(E) was not granted any waivers to obtain the clearance referred to in subparagraph (B); and

‘’(F) is a law enforcement officer who—

‘’(1) the number of waivers requested, granted, and denied under section 3(b);

‘’(2) the reasons for any denials of such waivers;

‘’(3) the percentage of applicants who were hired after receiving a waiver;

‘’(4) the number of instances that a polygraph was administered to an applicant who was eligible to receive a waiver and the results of such polygraph;

‘’(5) an assessment of the current impact of the polygraph waiver program on filling law enforcement positions at U.S. Customs and Border Protection; and

‘’(6) additional authorities needed by U.S. Customs and Border Protection to better utilize the polygraph waiver program for its intended goals.

(b) Additional Information.—The first report submitted under subsection (a) shall include—

‘’(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential employees for suitability; and

‘’(2) a recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).

(c) Definitions.—The Anti-Border Corruption Reauthorization Act of 2010, as amended by paragraphs (1) and (2), is further amended by adding at the end the following new section:

‘’SEC. 5. REPORTING.

‘’(a) Annual Report.—Not later than one year after the date of the enactment of the Anti-Border Corruption Reauthorization Act of 2017, and annually thereafter while the waiver authority under section 3(b) is in effect, the Commissioner of U.S. Customs and Border Protection shall submit to Congress a report that includes, with respect to the reporting period—

‘’(1) the number of waivers requested, granted, and denied under section 3(b); and

‘’(2) the reasons for any denials of such waivers;

‘’(3) the percentage of applicants who were hired after receiving a waiver;

‘’(4) the number of instances that a polygraph was administered to an applicant who was eligible to receive a waiver and the results of such polygraph;

‘’(5) an assessment of the current impact of the polygraph waiver program on filling law enforcement positions at U.S. Customs and Border Protection; and

‘’(6) additional authorities needed by U.S. Customs and Border Protection to better utilize the polygraph waiver program for its intended goals.

‘’(b) Additional Information.—The first report submitted under subsection (a) shall include—

‘’(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential employees for suitability; and

‘’(2) a recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).

‘’(c) Definitions.—The Anti-Border Corruption Reauthorization Act of 2010, as amended by paragraphs (1) and (2), is further amended by adding at the end the following new section:

‘’SEC. 6. DEFINITIONS.

‘’In this Act:

‘’(1) Federal law enforcement officer.—The term ‘Federal law enforcement officer’ means any person employed or appointed to serve as a law enforcement officer in sections 8331(20) and 8401(17) of title 5, United States Code.
‘(2) SERIOUS MILITARY OR CIVIL OFFENSE.—The term ‘serious military or civil offense’ means an offense for which—

(A) a member of the Armed Forces may be disciplined or separated from service in the Armed Forces; and

(B) a punitive discharge is, or would be, authorized for the same or a closely related offense under Federal criminal law as pursuant to Army Regulation 635-200 chapter 14-12.

‘(3) TIER 4; TIER 5.—The terms ‘Tier 4’ and ‘Tier 5’ with respect to background investigations have the meaning given such terms under the 2012 Federal Investigative Standards.

‘(4) VETERAN.—The term ‘veteran’ has the meaning given such term in section 101(2) of title 38, United States Code.’

(d) POLYGRAPH EXAMINERS.—Not later than September 30, 2021, the Secretary of Homeland Security shall increase to not fewer than 500 the number of trained full-time active duty Immigration and Customs Enforcement polygraph examiners for administering polygraph examinations under the Anti-Border Corruption Act of 2010, as amended by this section.

SEC. 134. ADDITIONAL U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.

(a) ENFORCEMENT AND REMOVAL OFFICERS.—Not later than September 30, 2021, the Director of U.S. Immigration and Customs Enforcement shall increase the number of trained, full-time, active duty U.S. Immigration and Customs Enforcement Enforcement and Removal Operations law enforcement officers and agents, and special agents involved in interior immigration enforcement functions to not fewer than 9,500.

(b) HOMELAND SECURITY INVESTIGATIONS SPECIAL AGENTS.—Not later than September 30, 2021, the Director of U.S. Immigration and Customs Enforcement shall increase the number of trained, full-time, active duty Homeland Security Investigations special agents by not fewer than 1,500.


SEC. 135. OTHER IMMIGRATION AND LAW ENFORCEMENT PERSONNEL.

(a) DEPARTMENT OF JUSTICE.—

(1) UNITED STATES ATTORNEYS.—Not later than September 30, 2021, in addition to positions authorized before the date of enactment of this Act and any existing attorney vacancies within the Department of Justice on such date of enactment, the Attorney General shall—

(A) increase by not fewer than 100 the number of Assistant United States Attorneys, and

(B) increase by not fewer than 50 the number of Special Assistant United States Attorneys in the United States Attorneys’ office to litigate denaturalization and other immigration cases in the Federal courts.

(2) IMMIGRATION/JUDGES.—Not later than September 30, 2021, in addition to positions authorized before the date of enactment of this Act and any existing attorney vacancies within the Department of Justice on such date of enactment, the Attorney General shall—

(A) increase by not fewer than 200 the number of immigration judges, to accommodate the additional immigration judges authorized under this subparagraph.

(B) FACILITIES AND SUPPORT PERSONNEL.—The Attorney General is authorized to procure space, temporary facilities, and support staff, to accommodate the additional immigration judges authorized under this subparagraph.

(3) BOARD OF IMMIGRATION APPEALS.—

(A) BOARD MEMBERS.—Not later than September 30, 2021, the Attorney General shall increase the number of Board Members authorized to serve on the Board of Immigration Appeals to 25.

(B) STAFF ATTORNEYS.—Not later than September 30, 2021, in addition to positions authorized before the date of enactment of this Act and any existing attorney vacancies within the Department of Justice on such date of enactment, and subject to the availability of appropriations, the Attorney General shall increase by not fewer than 50 the number of staff attorneys assigned to support the Board of Immigration Appeals.

(C) FACILITIES AND SUPPORT PERSONNEL.—The Attorney General is authorized to procure space, temporary facilities, and to hire the required administrative and legal support staff, on an expedited basis, to accommodate the additional Board Members authorized under this subparagraph.

(4) OFFICE OF IMMIGRATION LITIGATION.—Not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing attorney vacancies within the Department of Justice on such date of enactment, and subject to the availability of appropriations, the Attorney General shall increase by not fewer than 100 the number of attorneys for the Office of Immigration Litigation.

(D) POLYGRAPH EXAMINERS.—Not later than September 30, 2021, the Director of U.S. Immigration and Customs Enforcement shall increase by not fewer than 80 percent per day, as compared to the average number of such prosecutions per day during the 12-month period preceding the date of the enactment of this Act, by increasing funding for—

(i) attorneys and administrative support staff in offices of United States attorneys;

(ii) support staff and interpreters in court clerks’ offices;

(iii) pre-trial services;

(iv) activities of the Office of the Federal Public Defender, including payments to retain appointed counsel under appointment of title 18, United States Code; and

(v) additional personnel, including deputy United States Marshals in the United States Marshals Service, to perform intake, coordination, transportation, and court security; and

(B) to reimburse Federal, State, local, and tribal law enforcement agencies for any detention costs related to the increased border crossing prosecutions carried out pursuant to this paragraph.

(2) ADDITIONAL MAGISTRATE JUDGES TO ASSIST WITH INCREASED CASELOAD.—The chief judge of each judicial district located within a sector of the southern border is authorized to appoint additional full-time magistrate judges, who, consistent with the Constitution and laws of the United States, shall have the authority to hear cases and controversies in the judicial district in which the magistrate judges are appointed.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2018 through 2021 such sums as may be necessary to carry out this subsection.

SEC. 141. JUDICIAL RESOURCES FOR BORDER SECURITY.

(a) BORDER CROSSING PROSECUTIONS (CRIMINAL CONSEQUENCE INITIATIVE).—

(1) IN GENERAL.—Amounts appropriated pursuant to paragraph (2) shall be used—

(A) to increase the number of criminal prosecutions for unlawful border crossing in each and every sector of the southern border by not less than 80 percent per day, as compared to the average number of such prosecutions per day during the 12-month period preceding the date of the enactment of this Act, by increasing funding for—

(i) attorneys and administrative support staff in offices of United States attorneys;

(ii) support staff and interpreters in court clerks’ offices;

(iii) pre-trial services;

(iv) activities of the Office of the Federal Public Defender, including payments to retain appointed counsel under appointment of title 18, United States Code; and

(v) additional personnel, including deputy United States Marshals in the United States Marshals Service, to perform intake, coordination, transportation, and court security; and

(B) to reimburse Federal, State, local, and tribal law enforcement agencies for any detention costs related to the increased border crossing prosecutions carried out pursuant to this paragraph.

(2) ADDITIONAL MAGISTRATE JUDGES TO ASSIST WITH INCREASED CASELOAD.—The chief judge of each judicial district located within a sector of the southern border is authorized to appoint additional full-time magistrate judges, who, consistent with the Constitution and laws of the United States, shall have the authority to hear cases and controversies in the judicial district in which the magistrate judges are appointed.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2018 through 2021 such sums as may be necessary to carry out this subsection.

SEC. 142. ADDITIONAL PERMANENT DISTRICT COURT JUDGESHIPS IN SOUTHERN BORDER STATES.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 4 additional district judges for the District of Arizona;

(2) 2 additional district judges for the Southern District of California; and

(3) 4 additional district judges for the Western District of Texas; and
(D) 2 additional district judges for the Southern District of Texas.

(2) CONVERSIONS OF TEMPORARY DISTRICT COURT JUDGESHIPS.—The judgeships for the District of Arizona and the Central District of California authorized under section 312(c) of the 21st Century Justice Appropriations Authorization Act (28 U.S.C. 153 note) shall not be vacated until the end of the period specified by the Attorney General for the submission of requests under that paragraph for that fiscal year.

SEC. 152. OPERATION STONEGARDEN.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

"SEC. 2009. OPERATION STONEGARDEN.

There is established in the Department a program, which shall be known as ‘Operation Stonegarden’, under which the Secretary, acting through the Administrator, shall provide state and local government agencies, including state and local law enforcement agencies, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and Governmental Affairs of the House of Representatives, with assistance for the submission of requests under this section.

(b) ELIGIBLE RECIPIENTS.—To be eligible to receive a grant under this section, a state or local government agency shall:

(1) have been granted a state or local law enforcement role in the event of a terrorist attack;

(2) have been authorized by an Act of Congress enacted after the date of enactment of this Act to receive grants under this program;

(3) be a political subdivision of a State; or

(4) be a unit of government that is authorized under State law to receive grants under this program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for each of the fiscal years 2018 through 2022 for grants under this section.

SEC. 153. GRANTS FOR IDENTIFICATION OF VICTIMS OF CROSS-BORDER HUMAN SMUGGLING.

In addition to amounts for grants made available to the Attorney General for State and local law enforcement assistance, the Attorney General shall award grants to county, municipal, or tribal governments in States along the southern border for costs, or reimbursement of costs, associated with the transportation and processing of unaccompanied children who have been transferred to an official medical examiner’s office or an institution of higher education in

Subtitle C—Grants

SEC. 151. STATE CRIMINAL ALIEN ASSISTANCE

Section 248(i)(3) of the Immigration and Nationality Act (8 U.S.C. 1221(i)(3)) is amended—

(1) in paragraph (1)—

(A) by inserting ‘‘AUTHORIZATION’’ before ‘‘If the chief’’;

(B) by inserting ‘‘or an alien with an unknown status’’ after ‘‘undocumented criminal alien’’ each place that term appears;

(2) by striking paragraphs (2) and (3) and inserting the following:

‘‘(2) COMPENSATION.—

‘‘(A) CALCULATION OF COMPENSATION.—Compensation under paragraph (1)(A) shall be the average cost of incarceration of a prisoner in the relevant State, as determined by the Attorney General.

‘‘(B) COMPENSATION OF STATE FOR INCARCERATION.—The Attorney General shall compensate the State or political subdivision of the State, in accordance with subparagraph (A), for the incarceration of an alien—

(i) whose immigration status cannot be verified by the Secretary of Homeland Security; and

(ii) who would otherwise be an undocumented criminal alien if the alien is unlawfully present in the United States.

‘‘(3) DEFINITIONS.—In this subsection:

(i) has been incarcerated by a Federal, State, or local law enforcement entity; and

(ii) whose immigration status cannot be definitively identified.

‘‘(B) UNDOCUMENTED CRIMINAL ALIEN.—The term ‘undocumented criminal alien’ means an alien who—

(i) has been charged with or convicted of a felony or any misdemeanors; and

(ii) entered the United States without inspection or at any time or place other than as designated by the Secretary of Homeland Security.

‘‘(II) was the subject of exclusion or deportation proceedings at the time he or she was taken into custody by the State or a political subdivision of the State; or

‘‘(III) was admitted as a nonimmigrant and, at the time he or she was taken into custody by the State or a political subdivision of the State, has failed to maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248, or to comply with the conditions of any such status.’’;

(3) in paragraph (4), by inserting ‘‘and aliens with an unknown status’’ after ‘‘undocumented criminal aliens’’ each place that term appears;

(4) in paragraph (5)(C), by striking ‘‘to carry out this subsection’’ and all that follows and inserting ‘‘$500,000,000 for each of the fiscal years 2018 through 2021 to carry out this subsection.’’; and

(5) by adding at the end the following:

‘‘(G) DISBURSEMENT.—Any funds provided to a State or a political subdivision of a State as compensation under paragraph (1)(A) for a fiscal year shall be disbursed for the fiscal year in which the funds are provided, but shall be spent by the State or political subdivision not later than 120 days after the last day of the period specified by the Attorney General for the submission of requests under that paragraph for that fiscal year.’’.
the area with the capacity to analyze human remains using forensic best practices, including DNA testing, where such expenses may contribute to the collection and analysis of information pertaining to missing and unidentified persons.

SEC. 154. GRANT ACCOUNTABILITY.

(a) Definitions.—In this section:

(1) AWARDING ENTITY.—The term ‘‘awarding entity’’ means the Secretary, the Administrator of the Federal Emergency Management Agency, the Director of the National Science Foundation, or the Chief of the Office of Citizenship and New Americans.

(2) NONPROFIT ORGANIZATION.—The term ‘‘nonprofit organization’’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(3) UNRESOLVED AUDIT FINDING.—The term ‘‘unresolved audit finding’’ means a finding in a final audit report issued by the Inspector General of the Department of Homeland Security, or the Inspector General for the National Science Foundation for grants awarded by the Director of the National Science Foundation, that the audited grantee has utilized grant funds for an unauthorized purpose and the finding is unresolved. The term includes a finding related to an award that has been cancelled.

(b) Accountability.—All grants awarded by an awarding entity pursuant to this subtitle shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—

(A) AUDITS.—Beginning in the first fiscal year following the date of the enactment of this Act, and in each fiscal year thereafter, the Inspector General of the Department of Homeland Security, or the Inspector General for the National Science Foundation for grants awarded by the Director of the National Science Foundation, shall conduct audits of recipients of grants under this subtitle or any amendments made by this subtitle that may not be used by an awarding entity to support any expenditure for conferences in an amount that is not closed or resolved within one year after the date when the final audit report is issued.

(B) ACCOUNTABILITY.—All grants awarded by an awarding entity pursuant to this subtitle shall be subject to the following accountability provisions:

(i) AUDITS.—Beginning in the first fiscal year following the date of the enactment of this Act, and in each fiscal year thereafter, the Inspector General of the Department of Homeland Security, or the Inspector General for the National Science Foundation for grants awarded by the Director of the National Science Foundation, shall conduct audits of recipients of grants under this subtitle or any amendments made by this subtitle that may not be used by an awarding entity to support any expenditure for conferences that is not closed or resolved within one year after the date when the final audit report is issued.

(ii) WRITTEN APPROVAL.—Written approval under paragraph (A) shall include a written estimate of the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment. The Department of Homeland Security and the Deputy Director of the National Science Foundation shall submit an annual report to Congress that identifies all conference expenditures approved under this paragraph.

(3) ANNUAL CERTIFICATION.—Beginning in the first fiscal year following the date of the enactment of this Act, each awarding entity shall submit a report to Congress that—

(A) indicates whether—

(i) all audits conducted by the Offices of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate individuals;

(ii) all mandatory exclusions required under subparagraph (1)(B) have been issued; and

(iii) all reimbursements required under paragraph (1)(D) have been made; and

(B) includes a list of any grant recipients excluded under paragraph (1) during the previous year.

Subtitle D—Authorization of Appropriations

SEC. 161. AUTHORIZATION OF APPROPRIATIONS.

(a) ADDITIONAL PORTS OF ENTRY.—The Secretary of Homeland Security may construct new ports of entry along the northern border and the southern border and determine the location of any such new ports of entry.

(b) CONSULTATION.—The purpose of the consultative requirements under subparagraph (A) shall be to minimize any negative impacts of such a new port on the environment, culture, commerce, and quality of life of the communities and residents located near such new port.

(c) PORT OF ENTRY PRIORITIZATION.—Prior to constructing any new ports of entry pursuant to subsection (a), the Secretary shall complete the expansion and modernization of ports of entry pursuant to subsection (b) to the extent practicable.

(d) AUTHORIZATION.—

(1) NEW PORTS OF ENTRY.—Not later than 15 years after determining the location of any new port of entry for construction pursuant to subsection (a), the Secretary of Homeland Security shall submit a report containing the location of the new port of entry, a description of the need for and anticipated benefits of such a new port, and a description of the consultations undertaken by the Secretary, any actions that will be taken to minimize negative impacts of the new port, and the anticipated timetables for construction and completion of the new port of entry to—

(A) the members of Congress that represent the State or congressional district in which the new port of entry will be located;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committee on Finance of the Senate;

(D) the Committee on the Judiciary of the Senate;

(E) the Committee on Homeland Security of the House of Representatives;

(F) the Committee on Ways and Means of the House of Representatives; and

(G) the Committee of the Judiciary of the House of Representatives.

(2) TOP TEN HIGH-VOLUME PORTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall notify the congressional committees listed pursuant to paragraph (1) of—

(a) the expected number of travelers per year for each of the top ten high-volume ports; and

(b) a description of each of such high-volume ports that is awarded a grant under this subtitle or any amendment made by this subtitle and uses the procedures prescribed by Internal Revenue regulations to create a rebuttable presumption of reasonableness for the compensation and fringe benefits of auditors, directors, trustees, and key employees, shall disclose to the awarding entity, in the application for the grant, the process for determining such compensation and fringe benefits of such persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the determinations. Upon request, the awarding entity shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—Amounts authorized to be appropriated to the Department of Homeland Security or the National Science Foundation for grants programs under this subtitle or any amendment made by this subtitle may not be used by an awarding entity to host or support any expenditure for conferences in an amount that is not closed or resolved within one year after the date when the final audit report is issued.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment. The Department of Homeland Security and the Deputy Director of the National Science Foundation shall submit an annual report to Congress that identifies all conference expenditures approved under this paragraph.

(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year following the date of the enactment of this Act, each awarding entity shall submit a report to Congress that—

(A) indicates whether—

(i) all audits conducted by the Offices of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate individuals;

(ii) all mandatory exclusions required under subparagraph (1)(B) have been issued; and

(iii) all reimbursements required under paragraph (1)(D) have been made; and

(B) includes a list of any grant recipients excluded under paragraph (1) during the previous year.

Subtitle D—Authorization of Appropriations

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(b) CONSULTATION.—The purpose of the consultative requirements under subparagraph (A) shall be to minimize any negative impacts of such a new port on the environment, culture, commerce, and quality of life of the communities and residents located near such new port.

(c) PORT OF ENTRY PRIORITIZATION.—Prior to constructing any new ports of entry pursuant to subsection (a), the Secretary shall complete the expansion and modernization of ports of entry pursuant to subsection (b) to the extent practicable.

(d) AUTHORIZATION.—

(1) NEW PORTS OF ENTRY.—Not later than 15 years after determining the location of any new port of entry for construction pursuant to subsection (a), the Secretary of Homeland Security shall submit a report containing the location of the new port of entry, a description of the need for and anticipated benefits of such a new port, and a description of the consultations undertaken by the Secretary, any actions that will be taken to minimize negative impacts of the new port, and the anticipated timetables for construction and completion of the new port of entry to—

(A) the members of Congress that represent the State or congressional district in which the new port of entry will be located;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committee on Finance of the Senate;

(D) the Committee on the Judiciary of the Senate;

(E) the Committee on Homeland Security of the House of Representatives;

(F) the Committee on Ways and Means of the House of Representatives; and

(G) the Committee of the Judiciary of the House of Representatives.

(2) TOP TEN HIGH-VOLUME PORTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall notify the congressional committees listed pursuant to paragraph (1) of—

(A) the expected number of travelers per year for each of the top ten high-volume ports; and

(B) a description of each of such high-volume ports that is awarded a grant under this subtitle or any amendment made by this subtitle and uses the procedures prescribed by Internal Revenue regulations to create a rebuttable presumption of reasonableness for the compensation and fringe benefits of auditors, directors, trustees, and key employees, shall disclose to the awarding entity, in the application for the grant, the process for determining such compensation and fringe benefits of such persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the determinations. Upon request, the awarding entity shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—Amounts authorized to be appropriated to the Department of Homeland Security or the National Science Foundation for grants programs under this subtitle or any amendment made by this subtitle may not be used by an awarding entity to host or support any expenditure for conferences in an amount that is not closed or resolved within one year after the date when the final audit report is issued.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment. The Department of Homeland Security and the Deputy Director of the National Science Foundation shall submit an annual report to Congress that identifies all conference expenditures approved under this paragraph.

(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year following the date of the enactment of this Act, each awarding entity shall submit a report to Congress that—

(A) indicates whether—

(i) all audits conducted by the Offices of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate individuals;

(ii) all mandatory exclusions required under subparagraph (1)(B) have been issued; and

(iii) all reimbursements required under paragraph (1)(D) have been made; and

(B) includes a list of any grant recipients excluded under paragraph (1) during the previous year.
SEC. 203. BORDER SECURITY DEPLOYMENT PROGRAM.

(a) Expansion.—Not later than September 30, 2021, the Secretary shall fully implement the Border Security Deployment Program of the U.S. Customs and Border Protection and expand the integrated surveillance and intrusion detection system at land ports of entry along the southern border and the northern border.

(b) Authorization of Appropriations.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated $3,000,000 for fiscal year 2018 to carry out subsection (a).

SEC. 204. PILOT AND UPGRADE OF LICENSE PLATE READERS AT PORTS OF ENTRY.

(a) Upgrade.—Not later than one year after the date of enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall upgrade all existing license plate readers at the northern border and the southern border on incoming and outgoing vehicle lanes.

(b) Pilot Program.—Not later than 90 days after the date of enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall conduct a one-month pilot on the southern border using license plate readers for one to two cargo lanes at the top three high-volume land ports of entry or other locations to determine their effectiveness in reducing cross-border wait times for commercial traffic and tractor-trailers.

(c) Report.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Committee on Energy and Commerce on the results of the pilot program under paragraph (b); and

(2) make recommendations to such committees for implementing such technology on the border;

(d) Authorization of Appropriations.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated $125,000,000 for fiscal year 2018 to carry out this section.

SEC. 205. BIOMETRIC TECHNOLOGY.

(a) Biometric Storage.—The Secretary shall—

(1) not later than 180 days after the date of enactment of this Act, the Secretary shall report the results of the pilot and make recommendations for implementation of such technology, including reports on such matters addressed in subparagraph (A).

(2) At Least One Biometric Mode.—The Secretary shall conduct a six-month pilot program to test a biometric exit data system at land ports of entry on the northern land border.

(b) Pilot Program.—Not later than 120 days after the date of enactment of this Act, U.S. Immigration and Customs Enforcement and U.S. Citizenship and Immigration Services shall conduct a six-month pilot on the collection and use of iris scans and voice prints for identification, remote authentication, and verification of aliens. The Secretary shall ensure, to the extent possible, that the system for storage of iris scans and voice prints is compatible with an existing State and local law enforcement system that uses and stores data on criminal aliens.

(c) Report.—Not later than one year after the date of enactment of this Act, the Secretary shall report the results of the pilot and make recommendations for implementation of such a system.

SEC. 206. BIOMETRIC EXIT DATA SYSTEM.

(a) In General.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 211 et seq.) is amended by adding at the end the following new section:

"SEC. 418. BIOMETRIC ENTRY-EXIT.

(a) Establishment.—The Secretary shall—

(1) not later than 180 days after the date of the enactment of the Building America's Trust Act, the Secretary, in collaboration with industry stakeholders, shall establish a biometric exit data system for fiscal year 2018 to carry out this section.

(b) Implementation.—

(1) Pilot Program at Land Ports of Entry for Non-Pedestrian Outbound Traffic.—Not later than 18 months after the date of the enactment of the Building America's Trust Act, the Secretary, in collaboration with industry stakeholders, shall establish a six-month pilot program to test the biometric exit data system referred to in subsection (a) at non-pedestrian outbound traffic at more than three land ports of entry with significant cross-border traffic, including at not fewer than two land ports of entry on the southern land border and at least one land port of entry on the northern land border.

(2) Not later than two years after the date of the enactment of this Act, the Secretary shall expand the biometric exit data system to include at least one land port of entry on the southern land border and at least one land port of entry on the northern land border.

(3) Not later than 18 months after the date of the enactment of this Act, the Secretary shall report the results of the pilot on the effectiveness of the biometric entry data system referred to in subsection (a) and the feasibility of the expansion referred to in paragraph (2).

(d) Authorization of Appropriations.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated $125,000,000 for fiscal year 2018 to carry out this section.

SEC. 207. EFFICIENT AND EFFECTIVE Border Inspection.

(a) In General.—Not later than five years after the date of enactment of this Act, the Secretary shall expand the biometric exit data system referred to in section 418 to all land ports of entry, and such system shall apply only in the case of nonpedestrian outbound traffic.

(b) Extension.—The Secretary may extend for a single two-year period the date...
specified in subparagraph (A) if the Secretary certifies to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that the 15 land ports of entry that report the highest volume of passenger vehicles, as determined by available Federal data, do not have the physical infrastructure or characteristics to install the systems necessary to implement a biometric exit data system.

(3) AT AIR AND SEA PORTS OF ENTRY.—Not later than five years after the date of the enactment of the Building America’s Trust Act, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all air and sea ports of entry.

(4) AT LAND PORTS OF ENTRY FOR PEDESTRIANS.—Not later than five years after the date of the enactment of the Building America’s Trust Act, the Secretary shall expand the biometric exit data system under this section, except through a contractual arrangement, to all land ports of entry, and such system shall apply only in the case of pedestrians.

(c) REQUIREMENTS ON AIR, SEA, AND LAND TRANSPORTATION.—The Secretary, in consultation with appropriate private sector stakeholders, shall ensure that the collection and sharing of biometric data under the Building America’s Trust Act causes the least possible disruption to the movement of people or cargo in air, sea, or land transportation, while fulfilling the goals of improving counterterrorism efforts and identifying visa holders who violate the terms of their visas.

(d) TERMINATION OF PROCEEDING.—Notwithstanding any other provision of law, the Secretary shall, at the request of a person who is arrested under this section, terminate the proceeding or permit the alien to depart in accordance with a procedure that considers the best interest of cross-border trade and the agricultural community.

(e) DATA-MATCHING.—The biometric exit data system established under this section shall:

(1) match biometric information for an alien who is departing the United States against the biometric information obtained for the alien upon entry to the United States;

(2) leverage the infrastructure and databases of the current biometric entry and exit systems to ensure that an exit data file exists for each alien who exits the United States through a land port of entry; and

(f) SCOPE.—

(1) In general.—The biometric exit data system established under this section shall include a requirement for the collection of biometric exit data for all categories of individuals who are required to provide biometric entry data.

(2) Exception for certain other individuals.—This section shall not apply to individuals who exit and then reenter the United States on a passenger vessel (as such term is defined in subparagraph (B) of section 287(c) of the United States Code) if the itineraries of such vessel originate and terminate in the United States.

(3) Exception for land ports of entry.—This section shall not apply to a United States citizen or a Canadian citizen who

(1) in general.—The Secretary, on a warrant issued by the Secretary, may arrest an alien and detain the alien pending a decision on whether the alien is to be removed from the United States up until the alien has an administratively final order of removal. Except as provided in subsection (c) and pending such decision, the Secretary—

(A) may continue to detain the arrested alien;

(B) may release the alien on bond of at least $5,000, with security approved by, and conditions prescribed by, the Secretary; or

(C) may release the alien on his or her own recognized, subject to appropriate conditions prescribed by, and cooperation with, the Secretary of Homeland Security, if the Secretary of Homeland Security determines that the alien will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding; and

(B) may not provide the alien with work authorization (including an employment authorization endorsement or other appropriate work permit) or advance parole to travel outside of the United States, unless the alien is lawfully admitted for permanent residence in the United States (without regard to removal proceedings) or provided such authorization.

(2) REVOCATION OF BOND OR PAROLE.—The Secretary at any time may revoke bond or parole authorized under subsection (a), re-arrest the alien under the original warrant, and detain the alien.

(c) MANDATORY DETENTION OF CRIMINAL ALIENS.—

(1) CRIMINAL ALIENS.—The Secretary shall take into custody and continue to detain any alien described in paragraph (1) only if

(A) has not been admitted or paroled into the United States; and

(B) was apprehended anywhere within 100 miles of the international border of the United States;

(C) is deportable by reason of having committed any offense covered in section 212(a)(2); or

(D) is convicted for a criminal offense;

(E) is convicted for an offense under section 276;

(F) is convicted for a criminal offense; or

(G) is inadmissible under section 212(a)(3)(B) or deportable under section 237(a)(2)(B).

(2) RELEASE.—

(A) in general.—Except as provided in subparagraph (B), the Secretary may release an alien described in paragraph (1) only if the Secretary certifies pursuant to section 235 of title 18, United States Code, and in accordance with a procedure that considers the severity of the offense committed by the alien, that

(i) release of the alien from custody is necessary to protect a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation; and

(ii) the alien satisfies the Secretary that the release is not a flight risk, poses no danger to the safety of other persons or of property, is not a threat to national security or public...
any status subsequently acquired under section 101(a)(15) of this Act. The Secretary of Homeland Security may release any alien held pursuant to paragraph (1) to the appropriate authority for any proceeding pending the arrest.

(ii) Resumption of Custody.—If an alien is released under clause (i), the Secretary shall—

(i) resume custody of the alien during any period pending the final disposition of any such proceedings that the alien is not in the custody or under the control of the appropriate authority; and

(ii) if the alien is not convicted of the offense for which he was arrested, the Secretary shall continue to detain the alien until all such proceedings are completed.

SEC. 302. DETERMINING VISA OVERSTAYS.

(a) Admission of Nonimmigrants.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by striking the section heading and all that follows through subsection (a)(1) and inserting the following:

"SEC. 304. COLLECTION OF DNA FROM CRIMINAL AND DETAINED ALIENS.

(a) In General.—Section 3(a)(1) of the DNA Analysis Backlog Elimination Act of 2000 (22 U.S.C. 14135a(a)) is amended by adding at the end the following:

"(ii) the subject of a final order of removal under section 240 of that Act (8 U.S.C. 1229a) based on inadmissibility under section 212(a)(2) of that Act (8 U.S.C. 1182(a)(2)) or nonadmissibility under section 237(a)(2) of that Act (8 U.S.C. 1227(a)(2))."

(b) Furnishing of DNA Samples From Criminal and Detained Aliens.—Section 3(a)(1)(B) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(b)(1)) is amended by striking "the probation office responsible (as applicable) and inserting "the probation office responsible, or the Secretary of Homeland Security".

SEC. 305. COLLECTION, USE, AND STORAGE OF BIOMETRIC DATA.

(a) Collection of Biometric Information for Immigration Purposes.—

(1) Collection.—The Secretary of Homeland Security may require any individual filing an application, petition, or other request for immigration benefit or status with the Department of Homeland Security or seeking an immigration benefit, immigration employment authorization, identity, or travel document, or requesting relief under any provision of the immigration laws to submit biometric information (including but not limited to fingerprints, photograph, signature, voice print, iris, or DNA) to the Secretary.

(2) Use.—The Secretary may use any biometric information submitted under paragraph (1) to conduct identity checks, security checks, verify an individual’s identity, adjudicate, revoke, or terminate immigration benefits or status, perform other functions related to administering and enforcing the immigration laws.

(b) Biometric and Biographical Information Sharing.—

(1) Biometric and Biographical Information Sharing With Department of Defense and Federal Bureau of Investigation.—The Secretary of Homeland Security, the Secretary of Defense, and the Director of the Federal Bureau of Investigation—

(A) shall exchange appropriate biometric and biographical information to determine or confirm the identity of an individual and to assess whether the individual is a threat to national security or public safety; and

(B) may use information submitted pursuant to subparagraph (A) to compare biometric and biographical information contained in applicable systems of the Department of Homeland Security, the Department of Defense, or the Federal Bureau of Investigation to determine if there is a match between such information and, if there is a match, to request such information to the requesting agency.

(2) Use of Biometric Data by the Department of State.—The Secretary of State shall use biometric information for appli- cable systems of the Department of Homeland Security, the Department of Defense, and of the Federal Bureau of Investigation to track individuals who—

(A)(i) known or suspected terrorists; or (ii) identified as a potential threat to national security; and

(B) are using an alias while traveling.

(3) Report on Biometric Information Sharing With Mexico and Other Countries for Identity Verification.—Not later than one year after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of State shall submit a joint report on the status of efforts to en- courage the Government of Mexico and the governments of other appropriate foreign countries located in Central America or South America to discuss coordination on biometric information sharing between the United States and such countries; and

"(II) the alien was lawfully admitted to the United States as a nonimmigrant; and

(III) the alien has not been employed with the knowledge or consent of the United States.

"(I) the alien has not been employed with the knowledge or consent of the United States.

(III) the alien has not been employed with the knowledge or consent of the United States.

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"(I) the alien has not been employed with the knowledge or consent of the United States.

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(c) Waiver Program Waivers of Rights.—Section 212(b) of the Immigration and Nationality Act (8 U.S.C. 1182(b)) is amended to read as follows:

"(b) Waiver of Rights.—An alien may not be provided a waiver under the program unless the following are met:

"(I) signed, under penalty of perjury, an acknowledgement confirming that the alien was notified and understands that he or she will be ineligible for any form of relief or immigration benefit under the Act or any other immigration laws, other than a request for asylum, withholding of removal under section 240(b)(3), or relief from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984, if the alien fails to depart the United States at the end of the 90-day period for admission; and

"(2) waived any right to review or appeal under the immigration officer’s determination as to the admissibility of the alien at the port of entry into the United States, and

"(3) waited any right to contest, other than on the basis of an application for asylum, any action for removal of the alien."
(B) to enter into bilateral agreements that provide for the sharing of such biometric information with the Department of State, the Department of Defense, the Department of Justice, the Federal Bureau of Investigation, and the Department of Homeland Security to use in identifying individuals who are known or suspected terrorists or potential threats to national security, and verifying entry and exit of individuals to and from the United States.

(c) CONSTRUCTION.—The collection of biometric information under paragraph (1) shall not limit the Secretary of Homeland Security’s authority to collect biometric information from an individual applying to or departing from the United States.

SEC. 306. PILOT PROGRAM FOR ELECTRONIC FIELD PROCESSING.

(a) In General.—The Secretary of Homeland Security shall establish a pilot program in at least 5 of the 10 U.S. Immigration and Customs Enforcement field offices or regions with the largest removal caseloads to allow U.S. Immigration and Customs Enforcement officers to use handheld or vehicle-mounted computers to electronically—

(1) process and serve charging documents, including notices to appear, while in the field;
(2) process and place detainees while in the field;
(3) collect biometric data for the purpose of identifying an alien and establishing both immigration status and criminal history while in the field;
(4) enter any required data, including personal information about the alien subject and the reason for issuing the document;
(5) apply the electronic signature of the issuing ICE officer or agent;
(6) apply or capture the electronic signature of the alien on any charging document or notice; and
(7) capture to acknowledge service of such documents or notices;

(b) Construction.—The pilot program described in subsection (a) shall be designed to

(1) end all paper billing documents;
(2) process and serve charging documents, including notices to appear, while in the field;
(3) collect biometric data for the purpose of identifying an alien and establishing both immigration status and criminal history while in the field;
(4) enter any required data, including personal information about the alien subject and the reason for issuing the document;
(5) apply the electronic signature of the issuing ICE officer or agent;
(6) apply or capture the electronic signature of the alien on any charging document or notice; and
(7) capture to acknowledge service of such documents or notices;

(c) Deadline.—The Secretary shall initiate the pilot program described in subsection (a) not later than 6 months after the date of the enactment of this Act.

(4) Report.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on the Judiciary of the House of Representatives on the results of the pilot program; and
(2) provide recommendations to such committees for implementing use of such technology nationwide.

SEC. 307. ENDING ABUSE OF PAROLE AUTHORITY.

(a) Short Title.—This section may be cited as the “Stop Dangerous Sanctuary Cities Act”.

(b) Ensuring That Local and Federal Law Enforcement Officers May Cooperate to Safeguard Our Communities.—

(1) Authority to Cooperate with Federal Officers.—A State or political subdivision of a State, or an officer, employee, or agent of such State or political subdivision that complies with a detainee issued by the Department under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226, 1231, or 1357)—

(A) shall be deemed to be acting as an agent of the Department; and

(B) with regard to actions taken to comply with the detainee, shall have all authority available to officers and employees of the Department.

(2) Legal Proceedings.—In any legal proceeding brought against a State, a political subdivision of a State, or an officer, employee, or agent of such State or political subdivision, which challenges the legality of the seizure or detention of an individual pursuant to a detainee issued by the Department under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226, 1231)—

(A) no liability for false arrest or imprisonment shall lie against the State or political subdivision of a State for actions taken in compliance with the detainee, which includes maintaining custody of the alien in accordance with the instructions on the detainee form and notifying the Department prior to the alien’s release from custody; and

(B) if the actions of the officer, employee, or agent of the State or political subdivision were taken in compliance with the detainee—

(i) the officer, employee, or agent shall be deemed—

(I) to be an employee of the Federal Government and an investigative or law enforcement officer; and

(ii) to have been acting within the scope of his or her employment under section 1346(b) and chapter 171 of title 28, United States Code.

(ii) section 1346(b) of title 28, United States Code, shall provide the exclusive remedy for the plaintiff; and

(iii) the United States shall be substituted as defendant in the proceeding.

(c) Sanctuary Jurisdiction Defined.—In General.—Except as provided under subsection (2), for purposes of this section, the term “sanctuary jurisdiction” means any State or political subdivision of a State that in effect a statute, ordinance, policy, or practice that precludes any government entity or official from—

(A) sending, receiving, maintaining, or exchanging with any Federal, State, or local government entity information regarding the citizenship or immigration status (lawful or unlawful) of any individual; or

(B) complying with a request lawfully made by the Department under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226, 1231) to comply with a detainee for, or notify about the release of, an individual.

(2) Exception.—A State or political subdivision of a State shall not be deemed to have a sanctuary jurisdiction based solely on its policy whereby its officials will not share information regarding, or comply with a request made by the Department under...
(d) SANCTUARY JURISDICTIONS INELIGIBLE FOR CERTAIN FEDERAL FUNDS.—(1) ECONOMIC DEVELOPMENT ADMINISTRATION GRANTS.—(A) GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT.—Section 201(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141(b)) is amended—(i) in paragraph (2), by striking “and” at the end;
(ii) in paragraph (3), by striking the period at the end and adding “;”;
(iii) by adding at the end following: “(4) a area in which the project is to be carried out is not a sanctuary jurisdiction (as defined in subsection (c) of the Stop Dangerous Sanctuary Cities Act).”.
(B) GRANTS FOR PLANNING AND ADMINISTRATIVE EXPENSES.—Section 203(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143(a)) is amended by adding at the end the following: “(25) The term ‘sanctuary jurisdiction’ has the meaning given that term in subsection (a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).”.
(C) SUPPLEMENTARY GRANTS.—Section 205(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3145(a)) is amended—(i) in paragraph (2), by striking “and” at the end;
(ii) in paragraph (3)(B), by striking the period at the end and adding “;”;
(iii) by adding at the end following: “(4) will be carried out in an area that does not contain a sanctuary jurisdiction (as defined in subsection (c) of the Stop Dangerous Sanctuary Cities Act).”.
(D) GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.—Section 207 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147) is amended by adding at the end the following: “(c) INELIGIBILITY OF SANCTUARY JURISDICTIONS.—Grant funds under this section may not be used to provide assistance to a sanctuary jurisdiction (as defined in subsection (c) of the Stop Dangerous Sanctuary Cities Act).”.
(2) COMMUNITY DEVELOPMENT BLOCK GRANTS.—(A) DEFINITIONS.—Section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)) is amended by adding at the end the following: “(23) The term ‘sanctuary jurisdiction’ has the meaning given that term in subsection (c) of the Stop Dangerous Sanctuary Cities Act.”.
(B) ELIGIBLE GRANTEES.—(1) IN GENERAL.—Section 104(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(b)) is amended—(i) in paragraph (5), by striking “and” at the end;
(ii) by redesignating paragraph (6) as paragraph (7), and
(iii) by inserting after paragraph (5) the following: “(6) the grantees is not a sanctuary jurisdiction and will not become a sanctuary jurisdiction during the period for which the grantee receives a grant under this title;” and
(ii) PROTECTION OF INDIVIDUALS AGAINST CRIME.—Section 104 of the Housing and Community Development Act of 1974 (42 U.S.C. 5304) is amended by adding at the end the following: “(n) PROTECTION OF INDIVIDUALS AGAINST CRIME.—“(1) IN GENERAL.—No funds authorized to be appropriated to carry out this title may be obligated or expended for any State or unit of general local government that is a sanctuary jurisdiction.
“(b) IN GENERAL.—No funds authorized to be appropriated to carry out this title may be obligated or expended for any State or unit of general local government that is a sanctuary jurisdiction during the period for which it receives amount under this title, the Secretary—
“(i) shall direct the State to immediately return to the Secretary any such amounts that the Secretary determines that period; and
“(ii) shall reallocate amounts returned under clause (i) for grants to States that are not sanctuary jurisdictions.
“(C) UNIT OF GENERAL LOCAL GOVERNMENT.—If a unit of general local government is a sanctuary jurisdiction during the period for which it receives amount under this title, any such amounts that the unit of general local government received for that period—
“(1) in the case of a unit of general local government that is in a nonentitlement area, shall be returned to the Secretary for grants under this title to States and other units of government that are not sanctuary jurisdictions; and
“(2) in the case of a unit of general local government that is in a nonentitlement area, shall be returned to the Governor of the State for grants under this title to other units of general local government in the State that are not sanctuary jurisdictions.
“(D) REALLOCATION AMOUNTS.—In reallocating amounts under subparagraphs (A) and (B), the Secretary—
“(i) shall apply the relevant allocation formula under subsection (b), with all sanctuary jurisdictions excluded; and
“(ii) shall not be subject to the rules for reallocation among States.”.
SEC. 309. REESTABLISHMENT OF THE SECURE COMMUNITIES PROGRAM.
(a) RHENSTATEMENT.—The Secretary shall reinstate and operate the Secure Communities program immigration enforcement program administered by U.S. Immigration and Customs Enforcement between 2008 and 2014.
(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $150,000,000 to carry out this section.
SEC. 310. PREVENTION AND DETERRENCE OF FRAUD IN OBTAINING RELIEF FROM REMOVAL
(a) RESTRICTION ON WAIVER OF INADMISSIBILITY OF CRIMINAL GROUNDS WHEN QUALIFYING RELATIVES BENEFITED FROM FRAUD.—Section 212(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(i)(1)) is amended—(1) in paragraph (1)—
“(A) in subparagraph (A), by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III); and
(B) by redesignating subparagraphs (A), (B), and (C) as clauses (I), (II), and (III); and
(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;
(3) by striking “The Attorney General may, in his discretion” and inserting “(C) in subparagraph (C)—
“(1) The Secretary of Homeland Security may, in the Secretary’s discretion”; and
(4) in the undesignated matter following paragraph (1)(B), as redesignated, by striking “No waiver” and inserting the following: “(2) No waiver shall be available under this subsection if a preponderance of the evidence shows that the spouse, parent, son, or daughter procured, or sought to procure, any immigration status under this title based on fraud or material misrepresentation by the alien seeking the waiver,”.
(b) RELATIVES BENEFITTED FROM FRAUD.—Section 212(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(i)(1)) is amended—(1) in clause (i), by redesignating subclauses (I) and (II) as items (aa) and (bb);
(2) by redesignating clauses (i) and (ii) as subclauses (I) and (II);
(3) by inserting “(i)” before “The provisions”;
(4) by inserting “The Secretary, and” inserting the following: “(ii) No waiver shall be available under this subparagraph if a preponderance of the evidence shows that the spouse, parent, son, daughter procured, or sought to procure, any immigration status under this title based on fraud or material misrepresentation by the alien seeking the waiver,”.
(c) RESTRICTION ON WAIVER OF DEPORTATION OF FRAUD GROUNDS WHEN QUALIFYING RELATIVES BENEFITED FROM FRAUD.—Section 237(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)) is amended—(1) in clause (i), by redesignating subclauses (I) and (II) as (aa) and (bb); and
(2) by redesignating clauses (i) and (ii) as subclauses (I) and (II); and
SEC. 321. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.
Section 235(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1223(a)) is amended—(1) in paragraph (1), by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;
(2) by inserting “(A)” before “The Attorney General”; and
(3) by adding at the end the following: “(B) No cancellation shall be available under this paragraph if a preponderance of the evidence shows that the spouse, parent, son, or daughter procured, or sought to procure, any immigration status under this title based on fraud or material misrepresentation by the alien seeking the waiver,”.
(c) APPLICABILITY.—The amendments made by this section shall apply to all applications for waivers or cancellation of removal submitted before, on, or after the date of enactment of this Act.
Subtitle B—Protecting Children and America’s Homeland Act of 2017
SEC. 320. SHORT TITLE.
This subtitle may be cited as the “Protecting Children and America’s Homeland Act of 2017”.
SEC. 321. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.
Section 235(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1223(a)) is amended—(1) in paragraph (2)—
(A) by striking the paragraph heading and inserting “RULES FOR UNACCOMPANIED ALIEN CHILDREN”; and
(B) in subparagraph (A), in the matter preceding clause (i), by striking “who is a national or habitual resident of a country that is contiguous with the United States shall be treated in accordance with subparagraph (B)” and inserting “shall be treated in accordance with subparagraph (B) of this paragraph, for subsection (b) appropriate”; and
(C) in subparagraph (C)—
(i) by striking the paragraph heading and inserting “AGREEMENTS WITH FOREIGN COUNTRIES”;
(ii) in the matter preceding clause (i), by striking “countries contiguous to the United States and inserting “Canada, El Salvador, Dominican Republic, Mexico, and any other foreign country that the Secretary determines appropriate”;

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"(b) PROCEEDING.—

"(1) IN GENERAL.—Not later than 7 days after the screening of an unaccompanied alien child under section 235(a)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1225a(5)), an immigration judge shall—

"(A) conduct and conclude a proceeding to insert the alien seeking asylum, conduct fact finding to determine whether the unaccompanied alien child meets the definition of an unaccompanied alien child according to the exceptions under subsection (a)(2)(B) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1225a(5)),

"(B) in the case of an unaccompanied alien child seeking asylum, conduct fact finding to determine whether the unaccompanied alien child meets the definition of an unaccompanied alien child according to the exceptions under subsection (a)(2)(B) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1225a(5)), and

"(2) TIME LIMIT.—Not later than 72 hours after the conclusion of a proceeding with respect to an unaccompanied alien child under this section, the immigration judge who conducted such proceeding shall issue an order pursuant to subsection (e).

"(c) CONDUCT OF PROCEEDING.—

"(1) AUTHORITY OF IMMIGRATION JUDGE.—The immigration judge conducting a proceeding under this section—

"(A) shall administer oaths, receive evidence, and interrogate, examine, and cross-examine the unaccompanied alien child and any witnesses;

"(B) is authorized to sanction by civil money penalty any action (or inaction) in contempt of the judge's proper exercise of authority under this Act; and

"(C) shall determine whether the unaccompanied alien child meets any of the criteria set out in subparagraphs (A) through (I) of section 235(a)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1225a(5)), and if so, order the alien removed under subsection (e)(2) of this section.

"(2) FORM OF PROCEEDING.—A proceeding under this section may take place—

"(A) in person;

"(B) at a location agreed to by the parties, in the absence of the unaccompanied alien child;

"(C) through video conference; or

"(D) through telephone conference.

"(3) PRESENCE OF ALIEN.—If it is impracticable to bring the unaccompanied alien child to the proceeding, the Attorney General shall prescribe safeguards to protect the rights and privileges of the alien.

"(4) RIGHTS OF THE ALIEN.—In a proceeding under this section—

"(A) the unaccompanied alien child shall be provided access to counsel in accordance with section 235(c)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1225c(5));

"(B) the alien shall be given a reasonable opportunity—

"(i) to examine the evidence against the alien; or

"(ii) to present evidence on the alien's own behalf; and

"(iii) to cross-examine witnesses presented by the Government;

"(C) the rights set forth in paragraph (4)(A) shall not entitle the alien—

"(i) to examine such national security information as the Government may proffer in support of the alien's admission to the United States; or

"(ii) to an application by the alien for discretionary relief under this Act; and

"(D) the complete record of the proceeding shall be kept of all testimony and evidence produced at the proceeding.

"(d) EVIDENCE.—

"(1) IN GENERAL.—

"(A) The immigration judge shall keep a record of all testimony and evidence produced at the proceeding.

"(B) The immigration judge shall grant reasonable access to the record of the proceeding to the unaccompanied alien child and such child’s legal representative.

"(2) EVIDENCE FOR IMMIGRATION JUDGE.—In a proceeding under this section—

"(A) the immigration judge shall consider as evidence—

"(i) testimony and evidence produced at the proceeding; and

"(ii) any witnesses; and

"(B) in the case of an unaccompanied alien child seeking asylum, conduct fact finding to determine whether the unaccompanied alien child meets the definition of an unaccompanied alien child according to the exceptions under subsection (a)(2)(B) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1225a(5)), and if so, order the alien removed under subsection (e)(2) of this section.

"(3) DETERMINATION AND REVIEW.—The immigration judge shall determine whether the unaccompanied alien child meets any of the criteria set out in subparagraphs (A) through (I) of section 235(a)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1225a(5)), and if so, order the alien removed under subsection (e)(2) of this section.

"(4) RIGHTS OF THE ALIEN.—In a proceeding under this section—

"(A) the unaccompanied alien child shall be provided access to counsel in accordance with section 235(c)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1225c(5));

"(B) the alien shall be given a reasonable opportunity—

"(i) to examine the evidence against the alien; or

"(ii) to present evidence on the alien's own behalf; and

"(iii) to cross-examine witnesses presented by the Government;

"(C) the rights set forth in paragraph (4)(A) shall not entitle the alien—

"(i) to examine such national security information as the Government may proffer in support of the alien's admission to the United States; or

"(ii) to an application by the alien for discretionary relief under this Act; and

"(D) the complete record of the proceeding shall be kept of all testimony and evidence produced at the proceeding.

"(5) MANDATORY EXPEDITED REMOVAL OF CRIMINALS AND GANG MEMBERS.—Notwithstanding any other provision of law, including section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1225a), the Secretary of Homeland Security shall place an unaccompanied alien child in a proceeding in accordance with section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) if, the Secretary determines or has reason to believe the alien—

"(A) has been convicted of, or found to be a juvenile offender based on, any offense carrying a maximum term of imprisonment of more than 180 days;

"(B) has been convicted of, or found to be a juvenile offender based on, an offense which involved—

"(i) the use of, or attempted use of, physical force, or threatened use of a deadly weapon;

"(ii) the purchase, sell, offering for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 103(a)(2) of title 18, United States Code) in violation of any law;

"(iii) child abuse and neglect (as defined in section 4002(a)(3) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(3)));

"(iv) assault resulting in bodily injury (as defined in section 2266 of title 18, United States Code);

"(v) the violation of a protection order (as defined in section 2266 of title 18, United States Code);

"(vi) driving while intoxicated or driving under the influence (as those terms are defined in section 2266 of title 18, United States Code); and

"(vii) any offense under foreign law, except for a purely political offense, which, if the offense had been committed in the United States, would render the alien inadmissible under section 212(a)(10); and

"(C) the rights set forth in subparagraph (A) shall not entitle the alien—

"(i) to examine any witnesses;

"(ii) to cross-examine witnesses presented by the Government; or

"(iii) to present evidence on the alien's own behalf; and

"(D) the complete record of the proceeding shall be kept of all testimony and evidence produced at the proceeding.
(5) Withdrawal of application for admission.—An unaccompanied alien child applying for admission to the United States may, and at any time prior to the issuance of a final decision or of an order, be permitted to withdraw the application and immediately be returned to the alien's country of nationality or country of last habitual residence.

(6) Failure of alien to appear.—An unaccompanied alien child who does not attend a proceeding under this section, shall be ordered removed, except under exceptional circumstances where the alien's absence is the fault of the Government, a medical emergency, or an act of nature.

Division B: Burden of Proof.—

(1) Decision.—

(A) In general.—At the conclusion of a proceeding under this section, the immigration judge shall determine whether an unaccompanied alien child is likely to—

(i) be admitted to the United States; or

(ii) be eligible for any form of relief from removal under this Act.

(B) Evidence.—The determination of the immigration judge under subparagraph (A) shall be based only on the evidence produced at the hearing.

(2) Burden of proof.—

(A) General.—Where an unaccompanied alien child who is an applicant for admission has the burden of establishing that the alien does not have a credible fear of persecution or torture, the alien shall be held in the custody of the Secretary for Health and Human Services pursuant to section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)) during further consideration of the application for asylum.

(B) Removal without further review if no credible fear of persecution or torture.—

(i) In general.—Subject to subparagraph (C), if the asylum officer determines that an unaccompanied alien child does not have a credible fear of persecution or torture, the Secretary shall order the alien removed from the United States without further hearing or review.

(ii) Record of determination.—The asylum officer shall prepare a written record of a determination under subparagraph (A), which shall include—

(A) a summary of the material facts as stated by the alien; and

(B) such additional facts (if any) relied upon by the asylum officer;

(iii) the asylum officer's analysis of why, in light of the facts, the alien has not established a credible fear of persecution; and

(iv) a copy of the asylum officer's interview notes.

(C) Review of determination.—

(i) Rulemaking.—The Attorney General shall establish, by regulation, a procedure by which an immigration judge will conduct a prompt review, upon the alien's request, of a determination under subparagraph (A) that the alien does not have a credible fear of persecution.

(ii) Mandatory components.—The review described in clause (i) shall include—

(A) an opportunity for the alien to be heard and questioned by the immigration judge; and

(B) any other records and documents, not considered by the Attorney General to be confidential, pertaining to the alien's admission or presence in the United States.

(e) Orders.

(1) Placement in further proceedings.—If an immigration judge determines that the unaccompanied alien child has met the burden of proof under subsection (d)(2), the immigration judge shall—

(A) order the alien to be placed in further proceedings in accordance with section 240; and

(B) order the Secretary of Homeland Security to place the alien on the U.S. Immigration and Customs Enforcement detained docket for purposes of carrying out such proceedings.

(2) Orders of removal.—If an immigration judge determines that the unaccompanied alien child has met the burden of proof required under subsection (d)(2), the judge shall order the alien removed from the United States without further hearing or review unless the alien claims—

(A) an intention to apply for asylum under section 208; or

(B) a fear of persecution; or

(C) a fear of torture.

(3) Claims for asylum.—If an unaccompanied alien child described in paragraph (2) claims an intention to apply for asylum under section 208 or a fear of persecution, or fear of torture, the immigration judge shall order the alien referred for an interview by an asylum officer under subsection (f).

(f) Asylum interviews.—

(1) Credible fear of persecution determined.—In this subsection, the term 'credible fear of persecution' means, after taking into account the credibility of the statements made by an unaccompanied alien child in support of the alien's claim and such other facts as are known to the asylum officer, there is a significant possibility that the alien could establish eligibility for asylum under section 208.

(2) Removal order entered in accordance with subsection (e)(2) or (f)(4)(A) is not subject to administrative review.

(3) Rulemaking.—The Attorney General shall establish, by regulation, a process for the prompt review of an order under subsection (e)(2) against an alien who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions to have been—

(A) lawfully admitted for permanent residence; or

(B) admitted as a refugee under section 222; or

(C) granted asylum under section 235.

(g) Limitation on administrative review.—

(1) In general.—Except as provided in subsection (f)(4)(C) and paragraph (2), a removal order entered in accordance with subsection (e)(2) or (f)(4)(A) is not subject to administrative review.

(2) Rulemaking.—The Attorney General shall establish, by regulation, a process for the prompt review of an order under subsection (e)(2) against an alien who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions to have been—

(A) lawfully admitted for permanent residence; or

(B) admitted as a refugee under section 222; or

(C) granted asylum under section 235.

(h) Judicial review of orders of removal.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''235(b)(1)'' and inserting ''235(b)(1) or 235B''; and

(B) in paragraph (2)—

(i) by inserting ''or section 235B'' after ''section 235(b)(1)'' each place that term appears; and

(ii) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''235(b)'' and inserting ''235(b) and 235B''; and

(ii) in clause (iii), by striking ''section 235(b)(1)'' and inserting ''section 235(b)(1) or 235B''; and

(2) in subsection (e)—

(A) in the subsection heading, striking ''235(b)(1)'' and inserting ''235(b)(1) or 235B'';

(B) by inserting ''or section 235B'' after ''section 235(b)(1)'' each place that term appears;

(C) in subparagraph (2)(C), by inserting ''or section 235B(e)'' after ''section 235(b)(1)''; and

(D) in subparagraph (3)(A), by inserting ''or section 235B after ''section 235(b)''.

(i) Child welfare and human trafficking enforcement information sharing.—Section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended by adding at the end the following:

(5) Information sharing.—

(A) Immigration status.—If the Secretary of Health and Human Services considers placement of an unaccompanied alien child with a potential sponsor, the Secretary of Homeland Security shall provide to the Secretary of Health and Human Services the immigration status of such potential sponsor prior to the placement of the unaccompanied alien child.

(B) Other information.—The Secretary of Health and Human Services shall provide to the Secretary of Homeland Security and the Attorney General upon request any relevant information related to an unaccompanied alien child who is or has been in the custody of the Secretary of Health and Human Services, including the location of the child and any person to whom custody of the child has been transferred, for any legitimate law enforcement objective, including enforcement of the immigration laws.

(ii) Accountability for children and taxpayers.—Section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended by section 323, is further amended by inserting at the end the following:
SEC. 325. CUSTODY OF UNACCOMPANIED ALIEN CHILDREN IN FORMAL REMOVAL PROCEEDING.

(a) CUSTODY OF UNACCOMPANIED ALIEN CHILDREN.—Section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1225(c)) is amended in paragraph (2), by adding at the end the following:

"(C) CHILDREN IN FORMAL REMOVAL PROCEEDINGS.—

"(i) PROHIBITION ON PLACEMENT.—Notwithstanding any settlement or consent decree previously issued before date of enactment of the Building America’s Trust Act and section 206 of title 42, Code of Federal Regulations, or similar successor regulation, an unaccompanied alien child who has been placed in a proceeding under section 240 of the Immigration and Nationality Act (8 U.S.C. 1225a), may be placed in the custody of a nongovernmental sponsor or otherwise re-released from the immediate custody of the United States, unless—

"(I) the nongovernmental sponsor is a biological or adoptive parent or legal guardian of the alien child; and

"(II) the parent or legal guardian is legally present in the United States at the time of the placement;

"(III) the parent or legal guardian has undergone a mandatory biometric criminal history check; and

"(IV) if the nongovernmental sponsor is the biological parent, the parent’s relationship with the alien child has been verified through DNA testing conducted by the Secretary of Health and Human Services;

"(V) if the nongovernmental sponsor is the adoptive parent, the parent’s relationship with the alien child has been verified through DNA testing conducted by the appropriate court that issued the final legal adoption decree by the Secretary of Health and Human Services; and

"(VI) the Secretary of Health and Human Services has determined that the alien child is not a danger to self, danger to the community, or risk of flight.

"(ii) EXCEPTIONS.—If the Secretary of Health and Human Services determines that an unaccompanied alien child is a victim of severe forms of trafficking in persons (as defined in section 101 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)), a special needs child with a disability (as defined in section 103 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), a child who has been a victim of physical or sexual abuse under circumstances that indicate that the child’s health or welfare has been significantly harmed or threatened, or a child with mental health needs that require ongoing assistance from a social welfare agency, the child may be placed in the custody of a grandparent or adult sibling if the grandparent or adult sibling meets the requirements set out in subclauses (II), (III), and (IV) of clause (i).

"(iii) MONITORING.—

"(I) IN GENERAL.—In the case of an alien child who is younger and placed with a nongovernmental sponsor under subparagraph (2)(C), such nongovernmental sponsor shall—

"(aa) enroll in the alternative to detention program of U.S. Immigration and Customs Enforcement; and

"(bb) continuously wear an electronic monitoring device while the alien child is in removal proceedings.

"(II) PENALTY FOR MONITOR TAMPERING.—If an electronic monitoring device required by clause (i) is tampered with, the sponsor of the alien child shall be subject to a civil penalty of $500 for each day the monitor is not functioning due to the tampering, up to a maximum of $3,000.

"(IV) EFFECT OF VIOLATION OF CONDITIONS.—The Secretary of Health and Human Services shall remove an unaccompanied alien child from a sponsor if the sponsor violates the terms of the agreement specifying the conditions under which the alien child was placed with the sponsor.

"(V) FAILURE TO APPEAR.—

"(I) CIVIL PENALTY.—If an unaccompanied alien child is placed with a sponsor and fails to appear in a court of competent jurisdiction, the sponsor shall be subject to a civil penalty of $250 for each day until the alien appears, up to a maximum of $500.

"(II) BURDEN OF PROOF.—The sponsor is not subject to the penalty imposed under subclause (I) if the sponsor—

"(aa) appears in person and proves to the immigration court that the failure to appear by the unaccompanied alien child was not the fault of the sponsor; and

"(bb) supplies the immigration court with documentary evidence that supports the assertion described in item (aa).

"(vi) PROHIBITION ON PLACEMENT WITH SEX OFFENDERS AND HUMAN TRAFFICKERS.—The Secretary of Health and Human Services may not place an unaccompanied alien child under this subparagraph in the custody of an individual who has been convicted of, or the Secretary has reason to believe was otherwise involved in the commission of—

"(I) a sex offense (as defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911));

"(II) a crime involving severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)); or

"(III) an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon.

"(vii) REQUIREMENTS OF CRIMINAL BACKGROUND & CRIMINAL HISTORY — Any biometric criminal history check required by clause (i)(III) shall be conducted using a set of fingerprints or other biometric identifier through—

"(I) the Federal Bureau of Investigation;

"(II) if the individual in clause (I) is not able to conduct the check, through the National Crime Information Center;

"(III) a State Criminal History Repository of the State in which the alien child was born; or

"(IV) any other State or Federal database or repository that the Secretary of Health and Human Services determines is appropriate.

(b) HOME STUDIES AND FOLLOW-UP SERVICES FOR UNACCOMPANIED ALIEN CHILDREN.—Section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1225(c)) is amended in paragraph (3) by—

"(1) redesignating subparagraph (C) as (D); and

"(2) by amending subparagraph (B) to read as follows:

"(B) HOME STUDIES.—

"(i) IN GENERAL.—Before placing the child with an individual, the Secretary of Health and Human Services shall first determine whether—

"(II) required home studies.—A home study shall be conducted for a child—

"(I) who is a victim of a severe form of trafficking in persons, a special needs child with a disability (as defined in section 12102 of title 42);

"(II) who has been a victim of physical or sexual abuse under circumstances that indicate that the alien child’s health or welfare has been significantly harmed or threatened; or

"(III) whose proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence.

"(C) FOLLOW-UP SERVICES AND ADDITIONAL HOME STUDIES.—

"(i) PENDENCY OF REMOVAL PROCEEDINGS.—Every six months, the Secretary of Health and Human Services shall conduct follow-up services for children for whom a home study was conducted and who were placed with a nongovernmental sponsor until initial removal proceedings have been completed and the immigration judge has issued an order of removal, granted voluntary departure under section 240B, or granted the alien relief from removal.

"(ii) CHILDREN WITH MENTAL HEALTH OR OTHER NEEDS.—Every six months, for up to two years from the date of placement with a nongovernmental sponsor, the Secretary of Health and Human Services shall conduct follow-up services for children with mental health needs or other needs that could benefit from ongoing assistance from a social welfare agency.

"(iii) CHILDREN AT RISK.—Every six months, for up to two years from the date of placement with a nongovernmental sponsor, the Secretary of Health and Human Services shall conduct follow-up services, including partnering with local community programs that focus on early and after-school programs for at risk children who need a secure environment to engage in studying, training, and skills-building programs and who are at risk for recruitment by criminal gangs or other transnational criminal organizations in the United States, as determined by the Secretary of Health and Human Services in consultation with the United States attorneys for the districts in which the children reside.


"(1) by amending subparagraph (i) to read as follows:

"(i) who, before reaching 18 years of age, was declared dependent on a juvenile court located in the United States or whom such a court has been committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunion with either parent of the immigrant is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;

"(2) in subparagraph (ii), by striking "and" at the end;

"(3) in subparagraph (iii)(II), by inserting "and" at the end; and

"(4) by adding at the end the following:

"(iv) in whose case the Secretary of Homeland Security has made the determination that the alien is an unaccompanied alien child (as defined in section 103(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)))).

"(d) AUTHORITY.—
SEC. 326. FRAUD IN CONNECTION WITH THE TRANSFER OF CUSTODY OF UNACCOMPANIED ALIEN CHILDREN.

(a) In General.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1041. Fraud in connection with the transfer of custody of unaccompanied alien children

(a) In General.—It shall be unlawful for a person to obtain custody of an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (8 U.S.C. 1531 note))—

"(1) by making any materially false, fictitious, or fraudulent statement or representation; or

"(2) by making or using any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.

"(b) PENALTIES.—

"(1) In General.—Any person who violates, or attempts or conspires to violate, this section shall be fined under this title and imprisoned for not less than 1 year.

"(2) ENHANCED PENALTY FOR TRAFFICKING.—If the primary purpose of the violation, attempted violation, or conspiracy to violate this section is to use the child to sexually exploit or other form of exploitation, the offender shall be fined under this title and imprisoned for not less than 5 years.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1040 the following:

"SEC. 1041. Fraud in connection with the transfer of custody of unaccompanied alien children.

SEC. 227. NOTIFICATION OF STATES AND FOREIGN GOVERNMENTS, REPORTING, AND MONITORING.

(a) NOTIFICATION.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1225) is amended by adding at the end the following:

"(1) NOTIFICATION TO STATES.—

"(B) the age of such aliens;

"(b) NOTIFICATION OF FOREIGN COUNTRY.—The Secretary of Homeland Security shall provide information regarding each unaccompanied alien child described in paragraph (a) the country of which the child is a national to assist such government with the identification and repatriation of such child with the parent or other person responsible relative;

"(1) MONITORING REQUIREMENT.—The Secretary of Health and Human Services shall—

"(1) require to agree;

"(A) to receive approval from the Secretary of Health and Human Services prior to changing the location in which the sponsor is housing an unaccompanied alien child placed in the sponsor’s custody; and

"(B) to provide a current address for the child and the reason for the change of address;

"(2) provide regular and frequent monitoring of the physical and emotional well-being of each unaccompanied alien child who has been discharged to a sponsor or remained in the legal custody of the Secretary until the child’s immigration case is resolved; and

"(3) not later than 60 days after the date of the enactment of this Act, provide to Congress a plan for implementing the requirements under paragraphs (1) and (2)."

SEC. 328. EMERGENCY IMMIGRATION JUDGE REAUTHORIZATION ACT.

(a) DESIGNATION.—Not later than 14 days after the date of the enactment of this Act, the Attorney General shall designate up to 12 new immigration judges from the pool of retired immigration judges, magistrate judges, or administrative law judges, or the reassignment of current immigration judges, that are designated—

"(1) to conducting humane and expedited inspection and screening for unaccompanied alien children in order to process the Immigration and Nationality Act, as added by section 322; or

"(2) to reducing existing backlogs in immigration court proceedings initiated under section 239 of the Immigration and Nationality Act (8 U.S.C. 1229).

(b) REQUIREMENT.—The Attorney General shall ensure that sufficient immigration judge resources are dedicated to the purpose described in subsection (a)(1) to comply with the requirements under section 235B(h)(1) of the Immigration and Nationality Act, as added by section 322.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated $150,000,000 for each of the fiscal years 2018 through 2022 to implement this section.

SEC. 229. REPORTS ON CARE OF UNACCOMPANIED ALIEN CHILDREN.

(a) REPORTS ON CARE OF UNACCOMPANIED ALIEN CHILDREN.—Not later than September 30, 2019, the Secretary of Health and Human Services shall submit a report to Congress and make publicly available a report that describes—

"(1) the number of unaccompanied alien children who have voluntarily returned to their country of nationality or habitual residence, disaggregated by—

"(A) country of nationality or habitual residence;

"(B) age of the unaccompanied alien children;

"(2) the number of unaccompanied alien children who have been returned to their country of nationality or habitual residence, disaggregated by—

"(A) country of nationality or habitual residence;

"(B) age of the unaccompanied alien children;

"(3) the number of unaccompanied alien children who have been returned to their country of nationality or habitual residence, disaggregated by—

"(A) country of nationality or habitual residence;

"(B) age of the unaccompanied alien children;

"(4) the number of unaccompanied alien children who have been returned to their country of nationality or habitual residence, disaggregated by—

"(A) country of nationality or habitual residence;

"(B) age of the unaccompanied alien children;

"(5) the number of unaccompanied alien children who have been returned to their country of nationality or habitual residence, disaggregated by—

"(A) country of nationality or habitual residence;

"(B) age of the unaccompanied alien children;

"(6) a determination of whether more than 1 unaccompanied alien child has been released to the same sponsor, including the number of children who were released to such sponsor; and

"(7) an analysis of the extent to which the Secretary of Health and Human Services is monitoring the release of unaccompanied alien children, including home studies done and outcomes monitored.

(b) REPORTS ON REPATRIATION AGREEMENTS.—Not later than September 30, 2018, the Secretary of State shall submit to Congress and make publicly available a report that describes—

"(1) describes—

"(A) any repatriation agreement for unaccompanied alien children in effect and a copy of such agreement; and

"(B) any such repatriation agreement that is being considered or negotiated; and

"(2) describes the funding provided to the 20 countries that have the highest number of unaccompanied alien children and the Secretary of Homeland Security shall submit to Congress and make publicly available a report that describes—

"(1) the number of unaccompanied alien children who have voluntarily returned to their country of nationality or habitual residence, disaggregated by—

"(A) country of nationality or habitual residence;

"(B) age of the unaccompanied alien children;

"(2) the number of unaccompanied alien children who have been returned to their country of nationality or habitual residence, including assessment of the length of time such children were present in the United States;

"(3) the number of unaccompanied alien children who have not been returned to their country of nationality or habitual residence; and

"(4) the number of unaccompanied alien children who were returned to the United States, whether through asylum, other immigration benefit or status, or other action.

(d) IMMIGRATION PROCEEDINGS.—Not later than September 30, 2019, and once every 3 months thereafter, the Secretary of Homeland Security, in consultation with the Director of the Executive Office for Immigration Review, shall submit to Congress and make publicly available a report that describes—

"(1) the number of unaccompanied alien children who, after proceedings under section 235B(h) of the Immigration and Nationality Act, as added by section 312, were returned to their country of nationality or habitual residence, disaggregated by—

"(A) country of nationality or habitual residence;
such violation or attempted violation, and
personal, involved in or used to facilitate the
follows:

GLING AND TRAFFICKING.—Section 274(a) of
SEC. 401. DANGEROUS HUMAN SMUGGLING,
TITLE IV—PENALTIES FOR SMUGGLING,
and the orders issued by the immigration
and countries of nationality of such children,
an unaccompanied alien child to appear at a
the penalty was collected, for the failure of
a penalty, including the amount and whether
hearing that such alien was required to at-
children who fail to appear at a removal

and

involuntarily forced into
labor or prostitution, shall be fined under title
imprisoned for not less than 5 years
and not more than 25 years, or both; and

in, or had authority over, the organization.

tion—

\( (A) \) in subparagraph (E), by striking ''(E)'' and inserting ''(F)''; and

\( (2) \) for each

and

' incidental to killing under color of foreign law' has the meaning
'soldiers' means conduct described in section
'secrecy, and Nationality Act (8 U.S.C.
'second or subsequent violation committed by

by a person under this section, shall be fined

under title 18, imprisoned for not less than 5
and not more than 20 years, or both;

'term 'genocide' means conduct
developed in section 216; and

'term 'incitement to genocide' means conduct described in section

'term 'genocide' means conduct
developed in section 1091(a); and

'term 'particularly severe violation of
'respectively;

'term 'torture' means conduct de-

'term 'human rights violation or

'term 'involuntary forced into

'term 'death penalty for an act in violation of

'term 'disability or disfigurement' means
crimes committed by a person under
this section or any offense connected
with, or that is a consequence of,

'term 'use or recruitment of child soldiers' means conduct described in
section 2422(a); and

'term 'term 'human rights violations or war

'term 'act in willfully aiding or abetting the
transport of controlled substances, money instru-
ments, bulk cash, or weapons by any
individual departing the United States'.'.

(e) REPORTING REQUIREMENTS.—
(1) COMMERCIAL DRIVER'S LICENSE INFORMA-
TION.—Section 3218(i)(1) of title 49, United States Code, is amended to read as follows:

(2) CLEARED.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

'Second or Multiple Violations.—

'Second or Multiple Violations.—

'second or subsequent violation committed by

'second or multiple violations committed by

'second or subsequent violation committed by

'second or multiple violations committed by

'second or subsequent violation committed by

'second or multiple violations committed by

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'second or multiple violations committed by
SEC. 403. DRUG TRAFFICKING AND CRIMES OF VIOLENCE COMMITTED BY ILLEGAL ALIENS.

(a) In General.—Title 18, United States Code, is amended by inserting after chapter 27 the following:

"CHAPTER 28—DRUG TRAFFICKING AND CRIMES OF VIOLENCE COMMITTED BY ILLEGAL ALIENS"

"§581. Enhanced penalties for drug trafficking and crimes committed by illegal aliens.

"(a) Offense.—Any alien unlawfully present in the United States who, at or any time after having been convicted of a crime involving moral turpitude, conspires to commit, or attempts to commit, a crime an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or a deadly weapon or a drug trafficking crime (as defined in section 924) shall be fined under this title imprisoned for not less than 5 years, or both.

"(b) Enhanced Penalties for Aliens Ordered Removed.—Any alien unlawfully present in the United States who violates subsection (a) and was ordered removed under the Immigration and Nationality Act (8 U.S.C. 1235) shall be fined under this title imprisoned for not less than 15 years, or both.

"(c) Requirement for Consecutive Sentences.—Any term of imprisonment imposed under this section shall be consecutive to any term imposed for any other offense.

(b) Clerical Amendment.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 27 the following:

"28. Drug trafficking and crimes of violence committed by illegal aliens."

SEC. 404. ESTABLISHING INADMISSIBILITY AND DEPORTABILITY.

(a) Inadmissibility of Aliens.—Section 212(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)) is amended by adding at the end the following:

"(iiii) CONSIDERATION OF OTHER EVIDENCE.—If the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Secretary of Homeland Security may consider other evidence related to the conviction, including but not limited to charging documents, plea agreements, plea colloquies, jury instructions, police reports, that clearly establishes that the conduct for which the alien was engaged constitutes a crime involving moral turpitude."

(b) Deportable Aliens.—

(1) General Crimes.—Section 237(a)(2)(A) of such Act (8 U.S.C. 1227(a)(2)(A)) is amended by—

(A) by redesignating clause (vi) as clause (vii) and inserting after clause (iv) the following:

"(v) Crimes Involving Moral Turpitude.—If the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Secretary of Homeland Security may consider other evidence related to the conviction, including but not limited to charging documents, plea agreements, plea colloquies, jury instructions, police reports, that clearly establishes that the conduct for which the alien was engaged constitutes a crime involving moral turpitude."

(2) Domestic Violence.—Section 237(a)(2)(E) of such Act (8 U.S.C. 1227(a)(2)(E)) is amended by adding at the end the following:

"(3) Criminal Penalties.—Any alien who violates any provision under paragraph (1)—

"(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned for not more 6 months, or both;

"(B) shall, for a second or subsequent violation following an order of removal, be fined under such title, imprisoned for not more than 2 years, or both;

"(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors at least of 1 which involves controlled substances, abuse of a minor, trafficking or smuggling, or any offense that could result in serious bodily harm or injury to another person, a significant misdemeanor, or a felony, shall be fined under such title, imprisoned for not more than 10 years, or both;

"(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned for not more than 15 years, or both; and

"(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned for not more than 20 years, or both.

"(4) Prior Convictions.—The prior convictions described in subparagraphs (C) through (E) of paragraph (3) are elements of the offenses described in this subsection and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(A) alleged in the indictment or information; and

"(B) proven beyond a reasonable doubt at trial.

"(C) admitted by the defendant.

"(5) Duration of Offenses.—An offense under this subsection continues until the conviction, or convictions that form the basis for the additional penalty are—

"(A) entered or crossed the border to the United States and, upon examination or inspection, makes a false or misleading representation or conceals a material fact, including such representation or willful concealment in the context of arrival, reporting, entry, or clearance, requirements of the customs laws, immigration laws, agriculture laws, or shipping laws, shall be ineligible for all immigration benefits, the exclusion in subsection (a) and was ordered removed under section 241(b)(3), or relief from removal based under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984.

"(2) Prior Offenses.—An alien shall be subject to the penalties set forth in paragraph (3) if the alien—

"(A) enters or crosses, or attempts to enter or cross, the border into the United States at any time or place other than as designated by immigration officers;

"(B) eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including failing to stop at the command of such officer); or

"(C) enters or crosses the border to the United States and, upon examination or inspection, makes a false or misleading representation or conceals a material fact, including such representation or willful concealment in the context of arrival, reporting, entry, or clearance, requirements of the customs laws, immigration laws, agriculture laws, or shipping laws, shall be ineligible for all immigration benefits, the exclusion in subsection (a) and was ordered removed under section 241(b)(3), or relief from removal based under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984.

"(3) Prior Offenses.—An alien shall be subject to the penalties set forth in paragraph (3) if the alien—

"(A) enters or crosses, or attempts to enter or cross, the border into the United States at any time or place other than as designated by immigration officers;

"(B) eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including failing to stop at the command of such officer); or

"(C) enters or crosses the border to the United States and, upon examination or inspection, makes a false or misleading representation or conceals a material fact, including such representation or willful concealment in the context of arrival, reporting, entry, or clearance, requirements of the customs laws, immigration laws, agriculture laws, or shipping laws, shall be ineligible for all immigration benefits, the exclusion in subsection (a) and was ordered removed under section 241(b)(3), or relief from removal based under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984.

"(4) Enhanced Penalties for Terrorist Aliens.—Any alien who commits an offense described in subsection (a) for the purpose of engaging in, or with the intent to engage in, any Federal crime of terrorism (as defined in section 2332b(g) of title 18, United States Code) shall be imprisoned for not less than 10 years and not more than 30 years.

"(e) Enhanced Penalty for Terrorist Aliens.—Any alien who commits an offense described in subsection (a) for the purpose of engaging in, or with the intent to engage in, any Federal crime of terrorism (as defined in section 2332b(g) of title 18, United States Code) shall be imprisoned for not less than 10 years and not more than 30 years.

"(f) Clerical Amendment.—The table of contents in the first section of the Immigration and Nationality Act is amended by
striking the item relating to section 275 and inserting the following:

"Sec. 275. Illegal entry."

(d) APPLICATION.—

(1) IN GENERAL.—Paragraph (4) of section 275(a) of the Immigration and Nationality Act, as amended by subsection (a), shall apply only to violations of paragraph (2) of section 212(a)(5) committed on or after the date of enactment of this Act.

(2) BARS TO IMMIGRATION RELIEF AND BENEFITS.—Section 275a(i) of such Act, as amended by subsection (a), shall take effect on the date of enactment and apply to any alien who, on or after the date of enactment

(A) enters or crosses, or attempts to enter or cross, the border into the United States at any time or place other than as designated by immigration officers;

(B) eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including failing to stop at the command of such officer); or

(C) enters or crosses the border to, attempts to cross the border into, the United States and, upon examination or inspection, makes a false or misleading representation or conceals a material fact, including such representation or concealment in the context of arrival, reporting, entry, or clearance, requirements of the customs laws, immigration laws, agriculture laws, or shipping laws.

SEC. 406. PENALTIES FOR REENTRY OF REMOVED ALIENS.

(a) SHORT TITLE.—This section may be referred to as the "Stop Illegal Reentry Act" or "Kate's Law".

(b) INCREASED PENALTIES FOR REENTRY OF REMOVED ALIENS.

(1) IN GENERAL.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended to read as follows:

"Sec. 276. Reentry of removed aliens.—

(1) I N GENERAL.—Section 212(a)(5) of the Act, as amended by section 212(a)(3)(B) or who has been removed from the United States pursuant to section 235(c) be- cause the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and, without the permission of the Secretary of Homeland Security, enters the United States, or attempts to do so, shall be fined under title 18, United States Code, or imprisoned for a period of 15 years, which sentence shall not run concurrently with any other sentence:

(B) who was removed from the United States pursuant to section 212(a)(4) and thereafter, without the permission of the Secretary of Homeland Security, enters, attempts to enter, or is at any time found in, the United States, shall be fined under title 18, United States Code, or imprisoned for not more than 15 years, or both; and

(C) who has been denied admission, excluded, deported, or removed 2 or more times for any reason and thereafter enters, attempts to enter, crosses the border, attempts to cross the border, or is at any time found in, the United States, unless

(i) the alien is seeking admission more than 10 years after the date of the alien's last departure from the United States if, prior to the alien's reembarkation at a place outside the United States or the alien's application for admission from a foreign contiguous territory, the Secretary of Homeland Security has expressly consented to such alien's reapplying for admission; or

(ii) with respect to an alien previously denied admission and removed, such alien establishes that the alien was not required to obtain such advance consent under this Act or any prior Act.

(2) REENTRY OF CRIMINAL ALIENS AFTER REMOVAL.—Notwithstanding the penalty under subsection (a), an alien described in subsection (a) —

(A) who was convicted, before the alien was subject to removal or departure, of a sig- nificant misdemeanor shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

(B) who was convicted, before the alien was subject to removal or departure, of 2 or more misdemeanors involving drugs, crimes against the person, or both, shall be fined under title 18, United States Code, imprisoned for not more than 15 years, or both;

(C) who was convicted, before the alien was subject to removal or departure, of 3 or more misdemeanors for which the alien was sentenced to a term of imprisonment of not less than 90 days for each offense, or 12 months in the aggregate, the alien shall be fined under title 18, United States Code, or imprisoned not more than 15 years, or both;

(D) who was convicted, before the alien was subject to removal or departure, of a fel- ony for which the alien was sentenced to a term of imprisonment of not less than 15 years, or both.

(3) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 212(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised re- lease. The alien demonstrates that the Secretary of Homeland Security has expressly consented to the term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both.

(F) who was convicted of 3 or more felonies of any kind, the alien shall be fined under such title, imprisoned not more than 25 years, or both; and

(G) who was convicted, before the alien was subject to removal or departure or after such removal or departure, for murder, rape, kidnapping, or a felony offense described in clause (i) (relating to peonage and slavery) or clause (ii) or (iii) (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 25 years, or both.

(4) MANDATORY PENALTY FOR REENTRY OF CERTAIN REMOVED ALIENS.—Notwithstanding the penalties under subsections (a) and (b), an alien described in subsection (a) —

(1) who was convicted, before the alien was subject to removal or departure, of an aggravated felony; or

(2) who was convicted at least 2 times before such removal or departure of illegal reentry under this section, shall be fined not less than 5 years and not more than 20 years, and may, in addition, be fined under title 18, United States Code.

(5) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described, and the penalties in that subsection shall apply only in cases in which the prior convictions that form the basis for the additional penalty are—

(A) alleged in the indictment or information; and

(B) proven beyond a reasonable doubt at trial;

(C) admitted by the defendant.

(6) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

(A) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to re-apply for admission into the United States; or

(B) with respect to an alien previously de- nied admission and removed, the alien—

(A) was not required to obtain such ad- vance consent under this Act or any prior Act; and

(B) had complied with all other laws and regulations governing the alien's admission into the United States.

(7) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of a removal order described in subsection (a), (b), or (c) concerning the alien unless the alien demonstrates that—

(A) the alien exhausted any administra- tive remedies that may have been available to seek relief against the order;

(B) the alien states in the proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

(C) the entry of the order was fundamen- tally unfair.

(8) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 212(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised re- lease. The alien demonstrates that the Secretary of Homeland Security has expressly consented to the term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both.
alien’s reentry (if a request for consent to reapply is authorized under this section). Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be prescribed under this section or any other provision of law.

(b) Definitions.—In this section:

(1) BORDERS TO THE UNITED STATES.—The term ‘crosses the border’ refers to the physical act of crossing the border, regardless of whether the alien is free from official restraint.

(2) FELONY.—The term ‘felony’ means any criminal offense punishable by a term of imprisonment of not more than 1 year under the laws of the United States, any State, or a foreign government.

(3) MISDEMEANOR.—The term ‘misdemeanor’ means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

(4) REMOVAL.—The term ‘removal’ includes any denial of admission, deportation, or removal, or any agreement by which an alien stipulates or agrees to deportation, or removal.

(5) SIGNIFICANT MISDEMEANOR.—The term ‘significant misdemeanor’ means a misdemeanor—

(A) that involves the use or attempted use of physical force or threat of force to commit a sexual assault (as such term is defined in section 1201 of title 18, United States Code); or

(B) which is a sexual assault (as such term is defined in section 1201 of title 18, United States Code); or

(C) which involved the unlawful possession of a firearm (as such term is defined in section 921 of title 18, United States Code);

(D) which is a crime of violence (as defined in section 16 of title 18, United States Code);

(E) which is an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon.

(E) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or possession of the United States.

(c) EFFECTIVE DATE.—Section 276(a)(1), as amended by this section, shall take effect on the date of the enactment of this Act and apply to the alien on or after the date of enactment—

(1) if such alien has been denied admission, excluded, deported, or removed and has departed the United States while an order of exclusion, deportation, or removal is outstanding; and

(2) if such alien stipulates or agrees to deportation to the border to the United States or to any place outside the United States or the alien’s application for admission from a foreign contiguous territory, the Secretary of Homeland Security shall be deemed to have consented to such alien’s reapplying for admission; or

(B) with respect to an alien previously denied admission and removed, such alien’s reentry was not permitted under this Act to obtain such advance consent under this Act or any prior Act.

SEC. 407. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1966(c)(7)(D) of title 18, United States Code, is amended by inserting ‘‘section 285(a)’’ after ‘‘section 532(a)’’ and inserting ‘‘section 285(a)(1)(B)’’ after ‘‘section 532(a) (4)(B)’’ and inserting ‘‘section 285(a)(1)(B)’’ after ‘‘(4)(B)’’.

SEC. 408. FREEZING BANK ACCOUNTS OF INTERNATIONAL ORGANIZATIONS AND MONETARY LAUNDERERS.

Section 981(b) of title 18, United States Code, is amended by adding at the end the following:

‘‘(g) If a person is arrested or charged in connection with the movement of funds to, from, or through the United States, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the arrest is made or where the charges are filed for an ex parterestraining any account held by the person arrested or charged for not more than 30 days, except that such 30-day time period may be extended for good cause shown at a hearing; and

(ii) avoids, or is intended to avoid, a tax, a penalty imposed under this title, or a monetary instrument in bearer form, of the accounts to be restrained; and

(B) a restraining order issued under subparagraph (A) shall—

(i) identify the person for which the account is held; or

(ii) identify the location and description of the account; and

(iii) state that the restraining order is needed to prevent the removal of the funds in the account; or the person arrested or charged, or by others associated with such person, during the time needed by the Government to conduct such investigation as may be necessary to establish whether there is probable cause to believe that the funds in the accounts are subject to forfeiture in connection with the commission of any criminal offense.

(C) An offense described in this subparagraph is any offense for which forfeiture is authorized under this title, title 31, or the Controlled Substances Act.

(D) For purposes of this section—

(i) the term ‘account’ includes any account, or financial institution, or account held by any entity, of which a person has a controlling interest, and in which such person has some form of control; and

(ii) the term ‘account’ includes any account, or financial institution, or account held by any entity, or in which such person has some form of control, and in which such person has some form of control, or to avoid, a transaction reporting requirement under Federal law.

SEC. 409. CRIMINAL PROCEEDS LAUNDERED THROUGH PREPAID ACCESS DEVICES.

Section 313 of title 21, United States Code, is amended—

(A) by redesigning paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following:

‘‘(6) ‘prepaid access device’ means an electronic device or vehicle, such as a card, plate, code, number, electronic serial number, personal identification number, or other instrument that provides a portal to funds or the value of funds that have been paid in advance and can be retrievable and transferable at some point in the future.

(2) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing—

(A) the impact of amendments made by paragraph (1) on law enforcement, the pre-paid access device industry, and consumers; and

(B) the implementation and enforcement by the Department of the Treasury of the final rule relating to ‘‘Bank Secrecy Act Regulations—Definitions and Other Regulations Relating to Prepaid Access’’ (76 Fed. Reg. 45403 (July 29, 2011)).

SEC. 410. CLOSING THE LOOPHOLE ON DRUG CARTEL ASSOCIATES ENGAGED IN MONEY LAUNDERING.

SEC. 410. CLOSING THE LOOPHOLE ON DRUG CARTEL ASSOCIATES ENGAGED IN MONEY LAUNDERING.

(a) INTENT TO CONCEAL OR DISGUISE.—Section 1956(a)(1) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by striking ‘‘(B) knowing that’’ and all that follows through ‘‘Federal law,’’ and inserting the following:

‘‘(B) knowing that the transaction—

(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

(ii) avoids, or is intended to avoid, a transaction reporting requirement under Federal law;’’; and

(2) in paragraph (2)(B), by striking ‘‘(B) knowing that’’ and all that follows through ‘‘Federal law,’’ and inserting the following:

‘‘(B) knowing that the monetary instrument or funds involved in the transporation, transmission, or transfer represent the proceeds of some form of unlawful activity, and knowing that such transportation, transmission, or transfer—

(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

(ii) avoids, or is intended to avoid, a transaction reporting requirement under Federal law.’’
(b) PROCEEDS OF A FELONY.—Section 1969(c)(1) of such title is amended by inserting ‘‘, and regardless of whether or not the person knew that the activity constituted a felony’’ after ‘‘proceeds’’ at the end of such subsection.

TITLE V—PROTECTING NATIONAL SECURITY AND PUBLIC SAFETY

SEC. 501. DEFINITION OF ENGAGING IN TERRORIST ACTIVITY.

Subtitle A—General Matters


(1) by revising subsection (I) to read as follows:

‘‘(I) to commit a terrorist activity or, under circumstances indicating an intention to cause death, serious bodily harm, or substantial damage to property, incite to commit a terrorist activity;’’; and

(2)(A) by adding at the end the following:

‘‘(V) to threaten, attempt, or conspire to do any of acts described in subclauses (I) through (V).’’.

SEC. 502. TERRORIST GROUNDS OF INADMISSIBILITY.

(a) SECURITY AND RELATED GROUNDS.—Section 212(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(A)) is amended to read as follows:

‘‘(A) IN GENERAL.—Any alien who a consular officer or Attorney General or the Secretary of Homeland Security knows, or has reasonable ground to believe, seeks to enter the United States to engage solely, primarily, or additionally, in, or who is engaged in, or with respect to clauses (i) and (iii) has engaged in—

‘‘(i) any activity—

‘‘(I) to violate any law of the United States relating to espionage or sabotage; or

‘‘(II) to violate or evade any law prohibiting the export from the United States of goods, services, or information;

‘‘(ii) any other activity which would be unlawful if committed in the United States, or

‘‘(iii) any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means, is inadmissible.’’;

(b) TERRORIST ACTIVITIES.—Section 212(a)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) is amended—

(1) in subclause (IV), by inserting ‘‘or has been’’ before ‘‘a representative’’;

(2) in subclause (V), by inserting ‘‘or has been’’ before ‘‘a member’’;

(3) in subclause (VI), by inserting ‘‘or has been’’ before ‘‘a member’’; and

(4) by amending subsection (VII) to read as follows:

‘‘(VII) endorses or espouses, or has endorsed or espoused, terrorist activity or persuades or has persuaded others to endorse or espouse terrorist activity or support a terrorist organization;’’;

(5) by amending subsection (IX) to read as follows:

‘‘(IX)(a) is the spouse or child of an alien who is inadmissible under this subparagraph, if the activity causing the alien to be found inadmissible occurred within the last 5 years.

‘‘(bb) EXCEPTION.—This subsection does not apply to a spouse or child—

‘‘(1) who did not know or should not reasonably have known of the activity causing the alien to be found inadmissible under this section; or

‘‘(2) whom the consular officer or Attorney General has reasonable grounds to believe has renounced the activity causing the alien to be found inadmissible under this section.

‘‘(b) by striking the undersigned matter following subsection (IX).

(c) PALESTINE LIBERATION ORGANIZATION.—Section 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)), is amended to read as follows:

‘‘(ii) PALESTINE LIBERATION ORGANIZATION.—An alien who is an officer, official, representative, or spokesman of the Palestine Liberation Organization is considered, for purposes of this Act, to be engaged in terrorist activity.’’;

SEC. 503. EXPEDITED REMOVAL FOR ALIENS IN ADMISSIBILITY CRIMINAL OR SECURI-

GROUNDS.

(a) IN GENERAL.—Section 238 of the Immigration and Nationality Act (8 U.S.C. 1228) is amended—

(1) by striking at the end of the section heading the following: ‘‘OR WHO ARE SUBJECT TO TERRORISM-RELATED GROUNDS FOR RE-

MOVAL’’;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ‘‘Attorney General’’ and inser-

ting ‘‘Secretary of Homeland Security, in the exercise of discretion,’’; and

(ii) by striking ‘‘set forth in this sub-

section or in lieu of removal proceedings un-

der’’;

(B) in paragraphs (3) and (4), by striking ‘‘Attorney General’’ each place the term ap-

pears and inserting ‘‘Secretary of Homeland

Security’’;

(C) in paragraph (5)—

(i) by striking ‘‘described in this section’’ and inser-

ting ‘‘described in paragraph (1) or (2);’’ and

(ii) by striking ‘‘the Attorney General may

grant in the Attorney General’s discretion,’’

and inserting ‘‘the Secretary of Homeland

Security or the Attorney General may grant

in the discretion of the Secretary or the At-

torney General, in any proceeding.’’;

(D) by redesignating paragraphs (3), (4),

and (5) as paragraphs (4), (5), and (6) re-

spectively; and

(E) by inserting after paragraph (2) the fol-

lowing:

‘‘(3) The Secretary of Homeland Security, in the exercise of discretion, may determine inadmissibility under section 212(a)(2) and issue an order of removal pursuant to the procedures set forth in this subsection, in lieu of removal proceedings under section 240, with respect to an alien who—

‘‘(A) has not been paroled;’’

‘‘(B) has not been found to have a credible fear of persecution pursuant to the proce-

dures set forth in 236(b)(1)(B); and

‘‘(C) is not eligible for a waiver of inadmis-

sibility or relief from removal. ’’;

and

(3) by redesignating the first subsection (c) as subsection (d);

(4) by redesignating the second subsection (c) (as so designated by section 617(b)(13) of the Illegal Immigration Reform and Immig-

ration Responsibility Act of 1996 (division C of Pub. L. 104–208; 110 Stat. 3009–720)) as subsection (e); and

(5) by inserting after subsection (b) the fol-

lowing:

‘‘REMOVAL OF ALIENS WHO ARE SUBJECT TO TERRORISM-RELATED GROUNDS FOR RE-

MOVAL.—

‘‘(1) The Secretary of Homeland Security—

(A) shall, notwithstanding section 240, in the case of every alien, determine the inadmis-

sibility of the alien under subparagraph (A) or (B) of section 212(a)(3) (other than subclauses (I), (II), and (III) of section 212(a)(3)(B)), the deportability of the alien under subparagraph (A) or (B) of section 237(a)(4) (as a consequence of being described in subclause (I), (II), or (III) of section 212(a)(3)(B)), and the deportability of the alien under section 237(a)(4) as a consequence of being described in subclause (I), (II), or (III) of section 212(a)(3)(B), and

(B) may, in the case of any alien, deter-

mine the inadmissibility of the alien under subparagraph (A) or (B) of section 212(a)(3) (other than subclauses (I), (II), and (III) of section 212(a)(3)(B)), the deportability of the alien under subparagraph (A) or (B) of section 237(a)(4) (as a consequence of being described in subclause (I), (II), or (III) of section 212(a)(3)(B)), and

(2) by redesigning subsection (b) as sub-

section (j); and

(2) adding new paragraph (h) to read as fol-

lows:

‘‘(h) CRIMINAL ALIEN ENFORCEMENT PART-

NERS.—

‘‘(1) The Secretary of Homeland Se-

curity may not execute any order described in paragraph (1) until 30 calendar days have passed from the date on which such an order is, unless waived by the alien, in order that the alien has an opportunity to apply [petition] for judicial review under section 242.

(3) Proceedings before the Secretary of Homeland Security under this subsection shall be in accordance with such regulations as the Secretary shall prescribe. The Sec-

retary shall provide that—

‘‘(A) the alien is given reasonable notice of the charges and of the opportunity described in subparagraph (C);

‘‘(B) the alien shall have the privilege of being represented (at no expense to the Gov-

ernment) by such counsel, authorized to practice in such proceedings, as the alien shall choose,

‘‘(C) the alien has a reasonable opportunity to inspect the evidence and rebut the charges;

‘‘(D) a determination is made on the record that the individual upon whom the notice for the proceeding under this section is served (either in person or by mail) is, in fact, the alien named in such notice; and

‘‘(E) a record is maintained for judicial re-

view; and

(4) No alien described in this subsection shall be eligible for any relief from removal that the Secretary of Homeland Security may grant in the Secretary’s discretion.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 238 and inserting the following:

‘‘Sec. 238. Expedited removal of aliens con-

victed of any crime or who are subject to terrorism-related grounds for removal.’’

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act but shall not apply to aliens who are in removal proceedings under section 240 of the Immi-

gration and Nationality Act (8 U.S.C. 1229a) on such date.

SEC. 504. DETENTION OF REMOVABLE ALIENS.

(a) CRIMINAL ALIEN ENFORCEMENT PART-

NERS.—Section 238 of the Immigration and Nationality Act (8 U.S.C. 1357), as amended by section 116 and this section, is further amended by—

(1) by redesignating subsection (b) as sub-

section (j); and

(2) adding new paragraph (h) to read as fol-

lows:

‘‘(h) CRIMINAL ALIEN ENFORCEMENT PART-

NERS.—

‘‘(1) The Secretary of Home-

land Security may enter into an agreement with a State, or any political sub-

division of such a State, to authorize the temporary placement of one or more U.S. Immigration and Customs Enforcement agents or investigators at a local police department or precinct to—
(A) determine the immigration status of any individual arrested by a State, county, or local police, enforcement, or peace officer for any criminal offense;

(B) to collect documents and notices related to the initiation of removal proceedings or reinstatement of prior removal orders under section 241(a)(5);

(C) enter information directly into the National Crime Information Center (NCIC) database, Immigration Violator File, to include:

(i) the alien’s address;

(ii) the reason for arrest;

(iii) the legal cite of the State law violated or the alien is charged;

(iv) the alien’s driver’s license number and State of issuance (if any);

(v) any other identification document(s) held by any law enforcement entity for such identification documents, and

(vi) any identifying marks, such as tattoos, birthmarks, scars, etc.;

(D) to collect the alien’s biometrics, including but not limited to iris, fingerprint, photographs, and signature, of the alien and to enter such information into the Automated Biometric Identification System (IDENT) and any other DHS database authorized for storage of biometric information for aliens; and

(E) to make advance arrangements for the immediate transfer from State to Federal custody of any criminal when the alien is released, without regard to whether the alien is released on bond or without bond, after arrest, and without regard to whether alien may be arrested imprisoned again for the same offense.

(2) LENGTH OF TEMPORARY DUTY ASSIGNMENTS.—The initial period for a temporary duty assignment authorized under this paragraph may be extended. The temporary duty assignment may be extended for additional periods of time as agreed to by the Secretary of Homeland Security and the State or political subdivision of the State to ensure continuity of cooperation and coverage.

(3) TECHNOLOGY USAGE.—The Secretary shall provide CBP and ICE agents, officers, and investigators on a temporary duty assignment under this paragraph mobile access to Federal databases containing alien information, live scan technology for collection of biometric data, Automated Biometric Identification System (IDENT) and any other DHS database authorized for storage of biometric information for aliens, and

(4)勁

(a) permit the Secretary of Homeland Security to enter such information into the Automated Biometric Identification System (IDENT) and any other DHS database authorized for storage of biometric information for aliens;

(b) the Secretary make advance arrangements for the immediate transfer from State to Federal custody of any criminal when the alien is released, without regard to whether the alien is released on bond or without bond, after arrest, and without regard to whether alien may be arrested imprisoned again for the same offense.

(i) the alien’s identity and carry out the order of removal;

(ii) to fully cooperate with the efforts of the Secretary to carry out its order of removal;

(iii) to enter such information into the Automated Biometric Identification System (IDENT) and any other DHS database authorized for storage of biometric information for aliens;

(iv) the alien’s driver’s license number and any other DHS database authorized for storage of biometric information for aliens; and

(v) any other identification document(s) held by any law enforcement entity for such identification documents, and

(vi) any identifying marks, such as tattoos, birthmarks, scars, etc.;''.

(5) ALIENS IMPRISONED, ARRESTED, OR ON PAROLE, SUPERVISED RELEASE, OR PROBATION.—

Paragraph (4) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(4)) is amended—

(A) by striking “Attorney General” and inserting “Secretary of Homeland Security”;

and

(B) by striking “Attorney General” and inserting “Secretary of Homeland Security”.

(6) REINSTATEMENT OF REMOVAL ORDERS AGAINST ALIENS ILLEGALLY REENTERING.—

Paragraph (4) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1252(b)(5)) is amended to read as follows:

(2) JUDICIAL REVIEW.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following:

“(b) JUDICIAL REVIEW OF DECISION TO REINSTATE REMOVAL ORDER UNDER SECTION 240A(a)(6).—

(1) REVIEW OF DECISION TO REINSTATE REMOVAL ORDER.—Judicial review of determinations made under section 240A(a)(6) is available in an action under subsection (a).

(2) JUDICIAL REVIEW OF IMMIGRATION ORDER.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, any other habeas corpus provision, or sections 1361 and 1651 of such title, no court shall have jurisdiction to review any cause or claim, arising from, or relating to, any challenge to the original order.

(3) EFFECTIVE DATE.—The amendments made by this paragraph apply—

(A) by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(B) by striking “Attorney General” and inserting “Secretary of Homeland Security”.

(6) INADMISSIBLE OR CRIMINAL ALIENS.—

Paragraph (6) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following:

“(A) by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(B) by striking “Attorney General” and inserting “Secretary of Homeland Security”.

(7) PAROLE; ADDITIONAL RULES; JUDICIAL REVIEW.—Section 241(a) of the Immigration and
Nationality Act (8 U.S.C. 1231(a)) is amended—
(A) in paragraph (7), by striking “Attorney General” and inserting “Secretary of Homeland Security”;
(B) by redesignating paragraph (7) as paragraph (14); and
(C) by inserting after paragraph (6) the following:

“(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the exercise of discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of such parole or the alien’s removal becomes reasonably foreseeable, provided that no circumstance shall such alien be considered admitted.

“(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO WERE PREVIOUSLY ADMITTED TO THE UNITED STATES.——

(A) APPLICATION.—The procedures set out under this paragraph—
(i) apply only to an alien who were previously admitted to the United States;
(ii) do not apply to any other alien, including an alien detained pursuant to paragraph (6);

(B) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—

(i) REQUIREMENTS TO ESTABLISH.—For an alien released from custody under section 235(b)(1)(A)(i)(I) and conditionally released under section 235(b)(1)(A)(i)(II), the Secretary, in the exercise of discretion, may conditionally release an alien for 90 days beyond the removal period as provided in subsection (2)(B), provided that the Secretary determines that an alien should be detained or released on conditions.

(ii) DETERMINATIONS.—The Secretary shall—
(A) make a determination whether to release an alien described in clause (i) after the end of the alien’s removal period; and
(B) in making a determination under subsection (A), may evidence submitted by the alien, and may consider any other evidence, including any information or assistance provided by any Federal, State, or local law enforcement agency.

(C) by inserting after paragraph (6) the following:

“(5) NO RETURN TO CUSTODY.—If an alien released under this section has been removed to the alien’s country of nationality or last known place of residence (as defined in section 101(a)(43)); and

(D) by redesignating paragraph (7) as paragraph (14).

(E)(i)を入れる．The procedures set out under paragraph (6) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.”.

(F) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.——

(1) IN GENERAL.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:—

“(4) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraph (6) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.”.

(G) EFFECT ON SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.

(H) (JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.”.

(2) CONFORMING AMENDMENTS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1236) is amended—

(A) in subsection (e), by inserting “Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (d) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.”.

(B) by adding at the end the following:
(a) No person shall be prosecuted, tried, or punished for violation of any provision of section 1182 of chapter 12 of title 8 of the United States Code, or of section 235(b)(1)(B) of this Act, for an act committed in violation of any such sections, when the fraudulent conviction, attempted conviction, or conspiracy to violate any such sections, when the fraudulent conduct, misrepresentation, concealment, or fraudulent, fictitious, or false statement concerning the alleged offender’s participation, at any time, at any place, and irrespective of the nationality of the alleged offender or any victim, in a human rights violation or war crime, or the offender’s membership in, service in, or authority over a military, paramilitary, or police organization that participated in such conduct during any part of any period in which the alleged offender was a member of, served in, or had authority over the organization, unless the indictment is found or the information is instituted with 20 years after the commission of the offense, except that an indictment may be found, or information instituted, at any time without limitation if the commission of such human rights violation or war crime resulted in the death of any person.

(b) For purposes of subsection (a), ‘human rights violation or war crime’ means genocide, incitement to genocide, war crimes, torture, female genital mutilation, extrajudicial killing under color of foreign law, persecution, and a particularly severe violation of religious freedom by a foreign government official, or the use of recruitment of child soldiers.

(c) For purposes of subsection (b), ‘genocide’ means conduct described in section 1091(c) of chapter 50A of this title.

(d) ‘Incitement to genocide’ means conduct described in section 1091(c) of chapter 50A of this title.

(e) ‘War crimes’ means conduct described in subsections (1) and (2) of section 2441 of chapter 113C of this title.

(f) ‘Torture’ means conduct described in subsections (1) and (2) of section 2340 of chapter 113C of this title.

(g) ‘Female genital mutilation’ means conduct described in section 1112 of chapter 7 of this title.


(3) A rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person or the community if the judicial officer finds that—

(A) the person has been convicted of a Federal offense that is described in subsection (1), or of any other offense that would have been an offense described in subsection (1) of this section if a circumstance giving rise to Federal jurisdiction had existed;

(B) the offense described in subparagraph (A) was committed while the person was on release pending trial for a Federal, State, or local offense; and

(C) a period of not more than 5 years has elapsed since the date of conviction or the release of the person from imprisonment, for the offense described in subparagraph (A), whichever is later.

(4) A presumption arising from other offenses involving illegal substances, firearm, explosive, or nuclear materials, referred to in paragraph (1), or from a state or local offense that would have been an offense described in subsection (1) of this section if a circumstance giving rise to Federal jurisdiction had existed:

(B) an offense under section 924(a), 956(a), or 2332b of this title;

(C) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46;

(B) an offense under section 2322(b), 956(a), or 2332b of this title; or

(C) an offense listed in section 2322(b) of this title for which a maximum term of imprisonment of 10 years or more is prescribed; or

(B) an offense involving a minor victim under section 1201, 1591, 2242, 2242(a)(1), 2245, 2251, 2252, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252(a)(4), 2290, 2291, 2292, 2293, 2420, 2421, 2422, 2423, or 2425 of this title.

(4) A presumption arising from offenses relating to immigration law—

(1) Subject to rebuttal by the person presumed that no condition or combination of conditions will reasonably assure the appearance


(3) An offense involving a minor victim under section 1201, 1591, 2242, 2242(a)(1), 2245, 2251, 2252, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252(a)(4), 2290, 2291, 2292, 2293, 2420, 2421, 2422, 2423, or 2425 of this title.

(4) A presumption arising from offenses relating to immigration law—

(1) Subject to rebuttal by the person presumed that no condition or combination of conditions will reasonably assure the appearance


(3) An offense involving a minor victim under section 1201, 1591, 2242, 2242(a)(1), 2245, 2251, 2252, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252(a)(4), 2290, 2291, 2292, 2293, 2420, 2421, 2422, 2423, or 2425 of this title.

(4) A presumption arising from offenses relating to immigration law—

(1) Subject to rebuttal by the person presumed that no condition or combination of conditions will reasonably assure the appearance
of the person as required if the judicial officer finds that there is probable cause to believe that the person is an alien and that the person—

"(A) has no lawful immigration status in the United States;

"(B) is the subject of a final order of removal; or

"(C) has been ordered removed, or has otherwise been exiled from the United States, or has otherwise violated the conditions of his or her lawful immigration status; and

SEC. 509. RECRUITMENT OF PERSONS TO PARTICIPATE IN TERRORISM.

(a) In General.—Chapter 113B of title 18, United States Code, is amended by inserting after section 1130 the following:

"§ 2332c. Recruitment of persons to participate in terrorism."

"(a) Offenses.—

"(1) In General.—It shall be unlawful for any person to attempt, conspire, command, or cause another person to commit an act of domestic terrorism or international terrorism or a Federal crime of terrorism, with the intent that the other person commit such act or crime of terrorism.

"(2) Attempt and conspiracy.—It shall be unlawful for any person to attempt or conspire to commit an offense under paragraph (1).

"(b) Penalties.—Any person who violates subsection (a) may be punished:

"(1) in the case of an attempt or conspiracy, be fined not more than 10 years, or both;

"(2) if death of an individual results, shall be fined under this title, imprisoned not more than 10 years, or both;

"(3) if serious bodily injury to any individual results, shall be fined under this title, imprisoned not less than 10 years nor more than 25 years, or both.

"(4) in any other case, shall be fined under this title, imprisoned not more than 10 years, or both;

"(c) Rule of Construction.—Nothing in this section shall be construed as or applied so as to abridge the exercise of rights guaranteed under the First Amendment to the Constitution of the United States.

"(d) PAROL ESTOPPEL—FULFILLED MENTAL TERRORIST ACT NOT A DEFENSE.—It is not a defense under this section that the act of domestic terrorism or international terrorism or Federal crime of terrorism is that the object of the employment, solicitation, inducement, command, or causing has not been done.

"(e) Definitions.—In this section—

"(I) the term ‘federal crime of terrorism’ has the meaning given that term in section 2332b;

"(II) the term ‘serious bodily injury’ has the meaning given that term in section 1365(b); and

"(f) Table of Sections Amendment.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2333b the following:

"2332c. Recruitment of persons to participate in terrorism."
(f) INCREASING CRIMINAL PENALTIES FOR ANYONE WHO AIDS AND ABETS THE ENTRY OF A PERSECUTOR.—Section 277 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended by inserting “(other than subparagraph (E) thereof)”.

(g) INCREASING CRIMINAL PENALTIES FOR FEMALE GENITAL MUTILATION.—Section 116 of Title 8, United States Code, is amended by inserting at the end the following:

“(1) in subsection (a), by striking ‘‘shall be fined under this title or imprisoned not more than 5 years, or both’’ at the end, and inserting the following:

‘‘shall be imprisoned for life or for any term of years not less than 15.’’;

(b) MATERIAL SUPPORT IN THE RECRUITMENT OR USE OF CHILD SOLDIERS.—

(1) Section 212(a)(3)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(G)) is amended by adding after the “19,” the following new clause:

‘‘or has provided material support in the recruitment or use of child soldiers in violation of section 2399A of title 18.’’;

(2) DEPORTABILITY.—Section 237(a)(4)(G) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(G)), as amended by Title VIII of this Act, is amended by inserting after the “19,” the following new clause:

‘‘or has provided material support in the recruitment or use of child soldiers in violation of section 2399A of title 18.’’;

(1) FEMALE GENITAL MUTILATION.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

‘‘(H) PARTICIPATION IN FEMALE GENITAL MUTILATION.—Any alien who has aided, incited, or otherwise participated in female genital mutilation, is inadmissible.’’;

(3) TECHNICAL AMENDMENTS.—

(1) Section 303(a)(2).—Section 303(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1110a(a)(2)) is amended by inserting “committed,” before “ordered”;


(k) EFFECTIVE DATE.—The amendments made by this section shall apply to any offense committed before, on, or after the date of enactment of this Act.

SEC. 511. GANG MEMBERSHIP, REMOVAL, AND INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE.

(a) DEFINITION OF CRIMINAL GANG.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by inserting after the paragraph beginning “(5)(A)” the following:

“(5)(A) The term ‘criminal gang’ means an ongoing group, club, organization, or association of 5 or more persons that

(i) has as one of its primary purposes the commission of 1 or more of the criminal offenses set out under subparagraph (B) and

the members of which engage, or have engaged within the past 5 years, in a continuing series of such offenses; or

(ii) has been designated as a criminal gang by the Attorney General, in consultation with the Attorney General, as meeting criteria set out in clause (i).

(B) The offenses described under this paragraph shall be any offense under Federal or State law or the law of a foreign country and regardless of whether the offenses occurred before, on, or after the date of the enactment of the Building America’s Trust Act, are the following:

(I) A felony drug offense (as that term is defined in section 1012 of the Controlled Substances Act),

(ii) an offense involving illicit trafficking in a controlled substance (as defined in section 2 of the Controlled Substances Act), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code).

(III) An offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose).

(IV) Any offense under Federal, State, or Tribal law, that has, as an element, the use of a firearm in United States or the threatened use of physical force or a deadly weapon.

(V) Any offense that has as an element the use, attempted use, or threatened use of any physical object to inflict or cause (either directly or indirectly) serious bodily injury, including an injury that may ultimately result in the death of a person.

(VI) An offense involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

(VII) Any conduct punishable under section 1028 or 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), section 1594 of such title (relating to peonage, slavery and trafficking in persons), section 1952 of such title (relating to interstate and foreign travel in violation of laws of any foreign country or of any State with respect to racketeering enterprises), section 1956 of such title (relating to conspiracy to commit money laundering), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 220 (relating to criminal attempt to solicit another to engage in unlawful sex conduct involving a minor), or section 220A (relating to criminal attempt to solicit another to engage in unlawful sex conduct involving a minor where the minor is between the ages of 14 and 16)

(VIII) A conspiracy to commit an offense described in clauses (i) through (v).

(C) Notwithstanding any other provision of law including any effective date, a group, club, organization, or association shall be considered a criminal gang regardless of whether the conduct occurred before, on, or after the date of the enactment of the Building America’s Trust Act.

(b) DEPORTABILITY.—Paragraph (2) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

“(J) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien is deportable who a consular officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe—

(i) to be or to have been a member of a criminal gang (as defined in section 101(a)(53)), or

(ii) to have participated in the activities of a criminal gang (as defined in section 101(a)(53)), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.”;

(c) DEPORTABILITY.—Paragraph (2) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

“(K) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

(i) has been designated as a criminal gang (as defined in section 101(a)(53)), or

(ii) has participated in the activities of a criminal gang (as defined in section 101(a)(53)), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang, is deportable.”;

(d) DESIGNATION OF CRIMINAL GANGS.—

(1) IN GENERAL.—The Attorney General, and the Secretary of State may designate a group or association as a criminal gang if their conduct is described in section 101(a)(53) or if the group’s or association’s conduct poses a significant risk that threatens the security and the public safety of United States nationals or the national security, homeland security, foreign policy, or economy of the United States.

(2) EFFECTIVE DATE.—The amendments under subsection (a) shall remain in effect until the designation is revoked after consultation between the Secretary of Homeland Security, the Attorney General, and the Secretary of State or is terminated in accordance with Federal law.”;

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 219 the following:

“220. Designation of criminal gangs.”;

(3) ANNUAL REPORT ON DETENTION OF CRIMINAL GANG MEMBERS.—Not later than March 1 of each year (beginning 1 year after the date of the enactment of this Act), the Secretary, after consultation with the heads of appropriate Federal agencies, shall submit to the Committee on Homeland Security and Gov- ernmental Affairs and the Select Committee on Intelligence of the Senate and the Committee on Homeland Security and Governmental Affairs of the House of Representa- tives a report on the number of detainees determined who are described by subparagraph (J) of section 212(a)(2) and subparagraph (G) of section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(J), 1227(a)(2)(G)), as added by subsections (b) and (c).
SEC. 512. BARRING ALIENS WITH CONVICTIONS FOR DRIVING UNDER THE INFLUENCE OR WHILE INTOXICATED.

(a) AGGRAVATED FELONY DRIVING UNDER THE INFLUENCE OR WHILE INTOXICATED.—

(1) DEFINITIONS.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(A) in subparagraph (T), by striking ''and'';

(B) in subparagraph (U), by striking the period at the end and inserting ''or''; and

(C) by adding at the end the following:

``(ii) a conviction for driving while under the influence of or impaired by alcohol or drugs), when such impaired driving was the cause of the serious bodily injury or death of another person or a second or subsequent conviction for driving while intoxicated (including a conviction for driving under the influence of or impaired by alcohol or drugs), without regard to whether the conviction was classified as a misdemeanor or felony under State law. For purposes of this paragraph, the Secretary of Homeland Security or the Attorney General are not required to prove the first conviction for driving while intoxicated (including a conviction for driving while under the influence of or impaired by alcohol or drugs) as a predicate offense necessary to establish the factual determination that the alien was previously convicted for driving while intoxicated (including a conviction for driving while under the influence of or impaired by alcohol or drugs) as a predicate offense necessary to establish the factual determination that the alien was previously convicted for driving while intoxicated (including a conviction for driving while under the influence of or impaired by alcohol or drugs) as a predicate offense necessary to establish the factual determination that the alien was previously convicted for driving while intoxicated (including a conviction for driving while under the influence of or impaired by alcohol or drugs).''.

(2) EFFECTIVE DATE AND APPLICATION.—The amendments made by paragraph (1) shall take effect on the date of enactment of this Act and apply to any conviction entered on or after such date.

(b) INADMISSIBILITY FOR DRIVING UNDER THE INFLUENCE OR WHILE INTOXICATED.—

(1) IN GENERAL.—Paragraph (2) of section 212(a)(9)(D) of the Immigration and Nationality Act (8 U.S.C. 1118(a)(9)(D)) is amended—

(A) in subparagraph (D)(i), by striking the period at the end and inserting ''or''; and

(B) by adding after subparagraph (D) the following:

``(E) TECHNICAL AND CONFORMING AMENDMENTS.—Section 212(a)(2)(K) of the Immigration and Nationality Act (8 U.S.C. 1118(a)(2)(K)) is amended—

(1) by inserting 'or the Secretary' after 'the Attorney General' each place such term appears; and

(2) in the matter preceding paragraph (1), by inserting 'and' (E) and inserting 'I', (E), and (K)''.''

(2) APPLICATION.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act and apply to any conviction entered on or after such date.

SEC. 513. BARRING AGGRAVATED FELONS, BORDER CHECKPOINT RUNNERS, AND SEX OFFENDERS FROM ADMISSION TO THE UNITED STATES.

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUND.—Paragraph (h) of section 212 of the Immigration and Nationality Act (8 U.S.C. 11182) is amended—

(1) in subsection (A), in subclause (I), by striking ''and'' or inserting a semicolon;

(2) in subclause (II), by striking the comma at the end and inserting ''or''; and

(3) by adding after subclause (II) the following:

``(III) a violation of (or a conspiracy or attempt to violate) any statute relating to section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security numbers) of title 18, United States Code (relating to fraud and related activity in connection with identification documents, authentication features, and instructions);''.

(b) EFFECTIVE DATE AND APPLICATION.—The amendments made by paragraph (1) shall take effect on the date of enactment of this Act and apply to any conviction entered on or after such date.

(a) CIVIL IMMIGRATION LAW ENFORCEMENT CHECKPOINT RUNNERS.—Any alien who—

(1) is convicted of, or admits committing, any crime involving—

(A) the procurement of, or attempt to sell, exchange, use, own, possess, or carry, any weapon, or attempt or conspire to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructible device (as defined under title 18, United States Code) in violation of any law is inadmissible.

(b) AGGRAVATED FELONS.—Any alien who—

(1) is convicted of, or admits committing, any crime involving—

(A) the procurement of, or attempt to sell, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructible device (as defined under title 18, United States Code) in violation of any law is inadmissible.

(c) GROSS PROSTITUTION.—Any alien who—

(1) is convicted of, or admits committing, any crime involving—

(A) the procurement of, or attempt to sell, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructible device (as defined under title 18, United States Code) in violation of any law is inadmissible.

(d) TERRORISTS.—Any alien who—

(1) is convicted of, or admits committing, any crime involving—

(A) the procurement of, or attempt to sell, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructible device (as defined under title 18, United States Code) in violation of any law is inadmissible.

(e) DRUG DIVERSION.—Any alien who—

(1) is convicted of, or admits committing, any crime involving—

(A) the procurement of, or attempt to sell, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructible device (as defined under title 18, United States Code) in violation of any law is inadmissible.

(f) SEX OFFENDERS FROM ADMISSION TO THE UNITED STATES.—An alien is deportable who—

(1) is convicted of, or admits committing, any crime involving—

(A) the procurement of, or attempt to sell, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructible device (as defined under title 18, United States Code) in violation of any law is inadmissible.

SEC. 514. VIOLATORS OF PROTECTION ORDERS.

(a) VIOLATORS OF PROTECTION ORDERS.—

(1) IN GENERAL.—Any alien who—

(A) is convicted of, or admits committing, any crime involving—

(i) a violation of a protection order that involves protection against physical force or threatened use of physical force or a deadly weapon that involves the use or attempted use of physical force or a deadly weapon against a person committed by a current or former spouse of the person whom the alien shares a child in common, by an individual similarly situated to a spouse of the person whom the alien shares a child in common, by a former spouse, parent, or guardian of the victim, the father or mother of the child in common, by a person similarly situated to a parent of the child in common, or by a person who has been convicted of a crime of violence and who has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a parent of the victim as a spouse, parent, or guardian, under section 1631 of title 18, United States Code, (relating to the procurement of, or attempt to sell, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructible device (as defined under title 18, United States Code) in violation of any law is inadmissible.

(b) VIOLATORS OF PROTECTION ORDERS.—

(1) IN GENERAL.—Any alien who—

(A) is convicted of, or admits committing, any crime involving—

(i) a violation of a protection order that involves protection against physical force or threatened use of physical force or a deadly weapon that involves the use or attempted use of physical force or a deadly weapon against a person committed by a current or former spouse of the person whom the alien shares a child in common, by an individual similarly situated to a spouse of the person whom the alien shares a child in common, by a former spouse, parent, or guardian of the victim, the father or mother of the child in common, by a person similarly situated to a parent of the child in common, or by a person who has been convicted of a crime of violence and who has cohabited with the victim as a spouse, parent, or guardian, under section 1631 of title 18, United States Code, (relating to the procurement of, or attempt to sell, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructible device (as defined under title 18, United States Code) in violation of any law is inadmissible.
custody orders or provisions) whether obtained by filing an independent action or as an independent order in another proceeding.

(iii) WAIVER AUTHORIZED.—For provision and waiver of subsection (a) of this section, as amended by section 507 and 508, is further amended by adding at the end the following:

"(1) Identification fraud.—Any alien who is convicted of a violation of (or a conspiracy or attempt to violate) an offense relating to the Social Security Act (42 U.S.C. 408) (relating to social security accounts, identity theft, and national security matters) as amended by section 1208 of title 18, United States Code, (relating to fraud and related activity in connection with identification), is deportable.

(d) APPLICABILITY.—The amendments made by this section shall apply to—

(1) any alien who is convicted before, on, or after the date of the enactment of this Act; and

(2) all aliens who are required to establish admissibility on or after such date of enactment; and

(3) all removal, deportation, or exclusion proceedings that are filed, pending, or opened, on or after such date of enactment.

(e) CONSTRUCTION.—The amendments made by this section shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) if such eligibility did not exist before the date of enactment of this Act.

SEC. 514. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A), by inserting '(viii) to perpetrate an offense described in subparagraph (A), (I), or (K) of section 101(a)(43) or a specified offense against a minor as defined in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911(7)), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien possesses no risk to the alien with respect to whom a petition described in clause (i) is filed.'; and

(2) in subparagraph (B)—

(A) by redesigning the second subclause (I) as subclause (II); and

(B) by amending such subclause (II) to read as follows:

"(II) Subclause (I) shall not apply in the case of an alien lawfully admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43) or a specified offense against a minor as defined in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911(7)), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.'.

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) of such Act, as amended by section 101(a)(15)(K), is amended by striking "(I)(A)(viii)(I)" each place such term appears and inserting "(I)(A)(viii)(I)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to petitions filed on or after such date.

SEC. 515. ENHANCED CRIMINAL PENALTIES FOR HIGH SPEED FLIGHT.

(a) IN GENERAL.—Section 758 of title 18, United States Code, is amended to read as follows:

"758. Unlawful flight from immigration or customs controls

"(a) EVADEING A CHECKPOINT.—Any person who, while operating a motor vehicle or vessel, aircraft, or vessel, knowingly or recklessly disregards or disobeys the lawful command of an officer of the Department of Homeland Security engaged in the enforcement of the immigration, customs, or maritime laws, or the laws enforcing any law enforcement officer assisting such officer, shall be fined under this title, imprisoned not more than 2 years, or both.

(b) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed
create eligibility for relief from removal under former section 212(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) if such eligibility did not exist before the date of enactment of this Act.

SEC. 516. PROHIBITION ON ASYLUM AND CANCEL-
LATION OF REMOVAL FOR TERRORISTS.

(a) ASYLUM.—Subparagraph (A) of section 208(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)), as amended by section 508, is further amended—

(1) by inserting “or the Secretary” after “the Attorney General”; and

(2) by striking clause (v), and inserting—

(vii) the alien is described in section 212(a)(3)(B)(i) or section 212(a)(3)(F), unless, in the case of an alien described in subclause (IX) of section 212(a)(3)(B)(i), the Secretary or the Attorney General determines, in his or her sole and unreviewable discretion, that there are not reasonable grounds for regarding

the alien as a danger to the security of the United States;”.

(b) CANCELLATION OF REMOVAL.—Paragraph (4) of section 240A(c) of the Immigration and Nationality Act (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking “inadmissible under” and inserting “described in”;

and

(2) by striking “inadmissibility under” and inserting “described in”.

(c) RESTRICTION ON REMOVAL.—Subparagraph (A) of section 214(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(A)) is amended—

(A) by inserting “or the Secretary” after “Attorney General” both places that term appears;

(B) by striking “Notwithstanding” and inserting the following:

“(i) in general.—Notwithstanding;”;

and

(C) by adding at the end the following:

“(ii) burden of proof.—The alien has the burden of proving a loss of status occurring or existing before, on, or after the date of enactment of this Act; and

(d) EFFECTIVE DATE AND APPLICATION.—The amendments made by paragraphs (1) and (2) shall take effect as if enacted on May 11, 2005, and shall apply to applications for withdraw

holding of removal made on or after such date.

(d) EFFECTIVE DATES.—Except as provided in paragraph (c)(4), the amendments made by section 516(a) shall apply to the date of enactment of this Act and sections 208(b)(2)(A), 240A(c), and 241(b)(3) of the Immigration and Nationality Act, as so amended, shall apply to—

(1) all aliens in removal, deportation, or exclusion proceedings;

(2) all applications pending on, or filed after, the date of the enactment of this Act; and

(3) with respect to aliens and applications described in paragraph (1) or (2) of this subparagraph, constituting a ground for exclusion, deportation, or removal occurring or existing before, on, or after the date of the enactment of this Act.

SEC. 517. AGGRAVATED FELONIES.

(a) DEFINITION OF AGGRAVATED FELONY.— Paragraph (4) of section 101(a)(40) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(40)), as amended by section 508, is further amended—

(1) in subparagraph (A), by striking “sexual abuse of a minor;” and inserting “any conviction for a sex offense, including an offense described in section 2221, or Title 18, United States Code, or an offense where the alien abused or was involved in incest or domestic violence occurring after the age of 18 years, or in which the victim is in fact under the age of 18 years, regardless of the reason and extent of the act, the sentence imposed, or the elements in the offense that are required for conviction;”;

(2) in subparagraph (B), by striking “at least one year” and inserting “is at least one year;”;

(3) in subparagraph (C)(i), by striking “which is described in the first paragraph, or aiding, abetting, procuring, counseling, commanding, inducing, or soliciting the commission of such an offense;” and inserting “described in this paragraph;” and

(4) in subparagraph (I), by striking “any sentence, or conviction, sentence, or conviction, or was granted to ameliorate the consequences resulting from the original conviction;” and inserting “any reversal, vacatur, expungement, or modification of a conviction, sentence, or conviction that was granted to ameliorate the consequences of the conviction, sentence, or conviction record, for rehabilitative purposes;”.

(b) DEFINITION OF CONVICTION.—Section 101(a)(48) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(48)) is amended by adding at the end the following:

“(C)(i) any reversal, vacatur, expungement, or modification, including any change in any sentence, or conviction, including any modification to any sentence for an offense, was not granted to ameliorate the consequences of the conviction, sentence, or conviction record, for rehabilitative purposes;”.

(c) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act that occurred before, on, or after such date of enactment.

SEC. 518. CONVICTIONS.

(a) Section 1225(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)), as amended by section 509 through 511, is further amended by adding at the end the following sub

paragraph:

“(L) CONVICTIONS.—

(1) IN GENERAL.—For purposes of determining whether an unauthorized alien’s deportable or inadmissible offense constitutes a ground of inadmissibility under this subsection, all statutes or common law offenses are divisible as long as any of the conduct encompassed by the statute constitutes an offense that is a ground of inadmissibility.

(2) OTHER EVIDENCE.—If the conviction records (i.e., charging documents, plea agreements, plea colloquies, jury instructions) do not conclusively establish whether a crime constitutes a ground of inadmissibility, the Attorney General or the Secretary of Homeland Security may consider other evidence related to the conviction, including but not limited to police reports and witness statements, that clearly establishes that the conduct for which the alien was engaged constitutes a theft or burglary offense;”.

(b) Section 1225(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(b)(3)), as amended by section 509 through 511, is further amended by adding at the end the following subsection:

“(A) CONVICTIONS.—

(1) IN GENERAL.—For purposes of determining whether an unauthorized alien’s deportable or inadmissible offense constitutes a ground of inadmissibility under this subsection, all statutes or common law offenses are divisible as long as any of the conduct encompassed by the statute constitutes an offense that is a ground of inadmissibility.

(2) OTHER EVIDENCE.—If the conviction records (i.e., charging documents, plea agreements, plea colloquies, jury instructions) do not conclusively establish whether a crime constitutes a ground of inadmissibility, the Attorney General or the Secretary of Homeland Security may consider other evidence related to the conviction, including but not limited to police reports and witness statements, that clearly establishes that the conduct for which the alien was engaged constitutes a theft or burglary offense;.”
mandated by this section shall take effect on the date of the enactment of this Act (8 U.S.C. 1253(a)(1)) that occur on or after such date.

SEC. 520. FAILURE TO OBEY REMOVAL ORDERS.

(a) In General.—Section 243(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)), as amended by sections 601-603, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1), by inserting "212(a) or" before "237(a)"); and

(2) by striking paragraph (3).

(b) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to removal orders entered before, on, or after such date.

SEC. 521. SANCTIONS FOR COUNTRIES THAT DELAY OR PREVENT REPARTITION OF THEIR NATIONALS.

Section 243 of the Immigration and Nationality Act (8 U.S.C. 1235) is amended by striking subsection (d) and inserting the following:

""(d) Listing of Countries Who Delay Repatriation of Removed Aliens.—"

(1) Listing of Countries.—Beginning on the date the Secretary makes a determination under the date of enactment of the Building America’s Trust Act, and every 6 months thereafter, the Secretary shall publish a report in the Federal Register listing the following:

(A) countries that have refused or unreasonably delayed repatriation of an alien who is a national of that country since the date of enactment of this Act and the total number of such aliens, disaggregated by nationality.

(B) countries that have an excessive repatriation failure rate; and

(C) each country that was reported as noncompliant in the prior reporting period.

""(i) in general.—For purposes of determining whether an underlying criminal offense is a ground of deportability under this subsection, all statutes or common law offenses are divisible so long as any of the conduct encompassed by the statute constitutes a ground of deportability.

(ii) Other Evidence.—If the conviction records (i.e., charging documents, plea agreements, and jury indictments) do not conclusively establish whether a crime constitutes a ground of deportability, the Attorney General or the Secretary of Homeland Security may consider other evidence related to the conviction, including but not limited to police reports and witness statements, that clearly establishes that the conduct for which the alien was engaged constitutes a ground of deportability."".

SEC. 519. PARDONS.

(a) Definition.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as amended by sections --, is further amended by adding at the end the following:

""(h) PARDONS.—In the case of an alien who has been convicted of a crime, the Attorney General or the Secretary of Homeland Security shall grant such pardon to the extent it is consistent with the public interest, and shall take into account the nature and circumstances of the offense.

""(i) Conditional Pardons.—In the case of a conditional pardon, the Attorney General or the Secretary of Homeland Security shall determine whether the pardon will accept an alien under this section; or

""(j) Unconditional Pardons.—In the case of an unconditional pardon, the Attorney General or the Secretary of Homeland Security shall determine whether the pardon will accept an alien under this section.

(b) Deportability.—Section 227 of such Act (8 U.S.C. 1227(a)), as amended by sections --, is amended—

(1) in paragraph (2)(A), by striking clause (VI); and

(2) by striking and inserting the following:

""and

(2) by striking paragraph (3).

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to pardon grants before, on, or after such date.

SEC. 522. ENHANCED PENALTIES FOR CONSTRUCTION AND USE OF BORDER TUNNELS.

Section 555 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "not more than 20 years." and inserting "not less than 7 years but not more than 20 years."); and

(2) in subsection (b), by striking "not more than 10 years." and inserting "not less than 3 years but not more than 10 years.

SEC. 523. ENHANCED PENALTIES FOR FRAUD IN VISA, PERMITS, AND OTHER DOCUMENTS.

Section 1546(a) of title 18, United States Code, is amended—

(1) by striking "Commissioner of the Immigration and Naturalization Service" each place that term appears and inserting "Secretary of Homeland Security";

(2) by striking "Shall be fined" and all that follows the end and inserting "Shall be fined under this title or not more than 12 years but not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 1115 of title 28, United States Code), not less than 5 years but not more than 10 years (in the case of the first or second such offense, if the offense was not committed to facilitate such an act), or for an offense described in section 1957(b)(2) (relating to drug trafficking crime), or not less than 7 years but not more than 15 years (in the case of any other offense), or both.

SEC. 524. EXPANSION OF CRIMINAL ALIEN REPATRIATION FLIGHTS.

(a) Expansion of Department Criminal Alien Repatriation Flights.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall increase the number of criminal aliens removed through consecutively flights from the United States conducted by U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement Air Operations by not less than 15 percent more than the number of such flights operated, and authorized to be operated, under existing applications and funding on the date of the enactment of this Act.

(b) U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT AIR OPERATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue a directive to expand U.S. Immigration and Customs Enforcement Air Operations (ICE Air Ops) so that ICE Air Ops provides additional services with respect to aliens who are illegally present in the United States. Such expansion shall include—

(1) increasing the daily operations of ICE Air Ops with buses and air hubs in the top geographic regions along the southern border;

(2) allocating a set number of seats for such aliens for each metropolitan area; and

(3) allowing a metropolitan area to trade one of its seats allocations for another area under paragraph (2) for such aliens to other areas in the region of such area based on the transportation needs of each area.

SEC. 525. AUTHORIZATION OF APPROPRIATIONS.

In addition to the amounts otherwise authorized to be appropriated, there is authorized to be appropriated $5,000,000 for each of fiscal years 2018 through 2021 to carry out this section.

Subtitle B—Strong Visa Integrity Secures America Act

SEC. 531. SHORT TITLE.

This subtitle may be cited as the "Strong Visa Integrity Secures America Act".

SEC. 532. VISA SECURITY.

(a) Security Units at High Risk Posts.—Paragraph (1) of section 426(e) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)) is amended—

(1) by striking "The Secretary" and inserting the following:

""(A) Authorization.—Subject to the minimum number specified in subparagraph (B), the Secretary; and

(2) by adding at the end the following new subparagraph:

""(B) Risk-Based Assignments.—In carrying out subparagraph (A), the Secretary shall assign, in a risk-based manner, and considering the criteria described in clause (ii), employees of the Department to nonprofit diplomatic and consular posts at which visas are issued."

""(8) PARDONS.—In the case of an alien who has been convicted of a crime and is subject to removal by reason of that conviction, if the alien, subsequent to receiving the criminal conviction, is granted a pardon, the alien shall not be deportable by reason of that criminal conviction."".

""(C) countries that have an excessive repatriation failure rate; and

""(D) each country that was reported as noncompliant in the prior reporting period.

""(ii) Other Evidence.—If the conviction records (i.e., charging documents, plea agreements, and jury indictments) do not conclusively establish whether a crime constitutes a ground of deportability, the Attorney General or the Secretary of Homeland Security may consider other evidence related to the conviction, including but not limited to police reports and witness statements, that clearly establishes that the conduct for which the alien was engaged constitutes a ground of deportability.

""(3) by striking paragraph (3).

(4) in the matter preceding subparagraph (A) of paragraph (1), by inserting "212(a) or" before "237(a)"); and

(5) by striking paragraph (3).

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to pardon grants before, on, or after such date.

SEC. 520. FAILURE TO OBEY REMOVAL ORDERS.

(a) In General.—Section 243(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)), as amended by sections --, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1), by inserting "212(a) or" before "237(a)"); and

(2) by striking paragraph (3).

(b) Effective Date.—The amendments made by subparagraph (A) shall take effect on the date of enactment of this Act and shall apply to acts that are described in subparagraphs (A) through (D) of section 243(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(1)) that occur on or after the date of enactment of this Act.

SEC. 521. SANCTIONS FOR COUNTRIES THAT DELAY OR PREVENT REPARTITION OF THEIR NATIONALS.

Section 243 of the Immigration and Nationality Act (8 U.S.C. 1235) is amended by striking subsection (d) and inserting the following:

""(d) Listing of Countries Who Delay Repatriation of Removed Aliens.—"

(1) Listing of Countries.—Beginning on the date the Secretary makes a determination under the date of enactment of the Building America’s Trust Act, and every 6 months thereafter, the Secretary shall publish a report in the Federal Register listing the following:

(A) countries that have refused or unreasonably delayed repatriation of an alien who
“(ii) CRITERIA DESCRIBED.—The criteria described in this clause (i) are the following:

“(1) The number of nationals of a country in which any of the diplomatic and consular posts described in subparagraph (A) is located who were identified in United States Government databases related to the identities of known or suspected terrorists during the previous year.

“(2) Information analyzing the presence, activity, or movement of terrorist organizations (as such term is defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)) within or through such country.

“(3) The number of formal objections based on derogatory information issued by the Visa Security Advisory Opinion Unit pursuant to paragraph (10) regarding nationals of a country in which any of the diplomatic and consular posts referred to in clause (i) is located.

“(4) The adequacy of the border and immigration control of such country.

“(5) Any other criteria the Secretary determines appropriate.

“(iii) RULE OF CONSTRUCTION.—The assignment of employees of the Department pursuant to this subparagraph is solely the authority of the Secretary and may not be altered or rejected by the Secretary of State.’’.

“(b) COUNTERTERRORISM VETTING AND SCREENING.—Paragraph (2) of section 426 of the Homeland Security Act of 2002 is amended—

“(1) by redesignating subparagraph (C) as subparagraph (D); and

“(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) Screen any such applications against the national, national security, and terrorism databases maintained by the Federal Government.’’.

“(c) TRAINING AND HIRING.—Subparagraph (A) of section 426(e) of the Homeland Security Act of 2002 is amended by—

“(1) striking ‘‘The Secretary shall ensure, to the extent possible, that any employees’’ and inserting ‘‘The Secretary, acting through the Commissioner of U.S. Customs and Border Protection and the Director of U.S. Immigration and Naturalization Service, shall provide training to any employees’’; and

“(2) striking ‘‘shall be provided’’ and inserting ‘‘shall be provided’’.

“(d) PRE-ADJUDICATED VISA SECURITY ASSTANCY AND VISA SECURITY ADVISORY OPINION UNIT.—Subsection (e) of section 426 of the Homeland Security Act of 2002 is amended by adding at the end the following new paragraph:

“(9) REMOTE PRE-ADJUDICATED VISA SECURITY ASSISTANCE.—At the visa-issuing posts at which officers of the Department are not assigned pursuant to paragraph (1), the Secretary shall, in a risk-based manner, assign employees of the Department to remote facilities to process the inspections required under paragraph (2) at not fewer than 50 of such posts.

“(e) VISA SECURITY ADVISORY OPINION UNIT.—The Secretary shall establish within U.S. Immigration and Customs Enforcement a Visa Security Advisory Opinion Unit to respond to requests from the Secretary of State under paragraph (1) for security information maintained by the Department on visa applicants, including terrorism association, criminal history, counter-proliferation, and other relevant factors, as determined by the Secretary.’’.

“(f) SCHEDULE OF IMPLEMENTATION.—The requirements established under paragraphs (1) and (9) of section 426 of the Homeland Security Act of 2002 (6 U.S.C. 236(e)), as amended and added by this section, shall be implemented not later than three years after the date of the enactment of this Act.

“SEC. 353. ELECTRONIC PASSPORT SCREENING AND BIOMETRIC MATCHING.

“(a) IN GENERAL.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), is amended by adding at the end the following new section:

“SEC. 420. ELECTRONIC PASSPORT SCREENING AND BIOMETRIC MATCHING.

“(a) IN GENERAL.—Not later than one year after the date of the enactment of the Building America’s Security Act of 2002, the Secretary of U.S. Customs and Border Protection shall—

“(1) screen electronic passports at airports of entry by reading each such passport’s embedded chip; and

“(2) to the greatest extent practicable, utilize facial recognition technology or other biometric technology, as determined by the Commissioner, to inspect travelers at United States airports of entry.

“(b) APPLICABILITY.—

“(1) ELECTRONIC PASSPORT SCREENING.—Paragraph (1) of subsection (a) shall apply to—

“(I) a passport issued by an individual who is a national of a country that issues electronic passports;

“(II) the number of formal objections based on derogatory information issued by the Visa Security Advisory Opinion Unit pursuant to paragraph (10) regarding nationals of such country.

“(2) FACIAL RECOGNITION MATCHING.—Paragraph (2) of subsection (a) shall apply, at a minimum, to individuals who are nationals of an foreign country that issues electronic passports.

“(c) ANNUAL REPORT.—

“(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection, in collaboration with the Chief Privacy Officer of the Department, shall issue to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives, a report for the preceding fiscal year, containing—

“(A) information on the type of technology used at each airport of entry;

“(B) the number of individuals who were subject to inspection using either of such technologies at each airport of entry;

“(C) within the group of individuals subject to such inspection, the number of those individuals who were United States citizens and lawful permanent residents;

“(D) information on the disposition of data collected during the year covered by such report; and

“(E) information on protocols for the management of collected biometric data, including timeframes and criteria for storing, erasing, destroying, or otherwise removing such data from databases utilized by the Department.

“(d) CONTINUOUS SCREENING BY U.S. CUSTOMS AND BORDER PROTECTION.

“The Commissioner of U.S. Customs and Border Protection shall, in a risk-based manner, as-
SEC. 536. SOCIAL MEDIA REVIEW OF VISA APPLICANTS.

(a) IN GENERAL.—Subsection C of title IV of the Homeland Security Act of 2002 (8 U.S.C. 231 et. seq.) is amended by adding at the end the following new sections:

"SEC. 434. SOCIAL MEDIA SCREENING.

"(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Building America’s Trust Act, the Secretary of Homeland Security shall, to the greatest extent practicable, and in a risk based manner and on a risk based basis, review the social media accounts of visa applicants who are citizens of, or who reside in, high risk countries as determined by the Secretary based on the criteria described in subsection (b).

"(b) HIGH RISK CRITERIA DESCRIBED.—In determining whether a country is a high-risk pursuant to subsection (a), the Secretary shall consider the following criteria:

"(1) The number of nationals of the country who were identified in United States Government databases related to the identities of known or suspected terrorists during the previous year.

"(2) In total cooperation of the country with the counter-terrorism efforts of the United States.

"(3) Any other criteria the Secretary determines to be relevant.

"(c) COLLABORATION.—To develop the technology required to carry out the requirements of subsection (a), the Secretary shall collaborate with:

"(1) the head of a national laboratory within the Department’s laboratory network with relevant expertise;

"(2) the head of a relevant university-based center within the Department’s centers of excellence network; and

"(3) the heads of other appropriate Federal agencies.

"SEC. 435. OPEN SOURCE SCREENING.

"The Secretary shall, to the greatest extent practicable, and in a risk based manner, review open source information of visa applicants.

"SEC. 434. Social media screening.

"SEC. 435. Open source screening.

Subtitle C—Visa Cancellation and Revocation

SEC. 541. CANCELLATION OF ADDITIONAL VISAS.

(a) IN GENERAL.—Subsection g of section 222 of the Immigration and Nationality Act (8 U.S.C. 1222(g)) is amended—

"(1) in the introductory text, by striking "‘issuance or refusal’ and inserting ‘issuance, refusal, or revocation’;"

"(2) in paragraph (2), in the matter preceding subparagraph (A) by striking "and on the basis of reciprocity’’; and

"(3) in paragraph (2)(A)—

"(A) by inserting ‘‘(1)’’ after ‘‘for the purpose of’’; and

"(B) by striking ‘‘illicit weapons; or’’ and inserting ‘‘illicit weapons, or (I) determining a person’s deportability or eligibility for a visa, admission, or other immigration benefit’’;

"(4) in paragraph (2)(B)—

"(A) by striking ‘‘for the purposes’’ and inserting ‘‘for one of the purposes’’; and

"(B) by striking ‘‘or to deny visas to persons who would be inadmissible to the United States’’ and inserting ‘‘; or’’; and

"(5) in paragraph (2), by adding at the end the following:

"(C) with regard to any or all aliens in the database, specified data elements from each record, if the Secretary of State determines that it is [required for national security or public safety and] in the national interest to provide such information to a foreign government.

"(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date of the enactment of the Act.

SEC. 543. VISA INTERVIEWS.

(a) IN GENERAL.—Section 222(h) of the Immigration and Nationality Act (8 U.S.C. 1222(h)) is amended—

"(1) in paragraph (1), by adding new subparagraph (D) to read as follows:

"(D) by the Secretary of State if the Secretary of State determines that an interview is unnecessary because the alien is ineligible for a visa.

"(2) in paragraph (2), by adding at the end a new subparagraph (G) to read as follows:

"(G) is an individual within a class of aliens that the Secretary of Homeland Security, in his sole and unreviewable discretion, has determined may pose a threat to national security or public safety.

"(b) JUDICIAL REVIEW OF VISA REVOCATION.

"Subtitle (i) of section 221 of the Immigration and Nationality Act (8 U.S.C. 1221(i)) is amended—

"(1) by inserting ‘‘(1)’’ after ‘‘(i)’’; and

"(2) by adding at the end the following:

"(2) A revocation under this subsection of a visa or other documentation from an alien shall not be a ground for denying any other valid visa that is in the alien’s possession.

"Subtitle D—Secure Visas Act

SEC. 551. SHORT TITLE.

This subtitle may be cited as the “Secure Visas Act.”

SEC. 552. AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY AND SECURITIES.

(a) IN GENERAL.—Section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by adding at the end the following:

"(1) IN GENERAL.—Notwithstanding section 104(a)(1) of the Immigration and Nationality Act is amended to read:

"(1) the powers, duties and functions of diplomatic and consular officers of the United States, and the power authorized by section 428(b) of the Homeland Security Act of 2002 (6 U.S.C. 236), as amended by section 542 of the Building America’s Trust Act, except those powers, duties and functions conferred upon the consular officers relating to the granting or refusal of visas.

Subtitle E—Other Matters

SEC. 561. REQUIREMENT FOR COMPLETION OF BACKGROUND CHECKS.

(a) IN GENERAL.—Section 183 of Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

"(b) COMPLETION OF BACKGROUND AND SECURITY CHECKS.

"(1) REQUIREMENT TO COMPLETE.—Notwithstanding any other provision of law (statutory or nonstatutory), including but not limited to section 309 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1738), sections 1361 and 1651 of title 28, United States Code, and section 701(e) of title 5, United States Code, neither the Secretary of Homeland Security nor the Attorney General may—

"(A) approve a grant to an alien any status, relief, protection from removal, employment authorization, or any other benefit under the immigration laws, including an adjustment of status, adjustment of legal resident status, or adjustment of status to lawful permanent residence or a grant of United States citizenship; or
(B) issue to the alien any documentation evidencing a status or grant of any status, relief, protection from removal, employment authorization, or other benefit under the immigration laws, by means of name-based searches, file number searches, and any other search that any criminal justice or other law enforcement officials are entitled to conduct; and

(ii) may contribute to the records maintained by the National Crime Information Center.

(2) AUTOMATIC STAYS.—(A) IN GENERAL.—A motion to vacate, modify, or dissolve, or otherwise terminate an order granting prospective relief made by the United States Government to vacate, modify, dissolve, or otherwise terminate an order granti

(2) Withholding of Adjudication.—The Secretary of Homeland Security and the Attorney General, the Secretary of State, the Secretary of Labor, or a consular officer to grant any application, approve any petition, or grant or continue any relief, protection from removal, employment authorization, or any other status or benefit under the immigration laws by, or on behalf of any alien with a criminal record or any application or investigation is open or pending (including, but not limited to, issuance of an arrest warrant or indictment), where such proceeding or investigation is deemed by such official to be material to the alien’s eligibility for the status, relief, protection, or benefit sought.

(3) WITHHOLDING OF ADJUDICATION.—The Secretary of Homeland Security, the Attorney General, the Secretary of State, or the Secretary of Labor may, in his or her discretion, deny, withdraw, or rescind any application, petition, request for relief, request for protection from removal, employment authorization, status or benefit under the immigration laws, by, or on behalf of any alien with a criminal record or any application or investigation is open or pending (including, but not limited to, issuance of an arrest warrant or indictment), where such proceeding or investigation is deemed by such official to be material to the alien’s eligibility for the status, relief, protection, or benefit sought.

(4) WITHHOLDING OF REMOVAL AND TORTURE CONVENTION.—This paragraph does not limit the Secretary of Homeland Security, the Attorney General, the Secretary of State, or the Consular Officer, to the extent permitted by law, to authorize the Secretary of Homeland Security, the Attorney General, the Secretary of State, or the Consular Officer, to the extent permitted by law, to authorize or take any other action in a case or matter under the immigration laws pending with or filed with the Secretary of Homeland Security or the Attorney General or on or after such date of enactment.

SEC. 562. WITHHOLDING OF ADJUDICATION.

(a) CRIMINAL JUSTICE ACTIVITIES.—Section 104 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

(1) WITHHOLDING OF ADJUDICATION.—(A) IN GENERAL.—If a court determines that such relief meets the requirements described in subparagraphs (A) and (B) of paragraph (1) for the entry of a final order granting prospective relief, the court—

(1) WITHHOLDING OF ADJUDICATION.—Notwithstanding any other provision of law (statutory or non-statutory), including section 309 of the Enhanced Border Security and Visa Entry Reforms Act (P.L. 113-183 and P.L. 114-125) and section 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, no court shall have jurisdiction to review a determination to withhold adjudication pursuant to this paragraph.

(2) Withholding of Adjudication.—The Secretary of Homeland Security shall receive, on request by the Secretary of Homeland Security, the Attorney General, or the Consular Officer, any information described in paragraph (1) by means of appropriate database without any fee or charge.

(3) JURISDICTION.—Notwithstanding any other provision of law (statutory or non-statutory), including section 309 of the Enhanced Border Security and Visa Entry Reforms Act (P.L. 113-183 and P.L. 114-125) and section 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, no court shall have jurisdiction to review a determination to withhold adjudication pursuant to this paragraph.

(4) Withholding of removal and torture convention.—This paragraph does not limit the Secretary of Homeland Security, the Attorney General, the Secretary of State, or the Consular Officer, to the extent permitted by law, to authorize or take any other action in a case or matter under the immigration laws pending with or filed with the Secretary of Homeland Security or the Attorney General.
(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTMOTION.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall—

(i) treated as an order refusing to vacate, modify, dissolve, or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(d) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws, the court may not enter, approve, or continue a consent decree that does not comply with the requirements of subsection (b)(1).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with subsection (b)(1).

(e) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

(f) CONSENT DEGREE DEFINED.—In this section, the term "consent decree" means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and does not include private settlement agreements.

SEC. 565. USE OF 1986 IRCA LEGALIZATION INFORMATION FOR NATIONAL SECURITY PURPOSES:

(a) SPECIAL AGRICULTURAL WORKERS.—Section 219(b)(6) of the Immigration and Nationality Act (8 U.S.C. 1160(b)(6)) is amended—

(1) by striking "Attorney General" each place that term appears and inserting "Secretary";

(2) in subparagraph (A), by striking "Justice" and inserting "Homeland Security";

(3) in subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(4) inserting after subparagraph (B) the following:

"(C) AUTHORIZED DISCLOSURES.—"

"(i) CENSUS PURPOSE.—The Secretary of Homeland Security may provide, in the Secretary's discretion, for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed under section 8 of title 13, United States Code.

(ii) NATIONAL SECURITY PURPOSE.—The Secretary of Homeland Security may provide, in the Secretary's discretion, for the furnishing of information furnished under this section in an investigation, case, or matter, or for any purpose, relating to terrorism, national intelligence or the national security.

SEC. 566. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

Section 3291 of title 18, United States Code, is amended by striking "No person shall be prosecuted, tried, or convicted of any offense punishable by imprisonment..." and inserting "No person shall be prosecuted, tried, or convicted of any offense punishable by..."

SEC. 567. CONFORMING AMENDMENT TO THE DEFINITION OF RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended by striking "section 1542" and all that follows through "section 1546..." and inserting "section 1541-1547 (relating to passports and visas)."

SEC. 568. VALIDITY OF ELECTRONIC SIGNATURES:

(a) CIVIL CASES.—

(1) IN GENERAL.—Chapter 9 of title II of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)) is amended by striking paragraph (1) of such section.

(b) CRIMINAL CASES.—

(1) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by striking "No person shall be prosecuted, tried, or convicted of any offense punishable by..." and inserting "No person shall be prosecuted, tried, or convicted of any offense punishable by..."

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 294 the following:

"295. Validity of signatures.".

(b) CIVIL CASES.—

(1) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following:

"§ 295. Validity of signatures.

SEC. 603. PRECLUDING ASYLEE AND REFUGEE ADJUSTMENT OF STATUS FOR CERTAIN GROUNDS OF INADMISSIBILITY AND DEPORTABILITY.

(a) GROUNDS FOR INADMISSIBILITY.—Section 209(c) of the Immigration and Nationality Act (8 U.S.C. 1116(c)) is amended by striking "any other provision of such section (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3))" and inserting "paragraph (1) of such section".

(b) NECESSARY.—Section 209(c) of the Immigration and Nationality Act (8 U.S.C. 1116(c)) is amended by striking "other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3))" and inserting "other than subparagraph (B) or (G) or subparagraph (A), (B), (C), (E), (F) or (G) of paragraph (3))".

(c) GROUNDS FOR DEPORTABILITY.—Section 209(f) of the Immigration and Nationality Act (8 U.S.C. 1116) is amended by adding at the end the following:

"(d) GROUNDS FOR DEPORTABILITY.—An alien may not adjust status under this section if the alien is deportable under any provision of section 237 except subsections (a)(5) of such section.".
(d) Effective Date.—The amendments made by this section shall apply to—
(1) any act that occurred before, on, or after the date of the enactment of this Act; and
(2) all aliens who are required to establish admissibility on or after such date, and in all removal, deportation, or exclusion proceedings pending, reopened, or on after such date.

SEC. 604. PRECLUDING REFUGEE ADJUSTMENT OF STATUS FOR PERSECUTORS AND HUMAN RIGHTS VIOLATORS.

(a) Prohibition of Refugees Seeking Adjustment of Status to Lawful Permanent Resident or Naturalized in Nazi Persecution, Genocide, Severe Violations of Religious Freedom, Torture, Extrajudicial Killing, or the Recruitment, Use of Child Soldiers.—Section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1159(c)) is amended by striking “(other than paragraph (2)(C) or subparagraph (A), (B), (C), (E), (F) or (G) of paragraph (3))” and inserting “(other than paragraph (2)(C) or (G) or subparagraph (A), (B), (C), (E), (F) or (G) of paragraph (3))”.

(b) Revocation of Lawful Permanent Resident Status for Human Rights Violators.—Section 209(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1160(b)(5)) is amended by inserting at the end a new subparagraph (F) to read as follows—

“(F) denying to certain aliens outside the United States who are associated with human rights violations. The preceding provisions of this paragraph shall apply to any aliens in removal proceedings under this section who are outside of the United States, has received notice of proceedings under section 230(a) either within or outside the United States, and is described in section 212(a)(2)(G) (officials who have committed particularly severe violations of religious freedom), 212(a)(3)(E) (Nazi persecution, extrajudicial killing, torture, or recruitment or use of child soldiers).”.

SEC. 605. REMOVAL OF CONDITION ON LAWFUL PERMANENT RESIDENT STATUS PRIOR TO NATURALIZATION.

Sections 216(e) and 216a(e) of the Immigration and Nationality Act (8 U.S.C. 1186c(e), 1186a(e)) are amended—

(a) for removing the period of time unless it is necessary to determine the application of subparagraph (A) to an alien who has been in the United States for a continuous period of time not less than one year; and

(b) by redesignating subsection (b) as subsection (c) and inserting at the end the following:

“(b) Nothing in subsection (a) shall require the Secretary of Homeland Security to rescind the alien’s status prior to commencement of proceedings to remove the alien under section 239 of the Act. The Secretary of Homeland Security may commence removal proceedings at any time against any alien who is removable for withholding those aliens who adjusted status under section 245 or 249 of the Act or any other provision of law to that of an alien lawfully admitted for permanent residence. The Act contains no statute of limitations with respect to commencement of removal proceedings under section 240. An order of removal issued by an immigration judge shall be sufficient to rescind the alien’s status.”

SEC. 609. BARRING PERSECUTORS AND TERRORISTS FROM REGISTRY.

Section 539 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended to read as follows:

“Sec. 539. In General.—The Secretary of Homeland Security, in the discretion of the Secretary and under such regulations as the Secretary may prescribe, may enter a record of lawful admission for permanent residence in the case of any alien, if no such record is otherwise available and the alien—
(1) entered the United States before January 1, 1997;
(2) has continuously resided in the United States since such entry;
(3) has been a person of good moral character at such entry;
(4) is not ineligible for citizenship;
(5) is not described in paragraph (1)(A)(iv), (2), (3), (6)(C), (6)(E), (8), or (9)(C) of section 214 of the Act; and
(6) is not described in paragraph (1)(E), (1)(G), (2), (4) of section 237(a); and

SEC. 607. TREATMENT OF APPLICATIONS FOR ADJUSTMENT OF STATUS DURING PENDING DENATURALIZATION PROCEEDINGS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by inserting after section 605, is further amended by adding a new subsection (n) to read as follows:

“(n) Treatment of Applications During Pending Denaturalization Proceedings. No application for adjustment of status may be considered or approved by the Secretary of Homeland Security or Attorney General, and no court shall order the approval of an application for adjustment of status if the approved petition for classification under section 239 of the Act is the underlying basis for the application for adjustment of status was filed by an individual who has a judicial proceeding pending against him or her that would result in the individual’s denaturalization under section 340.”

SEC. 608. EXTENSION OF TIME LIMIT TO PERMIT RESCISSION OF PERMANENT RESIDENT STATUS.

Section 246 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended—

(1) in subsection (a) by—
(A) inserting “(1)” after “(a)”;
(B) striking “within five years” and inserting “within 10 years”;
(C) striking “Attorney General” each place that term appears and inserting “Secretary of Homeland Security”;

(2) by deleting and resubstituting—

“(2) In any removal proceeding involving an alien whose status has been rescinded under this subsection, the determination by the Secretary that the alien was not eligible for adjustment of status is not subject to review or reconsideration during such proceeding.”

(3) by inserting new subsection (b) as subsection (c); and

(4) by inserting new subsection (b) to read as follows—

“(b) Nothing in subsection (a) shall require the Secretary to rescind the alien’s status prior to commencement of proceedings to remove the alien under section 239 of the Act. The Secretary of Homeland Security may commence removal proceedings at any time against any alien who is removable for purposes of adjusting the alien’s status, and no court shall order the approval of an application for adjustment of status if the approved petition for classification under section 239 of the Act or any other provision of law to that of an alien lawfully admitted for permanent residence. The Act contains no statute of limitations with respect to commencement of removal proceedings under section 240. An order of removal issued by an immigration judge shall be sufficient to rescind the alien’s status.”

SEC. 606. PROHIBITION OF REFUGEES SEEKING ADJUSTMENT OF STATUS TO LAWFUL PERMANENT RESIDENT STATUS WHO HAVE ENGAGED IN NAZI PERSECUTION.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by striking the section heading and subsection (a) and inserting the following:

“Sec. 245. Adjustment of status to that of a person admitted for permanent residence.

(a) In General.—

(1) Eligibility for adjustment.—The status of an alien who was inspected and admitted as a nonimmigrant or as a lawful permanent resident is not subject to exclusion, deportation, or removal from the United States; and

(2) an alien who was an unauthorized alien, as defined in section 274a(b)(3), or who has otherwise violated the terms of a nonimmigrant visa.”.
‘‘(7) did not, at any time, without reason-
able cause, fail or refuse to attend or remain in attendance at a proceeding to de-
termine the alien’s inadmissibility or deportability.’’

(b) REVISION DATE OR PERMANENT RESIDENCE.—The record of an alien’s lawful ad-
mission for permanent residence shall be the date the Secretary approves the applica-
tion for such status under this section.’’

Subtitle E—Prohibition on Naturalization
and United States Citizenship

SEC. 621. BARRING TERRORISTS FROM BECOM-
ING NATURALIZED UNITED STATES CITIZENS

(a) Section 316 of the Immigration and Na-
tionality Act (8 U.S.C. 1427) is amended by adding at the end the following:

‘‘(g) PEONING ENDANGERING NATIONAL SEC-
URITY.—

‘‘(1) PROHIBITION ON NATURALIZATION.—

‘‘(A) In General.—No person may be natu-
ralyzed if the Secretary of Homeland Secu-

‘‘(B) Exception.—Subparagraph (A), as it
relates to an alien described in section
212(a)(3), shall not apply if the alien received
an exemption under section 212(d)(3)(B)(i) and
the applicant’s conduct or actions that make
the alien come within the ambit of section
212(a)(3) and would bar the alien from natu-
ralization are specifically covered by such
exemption.

‘‘(2) BASIS FOR DETERMINATION; PROHIBITION
ON REVIEW.—A determination made under
paragraph (1) may be based upon any rele-
vant conduct or evidence, including classified,
sensitive, or national security in-
formation.’’.)

(b) Section 340(d) of the Immigration and Na-
tionality Act (8 U.S.C. 1451(e)) is amended by revising the first sentence to read as
follows—

‘‘Any person who claims United States citi-
zenship through the naturalization of a par-
tent or spouse in whose case there is a re-
cusal, or the order admitting such parent or spouse to citizenship under the provi-
sions of—

‘‘(1) subsection (a) of this section on the
ground that the order and certificate of nat-
uralization were procured by concealment
of a material fact or by willful misrepresenta-
tion; or

‘‘(2) subsection (e) of this section pursuant
to a conviction under section 1245 of title 18,
shall be deemed to have lost and to lose his
citizenship and any right or privilege of citi-
zenship which he may, have, now has, or may
hereafter acquire under and by virtue of such
naturalization of a parent or by permitting
such parent to spouse to citizenship under
the provisions of—

‘‘(1) subsection (a) on the ground that the order and certificate of natu-
ralization were procured by concealment
of a material fact or by willful misrepresenta-
tion; or

‘‘(2) subsection (e) of this section pursuant

SEC. 622. TERRORIST BAR TO GOOD MORAL
CHARACTER.

(a) DEFINITION OF GOOD MORAL CHAR-
ACTER.—

(b) EXCLUSION OF TERRORIST ALIENS.—Sec-
tion 101(f) of the Immigration and Nation-
ality Act (8 U.S.C. 1101(f)), as amended by
sections 506 and 508, is further amended—

(A) in paragraph (8), by striking ‘‘or’’; and

(B) by inserting after paragraph (10), as

SEC. 623. PROHIBITION ON JUDICIAL REVIEW
OF NATURALIZATION APPLICATIONS
FOR ALIENS IN REMOVAL PRO-
CEEDINGS.

Section 336 of the Immigration and Nation-
ality Act (8 U.S.C. 1229) is amended in its
totality to read as follows:

‘‘(a) IN GENERAL.—Except as otherwise
provided in this subchapter, no person shall be
naturalized unless he has been lawfully ad-
mitted to the United States for permanent
residence in accordance with all applicable
provisions of this chapter—

‘‘(b) BURDEN OF PROOF.—The burden of
proof shall be upon such person to show that
he entered the United States lawfully, and
within the 180-day period beginning on the
date of enactment of this Act, shall apply to any act that oc-
curred before, on, or after the date of enact-
ment, and any application for naturalization or any other case or matter under the immi-
grant laws pending on or filed after the
end of the 180-day period beginning on
the date of enactment—

‘‘(2) SUBSECTION (c).—The amendments made
by subsection (c) shall take effect as if in-
cluded in the enactment of the Immigration

SEC. 624. LIMITATION ON JUDICIAL REVIEW
WHEN AGENCY HAS NOT MADE DECISION
ON NATURALIZATION APPLICATION
AND ON DENIALS.

(a) LIMITATION ON REVIEW OF PENDING
NATURALIZATION APPLICATION (b) of
section 336 of the Immigration and Na-
tionality Act (8 U.S.C. 1427(b)) is amended to
read as follows:—

‘‘(b) REQUEST FOR HEARING BEFORE DIS-
TRICT COURT.—If no final administrative de-
termination is made on an application for
naturalization under section 335 prior to the
end of the 180-day period beginning on the
date on which the Secretary of Homeland Se-
curity completes all examinations and inter-
views conducted under such section, as such
terms are defined by the Secretary pursuant
to regulations, the applicant may apply to
the district court for the district in which the
applicant resides for a hearing on the matter. Such court shall only have jurisdic-
tion to review the basis for delay and remand
the matter to the Secretary for the Sec-
urity completes all examinations and inter-
views conducted under such section, as such
terms are defined by the Secretary pursuant
to regulations, the applicant may apply to
the district court for the district in which the
applicant resides for a hearing on the mat-

(b) BURDEN OF PROOF.—The burden shall
be upon the petitioner to show that the de-
fer to the Secretary for the Sec-
urity completes all examinations and inter-
views conducted under such section, as such
terms are defined by the Secretary pursuant
to regulations, the applicant may apply to
the district court for the district in which the
applicant resides for a hearing on the mat-

(c) EFFECTIVE DATE AND APPLICATION.—

(1) SUBSECTIONS (a) and (b).—The amend-
mments made by subsections (a) and (b) shall
apply to any act that occurred before, on, or after the date of enact-
ment, and any application for naturalization or any other case or matter under the immi-
grant laws pending on or filed after the
date of enactment of this Act.

(2) SUBSECTION (c).—The amendments made
by subsection (c) shall take effect as if in-
cluded in the enactment of the Immigration

SEC. 625. PROHIBITION ON JUDICIAL REVIEW
OF NATURALIZATION APPLICATIONS
FOR ALIENS IN REMOVAL PRO-
CEEDINGS.

Section 336 of the Immigration and Nation-
ality Act (8 U.S.C. 1229) is amended in its
totality to read as follows:

‘‘(a) IN GENERAL.—Except as otherwise
provided in this subchapter, no person shall be
naturalized unless he has been lawfully ad-
mitted to the United States for permanent
residence in accordance with all applicable
provisions of this chapter—

‘‘(b) BURDEN OF PROOF.—The burden of
proof shall be upon such person to show that
he entered the United States lawfully, and
within the 180-day period beginning on the
date of enactment of this Act, shall apply to any act that oc-
curred before, on, or after the date of enact-
ment, and any application for naturalization or any other case or matter under the immi-
grant laws pending on or filed after the
date of enactment of this Act.

(2)(A) No application for naturalization
shall be considered by the Secretary of Hom-
land Security or any court if there is

(2)(B) No application for naturalization
shall be considered by the Secretary of Homer-
land Security or any court if there is

(2) BURDEN OF PROOF.—The burden shall
be upon the petitioner to show that the de-

(c) EFFECTIVE DATE AND APPLICATION.—

(1) SUBSECTIONS (a) and (b).—The amend-
mments made by subsections (a) and (b) shall
apply to any act that occurred before, on, or after the date of enact-
ment, and any application for naturalization or any other case or matter under the immi-
grant laws pending on or filed after the
date of enactment of this Act.

(2) SUBSECTION (c).—The amendments made
by subsection (c) shall take effect as if in-
cluded in the enactment of the Immigration

SEC. 623. PROHIBITION ON JUDICIAL REVIEW
OF NATURALIZATION APPLICATIONS
FOR ALIENS IN REMOVAL PRO-
CEEDINGS.

Section 336 of the Immigration and Nation-
ality Act (8 U.S.C. 1229) is amended in its
totality to read as follows:

‘‘(a) IN GENERAL.—Except as otherwise
provided in this subchapter, no person shall be
naturalized unless he has been lawfully ad-
mitted to the United States for permanent
residence in accordance with all applicable
provisions of this chapter—

‘‘(b) BURDEN OF PROOF.—The burden of
proof shall be upon such person to show that
he entered the United States lawfully, and
within the 180-day period beginning on the
date of enactment of this Act, shall apply to any act that occurred before, on, or after the date of enact-
ment, and any application for naturalization or any other case or matter under the immi-
grant laws pending on or filed after the
date of enactment of this Act.

(2)(B) No application for naturalization
shall be considered by the Secretary of Home-
land Security or any court if there is

(2)(B) No application for naturalization
shall be considered by the Secretary of Home-
land Security or any court if there is

(2) BURDEN OF PROOF.—The burden shall
be upon the petitioner to show that the de-

(c) LIMITATIONS ON REVIEW.—Except as
otherwise provided in this subchapter, the

(c) LIMITATIONS ON REVIEW.—Except as
otherwise provided in this subchapter, the

(c) LIMITATIONS ON REVIEW.—Except as
otherwise provided in this subchapter, the

“(B) understands and is attached to the principles of the Constitution of the United States; or

“(C) is well disposed to the good order and happiness of the United States; or

(c) EFFECTIVE DATE AND APPLICATION.—The amendments made by this subsection—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to any act that occurred before, on, or after such date of enactment; and

SEC. 627. TREATMENT OF PENDING APPLICATIONS DURING DENATALIZATION

(a) Section 204(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended by—

(1) inserting “(1) IN GENERAL.—Except as provided in subsection (b)(2),” before “After’’;

(2) revising the term “After” to read “after’’; and

(3) inserting new subsection (b)(2) to read as follows:

“(2) Treatment of petitions during pending denatalization proceedings. The Secretary shall not adjudicate or approve any petition filed under this section by an individual who has a judicial proceeding pending against him or her that would result in the individual’s denaturalization under section 340 until such proceedings have concluded and, if applicable, the period for appeal has expired or any appeals have been finally decided.”

SEC. 628. DENATURALIZATION OF TERRORISTS.

(a) DENATURALIZATION FOR TERRORISTS ACTIVITIES.—Section 340 of the Immigration and Nationality Act (8 U.S.C. 1451) is amended by—

(1) redesignating subsection (d) through (h) as subsections (t) through (j); and

(2) inserting new subsection (d) to read as follows:

“(d) COMMISSIONER TERROR ACT MANAGEMENT.—

(1) IN GENERAL.—If a person who has been naturalized shall, within 15 years following such naturalization, participate in any act described in subsection (d)(2), such act or acts shall be considered prima facie evidence that such person was not attached to the principles of the Constitution of the United States and was not well disposed to the good order and happiness of the United States; and the order admitting such person to citizenship and such canceling of certificate were illegally procured or were procured by concealment of a material fact or by willful misrepresentation.

(2) WITHHOLDING OF IMMIGRATION BENEFITS DURING DENATURALIZATION PROCEEDINGS.—The Secretary shall not accept or approve any application for any immigration benefit from an individual against whom there is a judicial proceeding pending that would result in the individual’s denaturalization under this section until such proceedings have concluded and, if applicable, the period for appeal has expired or any appeals have been finally decided.

(3) RIGHT OF REVIEW.—Any individual described in paragraph (1) may, upon request, file a judicial proceeding pending that would result in the individual’s denaturalization under this section and, if applicable, the period for appeal has expired or any appeals have been finally decided

SEC. 629. NATURALIZATION DOCUMENT RETENTION.

(a) IN GENERAL.—Chapter 2 of title III of the Immigration and Nationality Act (8 U.S.C. 1421 et seq.) is amended by inserting after section 344 the following:

“Sec. 345. Naturalization document retention.

“The Secretary shall retain the original paper naturalization application and all supporting paper documents submitted with the application for a period of not less than 7 years from the date of issuance of a naturalization certificate either by the Department of State or the Immigration and Naturalization Service, except for cases in which the retaining of such documents is required by law enforcement purposes.”

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 344 the following:

“Sec. 345. Naturalization document retention.”

Subtitle C—Forfeiture of Proceeds From Passport and Visa Offenses, and Passport Revocation

SEC. 631. FORFEITURE OF PROCEEDS FROM PASSPORT AND VISA OFFENSES.

Section 361(a)(1) of title 18, United States Code, is amended by adding at the end the following:

“(d) Any property, real or personal, that has been used to commit or facilitate the commission of an offense under this chapter, including any gross proceeds of such violation, and any property traceable to any such property or proceeds.”

SEC. 632. PASSPORT REVOCATION ACT.

(a) SHORT TITLE.—This section may be cited as the “Passport Revocation Act”.

(b) REVOCATION OR DENIAL OF PASSPORTS AND PASSPORT CARDS TO INDIVIDUALS WHO ARE AFFILIATED WITH FOREIGN TERRORIST ORGANIZATIONS.—The Act entitled “An Act to create new law enforcement and national security and other provisions, and for other purposes”, approved July 3, 1936 (22 U.S.C. 211a et seq.), which is commonly known as the “Passport Act of 1936”, is amended by adding at the end the following:

“Sec. 5. AUTHORITY TO DENY OR REVOKE PASSPORT AND PASSPORT CARD.

“(a) IN GENERAL.—

“(1) ISSUANCE.—Except as provided under subsection (b), the Secretary of State shall refuse to issue a passport or passport card to any individual—

“(A) who has been convicted under chapter 13B of title 18, United States Code; or

“(B) whom the Secretary has determined is a member of or is otherwise affiliated with an organization the Secretary has designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

“(ii) has aided, abetted, or provided material support to such an organization.

“(2) REVOCATION.—The Secretary of State shall revoke a passport or passport card issued to any individual described in paragraph (1).

“(b) EXCEPTIONS.—

“(i) EMERGENCY CIRCUMSTANCES, HUMANITARIAN REASONS, AND LAW ENFORCEMENT PURPOSES.—Notwithstanding subsection (a), the Secretary of State may issue, or decline to revoke, a passport of an individual described in such subsection in emergency circumstances, for humanitarian reasons, or for law enforcement purposes.

“(ii) LIMITATION FOR RETURN TO UNITED STATES.—Notwithstanding subsection (a)(2), the Secretary of State, before revocation, may—

“(A) limit a previously issued passport for use only for return travel to the United States; or

“(B) issue a limited passport that only permits return travel to the United States.

“(c) RIGHT OF REVIEW.—Any individual who, in accordance with this section, is denied issuance of a passport by the Secretary of State, or whose passport is revoked or otherwise limited by the Secretary of State, may request a hearing before the Secretary of State not later than 60 days after receiving notice of such denial, revocation, or limitation.

“(d) REPORT.—If the Secretary of State issues, limits, or revokes a passport or limited passport under section (b), the Secretary shall, not later than 30 days after such denial, issuance, limitation, or revocation, submit to Congress a report on such denial, issuance, limitation, or revocation, as the case may be.”

TITLE VII—OTHER MATTERS

SEC. 701. OTHER IMMIGRATION AND NATIONALITY ACT AMENDMENTS.

(a) NOTICE OF APPLICATION.—Subsection (a) of section 265 of the Immigration and Nationality Act (8 U.S.C. 1305(a)) is amended to read as follows:

“(a) Each alien required to be registered under this Act who is within the United States shall notify the Secretary of Homeland Security of each change of address and new address within ten days from the date of such change and shall furnish such notice in the manner prescribed by the Secretary.”

(b) PHOTOGRAPHS FOR NATURALIZATION CERTIFICATES.—Section 333 of the Immigration and Nationality Act (8 U.S.C. 1305(a)) is amended by adding at the end the following:

“(c) The Secretary may modify the technical requirements of the Secretary’s discretion and as the Secretary may deem necessary to provide for photographs.
to be furnished and used in a manner that is efficient, secure, and consistent with the developments in technology.”.

SEC. 702. EXEMPTION FROM THE ADMINIS- 
TRATIVE PROCEDURES ACT.

Except where promulgation of regulations is specified in this Act, chapter 5 of title 5, United States Code, commonly known as the “Administrative Procedures Act”), and any other law relating to rulemaking, information collection, or publication in the Federal Register, shall apply to any action to implement this Act, and the amendments made by this Act, to the extent the Secretary, the Attorney General, or the Attorney General determines that compliance with such law would impede the expeditious implementation of this Act or the amendments made by this Act.

SEC. 703. EXEMPTION FROM THE PAPERWORK REDUCTION ACT.

Chapter 5 of title 5, United States Code, shall not apply to any action to implement this Act or the amendments made by this Act or the provisions of such provision or amendment to any person, including by virtue of this Act, or any application of the provisions made by this Act.

SEC. 705. SEVERABILITY.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section that provides the immigration and nationality Act (8 U.S.C. 1101 et seq.).

SEC. 706. FUNDING.

(a) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify—

(1) the appropriation accounts from which the rescission under subsection (a) shall apply; and

(2) the amount of the rescission that shall be applied to each such account.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress and to the Secretary of the Treasury that describes the accounts and amounts determined under subsection (a) for rescission under subsection (a).

(c) EXCEPTIONS.—This subsection shall not apply to unobligated balances of—

(1) the Department;

(2) the Department of Defense; or

(3) the Department of Veterans Affairs.

TITLE VIII—TECHNICAL AMENDMENTS

SEC. 801. REFERENCES TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section that provides the immigration and nationality Act (8 U.S.C. 1101 et seq.).

SEC. 802. TITLE I TECHNICAL AMENDMENTS.

(a) Section 101(a) (8 U.S.C. 1101(a)(34)) is amended to read as follows:

“(A) The term ‘order of removal’ means the order of the immigration judge, or other such administrative officer to whom the Attorney General or the Secretary has delegated responsibility for determining whether an alien is removable, concluding that the alien is removable or ordering removal.”

SEC. 804. ALWAYS USE IMMIGRATION AND NATIONALITY SERVICE.

(A) in paragraph (1)(F)(1), by striking “Attorney General” and inserting “Secretary”;

(B) in paragraph (4), by striking “Immigration and Naturalization Service.” and inserting “Department.”

(3) in subsection (a)(3) (8 U.S.C. 1101(a)(34)) is amended to read as follows:

“(A) The term ‘order of removal’ means the order of the immigration judge, or other such administrative officer to whom the Attorney General or the Secretary has delegated responsibility for determining whether an alien is removable, concluding that the alien is removable or ordering removal.”

SEC. 806. POWERS AND DUTIES.

The Secretary shall be charged with the administration and enforcement of this Act and all other laws relating to the immigration and naturalization of aliens, except insofar as this Act or such laws relate to the powers, functions, and duties conferred upon the President, Attorney General, the Secretary of Labor, the Secretary of Agriculture, the Secretary of Health and Human Services, the Commissioner of Social Security, the Secretary of State, the officers of the Department of State, or diplomatic or consular officers; however, that a determination and ruling by the Attorney General with respect to all questions of law shall be controlling.

TITLES OF DEPARTMENT AND OFFICIALS.

TITLES OF DEPARTMENT AND OFFICIALS.
(ix) in paragraph (11), by striking “Attorney General,” and inserting “Secretary,”; (B) by amending subsection (c) to read as follows: “(c) SECRETARY: APPOINTMENT.—The Secretary shall be a citizen of the United States and shall be appointed by the President, by and with the advice and consent of the Senate. This shall be charged with any and all responsibilities and authority in the administration of the Department and of this Act. The Secretary may enter into cooperative agreements with State and local law enforcement agencies for the purpose of assisting in the enforcement of the immigration laws.”;

(4) in subsection (f)—
(i) in paragraph (1), by striking “Commissioner” and inserting “Secretary”;
(ii) in paragraph (2), by striking “Service” and inserting “U.S. Citizenship and Immigration Services”;
(D) in subsection (f)—
(i) by striking “Attorney General” and inserting “Secretary’s”;
(ii) by striking “Immigration and Naturalization Service” and inserting “Department”;
(3) in subsection (c), by striking “Secretary or” after “the authority of”;
(4) in subsection (g)(1), by striking “Secretary” and inserting “Secretary’s”;
(E) in paragraph (1)—
(i) by redesignating the second subclause (A) as subclause (B),
(ii) by striking “Secretary” and inserting “Secretary’s”;
(F) in paragraph (2), by striking “Attorney General” and inserting “Secretary of Homeland Security”;
(C) in paragraph (3)—
(i) by striking “Attorney General” each place that term appears and inserting “Secretary or”;
(ii) by striking “Attorney General’s” and inserting “Secretary’s”.

(ii) in subparagraph (A),—
(1) in subsection (a)(2)—
(A) in paragraph (2)(B)(i), by striking “Secretary’s” and inserting “Secretary of Homeland Security or”;
(B) by inserting “the Secretary of Homeland Security or before “the Attorney General” wherever the term appears;
(2) in subsection (a)(1), by striking “the Attorney General” and inserting “the Secretary of Homeland Security”;
(3) in paragraphs (2) and (3) of subsection (c), by inserting “the Secretary of Homeland Security or the Attorney General”;
(4) in paragraph (4)(A), by striking “Secretary of Homeland Security or the Attorney General” each place that term appears and inserting “Secretary”. (f) SECTION 212.—Section 212 (8 U.S.C. 1112) is amended—
(1) in subsection (a)—
(A) in paragraphs (2)(C), (2)(H)(ii), (2)(I), (3)(A), and (3)(H)(11), by inserting “the Secretary,” before “or the Attorney General” each place that term appears;
(B) in paragraph (2), by inserting “Secretary or” before “the Attorney General” each place that term appears;
(C) in paragraph (4)—
(i) in subparagraph (A), by inserting “Secretary or” before “the Attorney General” each place that term appears;
(ii) in paragraph (5)(C), by striking “or, in the case of an adjustment of status, the Attorney General” and inserting “Secretary or” before “the Attorney General” each place that term appears;
(D) in paragraph (5)(D), by striking “Secretary or” after the Secretary has determined “Secretary”;
(E) in paragraph (9)—
(i) in subparagraph (B)—
(A) by inserting “Secretary” after “or the Attorney General” each place that term appears and inserting “Secretary’s”;
(B) by inserting “Secretary’s” each place that term appears, except that this amendment shall not apply to references to the “Secretary of Labor” or to the “Secretary of Agriculture”;
(ii) in clause (ii)(I), by inserting “Secretary’s” and inserting “Secretary’s” and inserting “Secretary”;
(E) in paragraph (9)—
(i) in subparagraph (B)—
(A) by inserting “Secretary” after “or the Attorney General” each place that term appears and inserting “Secretary’s”;
(B) by inserting “Secretary’s” each place that term appears, except that this amendment shall not apply to references to the “Secretary of Labor” or to the “Secretary of Agriculture”;
(ii) in clause (ii)(I), by inserting “Secretary’s” and inserting “Secretary”;
(F) in paragraph (10)(C), in clauses (ii)(III) and (iii)(II), by striking “Secretary’s” and inserting “Secretary”;
(G) in paragraph (10)(D), by striking “Secretary” and inserting “Secretary’s”;
(H) in paragraph (11), by striking “Secretary or” after the Secretary has determined “Secretary”;
(I) in paragraph (12), by inserting “Secretary or” after “the Attorney General” each place that term appears;
(J) in subsection (e), by striking the first proviso and inserting “Provided, That upon the favorable recommendation of the Director, pursuant to an interest of the United States Government agency (or, in the case of an alien described in clause (iii), pursuant to the request of a State Department of Public Health, or its equivalent), or of the Secretary after the Secretary has determined that departure from the United States is the best interest of the alien’s spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or that the alien’s presence in the country of his or her nationality or last residence because the alien would be subject to persecution on account of race, religion, or political opinion, the Secretary may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Secretary to be in the public interest that in the case of a waiver requested by a State Department of Public Health, or its equivalent, or in the case of a waiver requested by an interested United States Government agency on behalf of an alien described in clause (iii), the waiver shall be subject to the requirements under section 214(i);”;
(2) in subsections (g), (h), (i), and (k), by inserting “or the Secretary” after “Attorney General” each place that term appears;
(3) in subsection (m)(2)(E), by striking “Secretary” after “Secretary” each place that term appears, except that this amendment shall not apply to references to the “Secretary of Labor” and (7) in subsection (m), by inserting “of Labor” after “Secretary” each place that term appears, except that this amendment shall not apply to references to the “Secretary of Labor” and “Secretary” after “or the Attorney General”;
(K) SECTION 213A.—Section 213A (8 U.S.C. 1183a) is amended—
(1) in subsection (a)(1), in the matter preceding paragraph (1), by inserting “the Secretary,” after “or the Attorney General”;
(2) in subsection (a)(2)(B) and (C), by striking “the State Department” and inserting “Secretary or”;
(3) in subsection (a)(3)(A) and (3)(B)(ii), by inserting “the Attorney General” and inserting “Secretary.”;
(4) in subsection (b)(2) by inserting “the Attorney General and the Secretary” after “Secretary” each place that term appears;
(L) SECTION 222.—Section 222 (8 U.S.C. 1163) is amended—
(1) in subsection (a)—
(A) in paragraphs (2)(C), (2)(H)(ii), (2)(I), (3)(A), and (3)(H)(11), by inserting “the Secretary,” before “or the Attorney General” each place that term appears;
(B) in paragraph (2), by inserting “Secretary or” before “the Attorney General” each place that term appears;
(C) in paragraph (4)—
(i) in subparagraph (A), by inserting “Secretary or” before “the Attorney General” each place that term appears;
(ii) in paragraph (5)(C), by striking “or, in the case of an adjustment of status, the Attorney General” and inserting “Secretary or” before “the Attorney General” each place that term appears;
(D) in paragraph (5)(D), by striking “Secretary or” after the Secretary has determined “Secretary”;
(E) in paragraph (9)—
(i) in subparagraph (B)—
(A) by inserting “Secretary” after “or the Attorney General” each place that term appears and inserting “Secretary’s”;
(B) by inserting “Secretary’s” each place that term appears, except that this amendment shall not apply to references to the “Secretary of Labor” or to the “Secretary of Agriculture”;
(ii) in clause (ii)(I), by inserting “Secretary’s” and inserting “Secretary”;
(F) in paragraph (10)(C), in clauses (ii)(III) and (iii)(II), by striking “Secretary’s” and inserting “Secretary”;
(G) in paragraph (10)(D), by striking “Secretary” and inserting “Secretary’s”;
(H) in paragraph (11), by striking “Secretary or” after the Secretary has determined “Secretary”;
(I) in paragraph (12), by inserting “Secretary or” after “the Attorney General” each place that term appears;
(J) in subsection (e), by striking the first proviso and inserting “Provided, That upon the favorable recommendation of the Director, pursuant to an interest of the United States Government agency (or, in the case of an alien described in clause (iii), pursuant to the request of a State Department of Public Health, or its equivalent), or of the Secretary after the Secretary has determined that departure from the United States is the best interest of the alien’s spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or that the alien’s presence in the country of his or her nationality or last residence because the alien would be subject to persecution on account of race, religion, or political opinion, the Secretary may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Secretary to be in the public interest that in the case of a waiver requested by a State Department of Public Health, or its equivalent, or in the case of a waiver requested by an interested United States Government agency on behalf of an alien described in clause (iii), the waiver shall be subject to the requirements under section 214(i);”;
(2) in subsections (g), (h), (i), and (k), by inserting “or the Secretary” after “Attorney General” each place that term appears;
(2) in subsection (f)—
(A) in the matter preceding paragraph (1), by inserting “, the Department,” after “Department of State”; and
(B) in each place (2), by striking “Secretary’s” and inserting “their”;
(m) Section 231.—Section 231 (8 U.S.C. 1221) is amended—
(1) in subsection (c)(10), by striking “Attorney General,” and inserting “Secretary,”;
(2) in subsection (b), by striking “Attorney General” each place that term appears and inserting “Secretary”; and
(3) in subsection (g)—
(A) by striking “of the Attorney General” and inserting “Secretary”;
(B) by striking “the Secretary” and inserting “Secretary”; and
(C) by striking “Commissioner” each place that term appears and inserting “Secretary”;
(4) in subsection (h), by striking “Attorney General” each place that term appears and inserting “Secretary”;
(n) Section 236.—Section 236 (8 U.S.C. 1226) is amended—
(1) in subsection (a)(2)(A), by inserting “the Secretary of” before “the Attorney General” the third place that term appears; and
(2) in subsection (e)—
(A) by striking “review;” and inserting “review, other than administrative review by the Attorney General pursuant to the authorities in section 106(a)”; and
(B) by inserting “the Secretary or” before “Attorney General under”.
(o) Paragraphs (4) and (5) of section 236(a)(1) (8 U.S.C. 1226a(a)(4)) is amended by striking “Deputy Attorney General” both places that term appears and inserting “Secretary of Homeland Security”;
(p) Section 237.—Section 237 (8 U.S.C. 1227) is amended—
(1) in the matter preceding paragraph (1), by inserting “the Attorney General, following the initiation by the Secretary of removal proceedings” after “upon the order of the Attorney General”; and
(2) in the heading of subparagraph (E) of paragraph (2), by striking “CHILDREN AND—” and inserting “CHILDREN,—”;
(q) Section 238.—Section 238 (8 U.S.C. 1228) is amended—
(1) in subsection (a)—
(A) in paragraph (2), by striking “Attorney General’s”, and term appears and inserting “Secretary of Homeland Security”; and
(B) in each place that term appears,
(B) in paragraphs (3) and (4)(A), by inserting “the Secretary” after “Attorney General” each place that term appears;
(2) in subsection (b)—
(A) in paragraph (3) and (4), by striking “Attorney General” each place the term appears and inserting “Secretary of Homeland Security”;
(B) in paragraph (b) by inserting “or the Secretary” after “Attorney General”; and
(C) in subsection (d), as so redesignated—
(A) by striking “Commissioner” and “Attorney General” each place those terms appear and inserting “Secretary”; and
(B) in subparagraph (D)(v), by striking “Attorney General” and inserting “United States Attorney General”.
(r) Section 240.—Section 240 (8 U.S.C. 1229a) is amended—
(1) in subsection (b)—
(A) in paragraph (1), by inserting “, with the concurrence of the Secretary with respect to employees of the Department” after “Attorney General”; and
(B) by striking “Commissioner” and inserting “Secretary or” before “the Attorney General”;
(2) in subsection (c)—
(A) in paragraph (2), by inserting “, the Secretary of State, or the Secretary” before “to be confidential”; and
(B) by striking paragraph (7)(C)(iv)(1), by striking the extra comma after the second reference to the term “this title”. Note: Please clarify how to execute this amendment.
(s) Section 240a.—Section 240a (8 U.S.C. 1229b) is amended—
(1) in paragraph (3), by striking “Attorney General shall” and inserting “Secretary shall”; and
(2) in paragraph (4)(A), by striking “Attorney General” and inserting “Secretary”;
(t) Section 240b.—Section 240b (8 U.S.C. 1229c) is amended—
(1) in paragraphs (1) and (3) of subsection (a), by inserting “or the Secretary” after “Attorney General”;
(2) in subsection (c), by inserting “and the Secretary” after “Attorney General”;
(u) Section 241.—Section 241 (8 U.S.C. 1231) is amended—
(1) in subsection (a)(4)(B)(i), by inserting a comma and inserting “DETENTION FACILITIES OF THE DEPARTMENT OF HOMELAND SECURITY—”;
(2) in subsection (a)(4)(B)(v), by inserting “Secretary” after “is”; and
(3) in subsection (d), as so redesignated—
(A) by striking “Attorney General” and inserting “Secretary”;
(B) by striking “Service, and inserting “Department”;
(C) by striking “Commissioner” and inserting “Secretary”;
(D) by striking paragraph heading and inserting paragraph.
(v) Section 242.—Section 242 (8 U.S.C. 1226) is amended by striking “the Attorney General” each place that term appears and inserting “Secretary”;
(w) Section 243.—Section 243 (8 U.S.C. 1227) is amended—
(1) in subsection (c)(1)—
(A) by striking “Attorney General” each place that term appears and inserting “Secretary”;
(2) by striking Commissioner” each place that term appears and inserting “Secretary”;
(x) Section 244.—Section 244 (8 U.S.C. 1228) is amended—
(1) in subsection (c), while; and
(2) in subsection (e), by striking “the Secretary shall” and inserting “the Secretary of State shall”;
(y) Section 245.—Section 245 (8 U.S.C. 1232) is amended—
(1) by striking “Labor” after “Secretary” each place that term appears, except that this amendment shall not apply to references to the “Secretary of Labor”, [the Secretary of State,] or to subsection (e)(2);
(2) in subsection (b)(2)(A), by striking “at” after “while”;
(3) in subsection (e)(2), by striking “the Secretary shall” and inserting “the Secretary of State shall”;
(z) Section 246.—Section 246 (8 U.S.C. 1233) is amended by striking “Attorney General” and inserting “Secretary” and “Secretary and Attorney General are”;
(aa) Section 247.—Section 247 (8 U.S.C. 1232) is amended by striking “Commissioner” each place that term appears and inserting “Secretary”;
(bb) Section 248.—Section 248 (8 U.S.C. 1233) is amended—
(1) by striking “Commissioner” each place that term appears and inserting “Secretary”;
(2) by strucking “Attorney General” each place that term appears, except in subsection (e) in the matter preceding paragraph (1), and inserting “Secretary”;
(cc) Section 249.—Section 249 (8 U.S.C. 1234) is amended by striking “Secretary of the Treasury” and inserting “Secretary”.
(dd) Section 250.—Section 250 (8 U.S.C. 1235) is amended by striking “Commissioner” each place that term appears and inserting “Secretary”;
(ee) Section 251.—Section 251 (8 U.S.C. 1236) is amended by striking “Attorney General and Commissioner” each place those terms appear and inserting “Secretary”;
(ff) Section 252.—Section 252 (8 U.S.C. 1236a) is amended by striking “Attorney General” and “Commissioner” each place that term appears and inserting “Secretary”;
(gg) Section 253.—Section 253 (8 U.S.C. 1236b) is amended by striking “Attorney General” each place that term appears.
(hh) Section 254.—Section 254 (8 U.S.C. 1236b(a)) is amended by striking “Commissioner” each place that term appears and inserting “Secretary”;
(ii) Section 255.—Section 255 (8 U.S.C. 1236b) is amended by striking “Commissioner” each place that term appears and inserting “Secretary”;
(jj) Section 256.—Section 256 (8 U.S.C. 1236c) is amended—
(1) by striking “Commissioner” each place that term appears and inserting “Secretary”;
(2) in the first and second sentences, by striking “Attorney General” each place that term appears and inserting “Secretary”;
(kk) Section 273.—Section 273 (8 U.S.C. 1232) is amended—
(1) by inserting “or Labor” after “Secretary” each place that term appears, except that this amendment shall not apply to references to the “Secretary of Labor”, [the Secretary of State,] or to subsection (e)(2);
(2) in subsection (d)(2)(A), by striking “at” after “while”;
(3) in subsection (e)(2), by striking “the Secretary” and inserting “the Secretary of State”;
(ll) Section 274.—Section 274 (8 U.S.C. 1234) is amended by striking “Secretary General is” and inserting “Attorney General and Secretary are”;
(mm) Section 275.—Section 275 (8 U.S.C. 1232) is amended by striking “Commissioner” each place that term appears and inserting “Secretary”;
(nn) Section 276.—Section 276 (8 U.S.C. 1233) is amended by striking “Secretary” and inserting “Secretary”;
(oo) Section 277.—Section 277 (8 U.S.C. 1234) is amended in subsection (a)(2) of section 277 (8 U.S.C. 1234a)(2) is amended by striking “Commissioner” and inserting “Secretary”;
(pp) Section 278.—Section 278 (8 U.S.C. 1235) is amended—
(1) in subsection (q)(1)(B), by striking “, in consultation with the Secretary of the Treasury,”;
(2) in subsection (r)(2), by striking “section 265(g)(3)(b)” and inserting “section 265(g)(3)(B)”;
(3) in subsection (s)(5)—
(A) by striking “5 percent” and inserting “USE OF FEES FOR DUTIES RELATING TO PETITIONS.—Five percent”; and
(4) by striking “paragraph (1) (C) or (D) of section 204” and inserting “paragraph (C) or (D) of section 204(a)(1)”; and
(5) in subsection (v)(2)(A)(i), by adding “or” after “numbered”.

(qq) SECTION 294.—Section 294 (8 U.S.C. 1363a) is amended—
(1) in the undesignated matter following paragraph (a) of subsection (a), by striking “Commissioner, in consultation with the Deputy Attorney General,” and inserting “Secretary”; and
(2) in subsection (d), by striking “Deputy Attorney General” and inserting “Secretary”.

SEC. 804. TITLE III TECHNICAL AMENDMENTS.
(a) Section 316.—Section 316 (8 U.S.C. 1427) is amended—
(1) in subsection (d), by inserting “or by the Secretary” after “Attorney General”;
and
(2) in subsection (f)(1), by striking “Attorney General and the Commissioner of Immigration and Naturalization Service” each place those terms appear and inserting “Department”.

SEC. 805. TITLE IV TECHNICAL AMENDMENTS.
(a) Section 704.—Section 704 (8 U.S.C. 1344) is amended—
(1) in subsection (a)(1)(A), by striking “a” before “removal proceedings”;
(2) in subsection (b), by striking “Attorney General” inserting “Government”; and
(3) in subsection (k)(2), by striking “by”.
(b) Section 705.—Section 705 (8 U.S.C. 1356a) is amended by inserting “and the Secretary” after “Attorney General”.

SEC. 807. OTHER AMENDMENTS.
(a) Correction of Commissioner of Immigration and Naturalization.—
(1) in general.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by this Act, is further amended by striking “Department of Justice” and inserting “Department” each place those terms appear and inserting “Department”.

(b) Correction of Department of Justice.—
(1) in general.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by this Act, is further amended by striking “Department of Justice” each place that term appears and inserting “Department”.

(c) Exceptions.—The amendment made by paragraph (1) shall not apply in subsections (d)(3)A and (d)(5)(A) of section 214 (8 U.S.C. 1114A), section 214B(c)(1) (8 U.S.C. 1224c(c)(1)), or title V (8 U.S.C. 1511 et seq.).

(d) Correction of Attorney General.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—
(1) Any joint references to the “Attorney General and the Secretary of Homeland Security” or “the Secretary of Homeland Security and the Attorney General”;
(2) Section 101(a)(5).
(3) Subparagraphs (S), (T), and (V) of section 101(a)(15).
(4) Section 101(a)(7)(A).
(5) Section 101(b)(4).
(6) Section 103(a)(1).
(7) Section 1363a.
(8) Section 105(c).
(9) Section 204(c).
(10) Section 208.
(11) Section 209.
(12) Section 212(a)(3)(C).
(13) Section 212(a)(3)(H).
(14) Section 212(a)(2)(I).
(15) Section 212(a)(3)(A).
(17) Section 212(a)(3)(D).
(18) Section 212(a)(9).
(19) Section 212(a)(9)(B)(iv).
(20) Section 212(a)(9)(C)(i)(II).
(21) Section 212(d)(11).
(22) Section 212(d)(12).
(23) Section 212(g).
(24) Section 212(h).
(25) Section 212(i).
(26) Section 212(k).
(27) Section 212(s).
(28) Section 213(a)(1).
(29) Section 213(a)(6)(B).
(30) Section 214(b)(1).
(31) Section 219(d)(4).
(33) The second sentence of section 235(e).
(34) Section 105.
(35) Section 238(a)(1).
(36) Section 238(a)(3).
(37) Section 238(a)(4)(A).
(38) Section 238(b)(1).
(39) Section 238(b)(5).
(40) Section 238(c)(2)(D)(iv).
(41) Section 238(a).
(42) Section 238(b).
(43) Section 240.
(44) Section 240.
(45) Section 240A.
(46) Section 240B.
(47) Section 240B.
(48) Section 240B.
(49) The first reference in section 241(a)(4)(B).
(50) Section 241(b)(3) (except for the first reference in subparagraph (A), to which the amendment shall apply).
(51) Section 242(a)(3)(B), to which the amendment shall apply.
(52) Section 242(b)(2)(B).
(53) Section 242(b)(3) (except for paragraph (b), to which the amendment shall apply).
(54) Section 242(g).
(55) Section 244(a)(3)(C).
(56) Section 247.
(57) Section 247.
(58) Section 248.

(e) CANCELLATION OF CERTIFICATES ACTION NOT TO AFFECT CITIZENSHIP STATUS.—
(1) CERCLA.—The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended—
(1) in general.—The amendment made by this Act, is further amended by striking “Secretary” each place that term appears and inserting “Commissioner”.

(f) Cancellation of Certificates Action Not to Affect Citizenship.

(g) Section 208.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—
(1) in paragraph (2) of section 208, by striking “a” before “other,”.

(h) Section 212(a)(3)(B)(i).—To which the amendment shall apply.

(i) Section 212(a)(3)(A).—To which the amendment shall apply.

(j) Section 212(a)(3)(B)(i)(II).—To which the amendment shall apply.

(k) Section 212(a)(3)(D).—To which the amendment shall apply.

(l) Section 212(a)(9).—To which the amendment shall apply.

(m) Section 212(a)(9)(B)(iv).—To which the amendment shall apply.

(n) Section 212(a)(9)(C)(i)(II).—To which the amendment shall apply.

(o) Section 212(d)(11).—To which the amendment shall apply.

(p) Section 212(d)(12).—To which the amendment shall apply.

(q) Section 212(g).—To which the amendment shall apply.

(r) Section 212(h).—To which the amendment shall apply.

(s) Section 212(i).—To which the amendment shall apply.

(t) Section 212(k).—To which the amendment shall apply.

(u) Section 212(s).—To which the amendment shall apply.

(v) Section 213(a)(1).—To which the amendment shall apply.

(w) Section 213(a)(6)(B).—To which the amendment shall apply.

(x) Section 214(b)(1).—To which the amendment shall apply.

(y) Section 219(d)(4).—To which the amendment shall apply.

(z) Section 235(b)(1)(B)(i)(III).—To which the amendment shall apply.

(aa) Section 235(e).—To which the amendment shall apply.

(bb) Section 105.

(cc) Section 238(a)(1).

(dd) Section 238(a)(3).

(ddd) Section 238(a)(4)(A).

(eee) Section 238(b)(1).

(fff) Section 238(b)(5).

(ggg) Section 238(c)(2)(D)(iv).

(hhh) Section 238(a).

(iii) Section 238(b).

(jjj) Section 238.

(kkk) Section 240.

(lll) Section 240.

(omm) Section 240.

(nn) Section 240.

(ooo) Section 240.

(ppp) Section 240.

(qqq) Section 240.

(rrr) Section 240.

(sss) Section 240.

(ttt) Section 240.

(uuu) Section 240.

(vvv) Section 240.

(www) Section 240.

(xxx) Section 240.

(yyy) Section 240.

(zzz) Section 240.
Agency Act of 1949 (50 U.S.C. 3508) is amended by striking “Commissioner of Immigration” and inserting “Secretary of Homeland Security”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 245—CALLING ON THE GOVERNMENT OF IRAN TO RELEASE UNJUSTLY DETAINED UNITED STATES CITIZENS AND LEGAL PERMANENT RESIDENTS, AND FOR OTHER PURPOSES

Mr. CRUZ (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 245

Whereas the Islamic Revolutionary Guard Corps (IRGC) of Iran has taken as hostages several United States citizens, including Siamak Namazi, Baquer Namazi, and Xiyue Wang, as well as United States legal permanent resident alien Nizar Zakka;

Whereas Siamak Namazi was detained on October 15, 2015, falsely accused and convicted on October 18, 2016, for “collaborating with a hostile government,” and has been held for extended periods in solitary confinement and subjected to prolonged interrogation;

Whereas former United Nations Children’s Fund (UNICEF) official Baquer Namazi, the 80-year old father of Siamak Namazi, was detained on February 22, 2016, falsely charged and sentenced to 10 years in prison for the identical crime as his son;

Whereas former Secretary-General of the United Nations Ban Ki-moon urged authorities in Iran to release Baquer Namazi, whose health is deteriorating, so his family can care for him;

Whereas UNICEF has issued 4 public statements on the release of Siamak Namazi, Baquer Namazi, Xiyue Wang, Nizar Zakka, and any other United States citizen, legal permanent resident alien, or foreign national being unjustly detained in Iran;

Whereas the United States Department of the Treasury’s Office of Foreign Assets Control (OFAC) has taken action against Iran in connection with the arrest and detention of former UNICEF official Baquer Namazi, Xiyue Wang, Nizar Zakka, and any other United States citizen, legal permanent resident alien, or foreign national being unjustly detained in Iran;

Whereas reports indicate that the Government of Iran has sought to condition the release of imprisoned nationals and dualnationals on receipt of economic or political concessions, a practice banned by the International Convention for the Protection of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979, and acceded to by the Government of Iran on November 20, 2006, and other international legal norms; Now, therefore, be it

Resolved, That the Senate—

(1) calls on the Government of Iran to release Siamak Namazi, Baquer Namazi, Xiyue Wang, Nizar Zakka, and any other United States citizen, legal permanent resident alien, or foreign national being unjustly detained in Iran;

(2) urges the President to make the release of United States citizens and legal permanent resident aliens held hostage by the Government of Iran a priority among its list of priorities;

(3) requests that the United States and its allies whose nationals and residents have been detained consider establishing a multi-national task force to work to secure the release of the detainees;

(4) urges the Government of Iran to take meaningful steps toward fulfilling its repeated promises to assist in locating and returning Robert Levinson, including immediately providing all available information from all entities of the Government of Iran regarding the disappearance of Robert Levinson to the United States Government;

(5) urges the President to take whatever steps are in the national interest to secure the release of Siamak Namazi, Baquer Namazi, Xiyue Wang, Nizar Zakka, and any other United States citizen, legal permanent resident alien, or foreign national being unjustly detained in Iran; and

(6) urges the President to take whatever steps are in the national interest to determine the whereabouts and secure the return of Robert Levinson.

SENATE RESOLUTION 246—DESIGNATING THE FIRST WEEK IN AUGUST 2017 AS “WORLD BREAST-FEEDING WEEK”, AND DESIGNATING AUGUST 2017 AS “NATIONAL BREASTFEEDING MONTH”

Mr. MERKLEY (for himself and Mr. MARKET) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 246

Whereas the American Academy of Pediatrics recommends that breastfeeding continue for at least 12 months after the birth of a baby and for as long as the mother and baby desire;

Whereas the World Health Organization recommends continued breastfeeding for 2 years or longer after the birth of a baby;

Whereas the World Alliance for Breastfeeding Action has designated the first week of August as “World Breastfeeding Week” and the United States Breastfeeding Committee has designated August as “National Breastfeeding Month”;

Whereas National Breastfeeding Month focuses on how data and measurement can be used to build and reinforce the connections between breastfeeding and a broad spectrum of other health topics and initiatives.

WHEREAS, during the first year of the life of a family, breastfeeding offers optimal breastfeeding practices can save between $1,200 and $1,500 in expenses on infant formulas; and Whereas National Breastfeeding Month provides important opportunities to address barriers to breastfeeding faced by families across the United States;

Resolved, That the Senate—

(1) designates the first week of August 2017 as “World Breastfeeding Week”; (2) designates August 2017 as “National Breastfeeding Month”;

(3) supports the goals of National Breastfeeding Month; and

(4) supports policies and funding to ensure that all mothers who choose to breastfeed can access a full range of appropriate support from health care institutions, health care insurers, employers, and government entities.
SENATE RESOLUTION 247—DESIGNATING JULY 29, 2017, AS "PARALYMPIC AND ADAPTIVE SPORT DAY"

Mr. HATCH (for himself, Mr. BENTEN, Mr. ISAKSON, and Ms. KLOBUCAR) submitted the following resolution; which was considered and agreed to:

Resolved, That the Senate—

(1) acknowledges the extraordinary contribution and sacrifice made by members of the Armed Forces and veterans who have sustained a traumatic injury and impairment while serving in the United States;

(2) supports the inclusive goals and ideals of the International Paralympic Movement, as well as opportunities for individuals with impairments to be full contributing participants in society;

(3) acknowledges the extraordinary contribution and sacrifice made by members of the Armed Forces and veterans who have sustained a traumatic injury and impairment while serving in the United States;

(4) promotes a more inclusive society for all individuals with impairments through Paralympic and adaptive sports throughout the United States;

(5) promotes the values of the International Paralympic Movement, including courage, determination, inspiration, and equality.

SENATE RESOLUTION 248—EXpressing the Sense of the Senate That Flowers Grown in the United States Support the Farmers, Small Businesses, Jobs, and Economy of the United States, That Flower Farming Is an Honorable Vocation, and Designating July as "American Grown Flower Month"

Mrs. FEINSTEIN (for herself and Mrs. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

Whereas Paralympic and Adaptive Sport Day will encourage the youth in the United States to participate in and support the adaptive sports for individuals with impairments that have existed for more than 100 years;

Whereas, after World War II, adaptive sports were widely introduced in order to assist the large number of World War II veterans and civilians that were injured during wartime;

Whereas July 29, 1948, marks the date of the Opening Ceremony of the London 1948 Olympic Games in Stoke Mandeville, United Kingdom, where Dr. Ludwig Guttmann organized the first wheelchair competition for service men and women injured in World War II (also known as the "Stoke Mandeville Games");

Whereas the Stoke Mandeville Games, in 2017, ultimately evolved into the Paralympic Games and include athletes with physical, visual, and intellectual impairments;

Whereas the International Paralympic Movement celebrates values such as courage, determination, inspiration, and equality, and works to enable Paralympic athletes to achieve sporting excellence and inspire and excite the world;

Whereas Paralympians in the United States continue to achieve competitive excellence, preserve ideals and values of the Paralympic Movement, and inspire all people in the United States;

Whereas 18 veterans were members of Team USA at the 2014 Paralympic Winter Games held in Sochi, Krasnodar Krai, Russia, and 35 veterans were members of Team USA at the 2016 Paralympic Summer Games held in Rio de Janeiro, Brazil;

Whereas in addition to the Paralympic Games, other adaptive sport competitions, and athletic reconditioning activities such as the Paralympic Military Program play a fundamental role for members of the Armed Forces and veterans who are reintegrating into civilian life, and can enable those individuals to gain a new purpose in life by extending their physical limits during rehabilitation in order to rebuild and recover personal identity, formulate adaptive strategies for life, and achieve athletic excellence;

Whereas a celebration of Paralympic and Adaptive Sport Day will improve communities in the United States and uplift and inspire the Paralympic champions of the future;

Whereas Paralympic and Adaptive Sport Day will encourage the youth in the United States to participate in and support the practical inclusion of all people in sports; and

Whereas Paralympic and Adaptive Sport Day creates opportunities and understanding toward individuals with impairments; Now, therefore, be it

Resolved, That the Senate—

(1) designates July 29, 2017, as "Paralympic and Adaptive Sport Day";

(2) recognizes the importance of growing flowers locally in the United States, and hereby designates July 29, 2017, as "American Grown Flower Month";

Whereas the domestic cut flower farms between 2007 and 2012; and

Whereas the 5 flower varieties with the greatest increase in sales between 2007 and 2012 were carnations, chrysanthemums, and lilies, and a majority of domestically grown flowers are now "Certified American Grown Flowers";

Whereas flowers help commemorate the births and the deaths of loved ones; and

Whereas millions of children and youth in the United States represent the hopes and the future of the United States;

Whereas numerous individuals, charities benefiting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas the people of the United States increasingly want to support domestically produced foods and agricultural products and would prefer to buy locally grown flowers whenever possible, yet a majority of domestic consumers do not know where the flowers they purchase are grown;

Whereas in response to increased demand, the "Certified American Grown Flowers" logo was created in July 2014 in order to educate and empower consumers to purchase flowers from domestic producers; and

Whereas as of April 2017, millions of stems of domestically grown flowers are now "Certified American Grown";

Whereas flowers are an essential part of the agricultural industry of the United States; and

Whereas the people of the United States continue to achieve competitive excellence, preserve ideals and values of the International Paralympic Movement, including courage, determination, inspiration, and equality, and work to enable Paralympic athletes to achieve sporting excellence and inspire and excite the world;

Whereas the Senate encourages the cultivation of flowers in the United States by domestic flower growers: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 29, 2017, as "American Grown Flower Month";

(2) recognizes that purchasing flowers grown in the United States supports the farmers, small businesses, jobs, and economy of the United States;

(3) recognizes that growing flowers and greens in the United States is a vital part of the agricultural industry of the United States;

(4) recognizes that cultivating flowers domestically enhances the ability of the people of the United States to festively celebrate holidays and special occasions; and

(5) urges all people of the United States to proactively showcase flowers and greens grown in the United States in order to show support for our flower farmers, processors, and distributors as well as agriculture in the United States overall.

Whereas domestic flower farmers produce thousands of varieties of flowers across the United States; and

Whereas the flower varieties with the highest United States production are tulips, Gerbera daisies, lilies, gladiolus, and irises;

Whereas people in every State have access to domestically grown flowers, yet only 1 of 5 flowers sold in the United States is domestically grown;

Whereas the domestic cut flower industry creates almost 20,000 jobs and a economic impact; and

Whereas the domestic cut flower industry creates almost 20,000 jobs and a economic impact; and

Whereas flowers help commemorate the births and the deaths of loved ones; and

Whereas millions of children and youth in the United States represent the hopes and the future of the United States;

Whereas numerous individuals, charities benefiting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of, and increasing support for, organizations that provide services, such as health care, services, education, the arts, sports, and other services will result in the development of character;
in, and the future success of, the children and youth of the United States;

Whereas the month of September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase focus on children and youth throughout the United States;

Whereas the month of September is a time for the United States to highlight, and be mindful of, the needs of children and youth;

Whereas private corporations and businesses have joined hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas September 2017 as "National Child Awareness Month" would recognize that a long-term commitment to children and youth is in the public interest and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2017 as "National Child Awareness Month"

SEC. 2. INCLUSION OF OPIOID ADDICTION HISTORY IN PATIENT RECORDS.

(a) BEST PRACTICES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with appropriate stakeholders, including a patient with a history of opioid use disorder, an expert in electronic health records, an expert in the confidentiality of patient health information and records, and health care providers, shall identify or facilitate the development of best practices regarding—

(A) the circumstances under which information that a patient with a history of opioid use disorder should, only at the patient’s request, be prominently displayed in the medical records (including electronic health records) of such patient;

(B) what constitutes the patient’s request for the purpose described in subparagraph (A); and

(C) the process and methods by which the information should be so displayed.

(2) DISSEMINATION.—The Secretary shall disseminate the best practices developed under paragraph (1) to health care providers and State agencies.

(b) REQUIREMENTS.—In identifying or facilitating the development of best practices under subsection (a), as applicable, the Secretary, in consultation with appropriate stakeholders, shall consider the following:

(1) The potential for addiction recovery, overdose, including overdose death, when opioid medications are prescribed to a patient recovering from opioid use disorder.

(2) The benefits of displaying information about a patient’s opioid use disorder history in a manner similar to other potentially lethal medical concerns, including drug allergies and contra-indications.

(3) The importance of prominently displaying information about a patient’s opioid use disorder when a physician or medical professional is prescribing medication, including methods for avoiding alert fatigue in providers.

(4) The importance of a variety of appropriate medical professionals, including physicians, nurses, and pharmacists, to have access to information described in this section when prescribing or dispensing opioid medication, consistent with Federal and State laws and regulations.

(5) The importance of protecting patient privacy, including the development of legal rights to consent for disclosure of substance use disorder information under all applicable laws and regulations.

(6) All applicable Federal and State laws and regulations.
SEC. 561B. INVESTIGATIONAL DRUGS FOR USE BY ELIGIBLE PATIENTS.

(a) Definitions.—For purposes of this section—

(1) the term ‘eligible patient’ means a patient—

(A) who has been diagnosed with a life-threatening condition as defined in section 312.81 of title 21, Code of Federal Regulations (or any successor regulations); or

(B) who has exhausted approved treatment options, if available to patient, in a clinical trial involving the eligible investigational drug, as certified by a physician, who—

(i) is in good standing with the physician’s licensing organization or board; and

(ii) will not be compensated directly by the manufacturer for so certifying; and

(C) who has provided to the treating physician written informed consent regarding the eligible investigational drug, or, as applicable, on whose behalf a legally authorized representative of the patient has provided such consent;

(2) the term ‘eligible investigational drug’ means an investigational drug (as such term is used in section 505(i) of this Act or section 351(a)(3) of the Public Health Service Act; or

(A) for which a Phase 1 clinical trial has been completed;

(B) which has been approved or licensed for an indication under section 312.33 of title 21, Code of Federal Regulations (or any successor regulations) to require the submission of such annual summary in conjunction with the annual report for an applicable investigational new drug application for such drug.

(b) Exemptions.—Eligible investigational drugs provided to eligible patients in compliance with paragraph (2), that use of such drug under Federal law, the Secretary may not use a determination that—

(1) the Secretary makes a determination under paragraph (1)(A), the Secretary shall provide written notice of such determination to the sponsor, including a public health justification for such determination, and such notice shall be made part of the administrative record. Such determination shall be delegated below the director of the agency center that is charged with the premarket review of the eligible investigational drug.

(d) Reporting.—

(1) in general.—The manufacturer or sponsor of an eligible investigational drug shall notify the Secretary an annual summary of any use of such drug under this section. The summary shall include the number of doses supplied, the number of patients treated, the use for which the drug was made available, and any known serious adverse events. The Secretary shall specify by regulation the deadline of submission of such annual summary and may amend section 312.33 of title 21, Code of Federal Regulations (or any successor regulations) to require the submission of such annual summary in conjunction with the annual report for an applicable investigational new drug application for such drug.

(2) posting of information.—The Secretary shall post an annual summary report of the use of this section on the Internet website of the Food and Drug Administration, including the number of drugs for which clinical outcomes associated with the use of an eligible investigational drug pursuant to this section was—

(A) used in accordance with subsection (c)(1)(A); or

(B) used in accordance with subsection (c)(1)(B); and

(C) not used in the review of an application under section 561 of this Act or section 351 of the Public Health Service Act.

(b) No liability.—

(1) Alleged acts or omissions.—With respect to any alleged act or omission with respect to an eligible investigational drug provided to an eligible patient pursuant to section 561B of the Federal Food, Drug, and Cosmetic Act and in compliance with such section, no liability in a cause of action shall lie against—

(A) a sponsor or manufacturer; or

(B) a prescriber, dispense, or individual entity (other than a sponsor or manufacturer), unless the relevant conduct constitutes reckless or willful misconduct, gross negligence, or an intentional tort under any applicable State law.

(2) determination not to provide drug.—No liability shall lie against a sponsor manufacturer, or individual entity for its determination not to provide access to an eligible investigational drug under section 561B of the Federal Food, Drug, and Cosmetic Act.

(3) limitation.—Except as set forth in paragraphs (1) and (2), nothing in this section shall be construed to modify or otherwise affect the immunity for a private action under any State or Federal product liability, tort, consumer protection, or warranty law.

SEC. 5. SENSE OF THE SENATE.

It is the sense of the Senate that section 561B of the Federal Food, Drug, and Cosmetic Act, as added by section 2—

(1) does not establish a new entitlement or modify any existing entitlement, or otherwise establish a positive right to any party or individual;

(2) does not establish any new mandates, directives, or additional regulations;

(3) only expands the scope of individual liberty and agency among patients, in limited circumstances;

(4) is consistent with, and will act as an alternative pathway alongside, existing expanded access policies of the Food and Drug Administration; and

(5) will not, and cannot, create a cure or effective therapy where none exists; and

recognizes that the eligible terminal illness patient population consists of those patients with the highest risk of mortality, and use of experimental treatments under the criteria and procedure described in such section 561A involves an informed assumption of risk; and

(7) establishes national standards and rules by which investigational drugs may be provided to terminally ill patients.

SA 754. Mr. MERRICK submitted an amendment intended to be proposed by him to the bill H.R. 2430, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, insert the following:

SEC. 906. BAN ON CHARACTERIZING FLAVORS IN NEWLY DEEMED TOBACCO PRODUCTS.

(a) Product that is a newly deemed tobacco product under the rule entitled ‘‘Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; Restrictions on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products’’, published May 10, 2016 (81 Fed. Reg. 28973), or any of component parts of such tobacco product (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, apple, cinnamon, cherry, chocolate, vanilla, coconut, licorice, cocoa, chocolate, coffee, or an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, apple, cinnamon, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke.

SA 755. Mr. MERRICK submitted an amendment intended to be proposed by him to the bill H.R. 2430, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, insert the following:

SEC. 906. TOBACCO PRODUCTS.

Notwithstanding any other provision of law, the Commissioner of Food and Drugs may not delay the deadline, set forth in the rule entitled ‘‘Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; Restrictions on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products’’, published May 10, 2016 (81 Fed. Reg. 28973), for submission of premarket tobacco product applications required under such products under section 910 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387).
SA 756. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 737. REPORT ON COMPLIANCE WITH RUNWAY CLEAR ZONE REQUIREMENTS.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Service secretaries, shall submit to the congressional defense committees a report on Service compliance with Department of Defense and relevant Service policies regarding Department of Defense runway clear zones.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A listing of all Department of Defense runway clear zones in the United States that are not in compliance with Department of Defense and relevant Service policies regarding Department of Defense runway clear zones.

(2) A plan for bringing all Department of Defense runway clear zones in full compliance with these policies, including a description of the resources required to bring these clear zones into policy compliance, and for providing restitution for property owners.

SA 757. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 737. TRANSFER TO DEPARTMENT OF DEFENSE, FOR MILITARY CONSTRUCTION, AND FOR DEFENSE ACTIVITIES OF THE DEPARTMENT OF ENERGY, TO PRESCRIBE MILITARY PERSONNEL STRENGTHS FOR SUCH FISCAL YEAR, AND FOR OTHER PURPOSES; WHICH WAS ORDERED TO LIE ON THE TABLE; AS FOLLOWS:

(a) IN GENERAL.—There is transferred from the Department of Homeland Security to the Department of Defense the following:

(1) serve as the executive agent and custodian of Department of Homeland Security and the Secretary of Defense to the Department of Energy and the Secretary of Defense such amounts as may be necessary to operate the Department of Energy and the Secretary of Defense.

(b) TRANSFER OF AMOUNTS.—The Secretary of Homeland Security shall transfer to the Secretary of Defense such amounts as may be necessary to operate the Department of Energy and the Secretary of Defense.

(c) TRANSFER OF TRANSFER.—The Secretary of Homeland Security shall conduct an expedient transfer of authority under subsection (a) and amounts under subsection (b) within one year after the date of the enactment of this Act.

(d) ROLE OF DEPARTMENT OF DEFENSE AFTER TRANSFER.—After the transfer of authority under subsection (a), the Secretary of Defense shall—

(1) serve as the executive agent and custodian of the Department of Energy; and

(2) support the activities of the Center, particularly those activities that support Federal government customers;

(3) ensure that the needs of all customers of the Center are met; and

(4) enter into memoranda of understanding with beneficiaries of the Center to ensure equitable cost sharing in the activities of the Center.

SA 758. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 737. TRANSFER TO DEPARTMENT OF DEFENSE, FOR MILITARY CONSTRUCTION, AND FOR DEFENSE ACTIVITIES OF THE DEPARTMENT OF ENERGY, TO PRESCRIBE MILITARY PERSONNEL STRENGTHS FOR SUCH FISCAL YEAR, AND FOR OTHER PURPOSES; WHICH WAS ORDERED TO LIE ON THE TABLE; AS FOLLOWS:

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated for fiscal year 2018 by section 301 and available for environmental remediation, Army, as specified in the funding table in section 4301, not less than $500,000,000 shall be used to accelerate ongoing remediation activities at former Army ammunition plants.

(b) REMEDIATION ACTIVITIES DEFINED.—In this subsection, the term "remediation activities" includes actions required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) in connection with environmental remediation, the development, deployment, and operation of appropriate groundwater remediation to provide clean drinking water to impacted communities, the testing of groundwater contaminant levels, and engagements with such communities to incorporate preferred approaches to environmental remediation.

In the funding table in section 4201, in the item relating to the Long Range Standoff Weapon of the Air Force, decrease the amount in the Senate Authorized column by $100,000,000.

In the funding table in section 4301, in the item relating to Environmental Restoration, Army, increase the amount in the Senate Authorized column by $100,000,000.

SA 760. Mr. WARNER (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 1608. ACCELERATION OF ENVIRONMENTAL REMEDIATION ACTIVITIES AT FORMER ARMY AMMUNITION PLANTS.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated for fiscal year 2018 by section 301 and available for environmental remediation, Army, as specified in the funding table in section 4301, not less than $500,000,000 shall be used to accelerate ongoing remediation activities at former Army ammunition plants.

(b) REMEDIATION ACTIVITIES DEFINED.—In this subsection, the term "remediation activities" includes actions required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) in connection with environmental remediation, the development, deployment, and operation of appropriate groundwater remediation to provide clean drinking water to impacted communities, the testing of groundwater contaminant levels, and engagements with such communities to incorporate preferred approaches to environmental remediation.

In the funding table in section 4201, in the item relating to the Long Range Standoff Weapon of the Air Force, decrease the amount in the Senate Authorized column by $100,000,000.

In the funding table in section 4301, in the item relating to Environmental Restoration, Army, increase the amount in the Senate Authorized column by $100,000,000.
improve safety, and to reduce the long-term cost of operations and maintenance;
(2) measures to normalize processes, systems, and products across the ranges described in paragraph (1) to minimize the burden on launch providers; and
(3) improvements in transparency, flexibility, and responsiveness for launch scheduling.
(c) Consultation.—In carrying out the program required by this section, the Secretary should consult with current and anticipated users of ranges in the United States.
(d) Cooperation.—In carrying out this section, the Secretary should consider partnerships and arrangements under section 2275 of title 10, United States Code.
(e) Report.—
(1) Report required.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the plan for the implementation of the launch support and infrastructure modernization program at ranges in the United States.
(2) Elements.—The report required under paragraph (1) shall include—
(A) a description of plans and the resources needed to improve launch support infrastructure, utilities, support equipment, and range operations;
(B) a description of plans to streamline and normalize processes, systems, and products at ranges described in paragraph (1) to ensure consistency for range users; and
(C) recommendations for improving transparency, flexibility, and responsiveness in launch scheduling.
SEC. 761. Mr. BROWN (for himself and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place, insert the following:
SEC. 762. Mr. YOUNG submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle E of title V, add the following:
SEC. 764. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place, insert the following:
SEC. 765. Mr. VAN HOLLEN submitted an amendment intended to be proposed by
by him to the bill H.R. 2010, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 3. PENALTY FOR SALE OF PURPLE HEARTS AWARDED TO MEMBERS OF THE ARMED FORCES.

Section 701 of title 18, United States Code, is amended—

(1) by striking subsection (a); and

(2) by inserting the following:

"(a) Penalties.—Whoever willfully or maliciously—

(1) purchases, acquires, or attempts to purchase, mails, ships, imports, exports, procures blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barter, or exchanges for anything of value any Purple Heart awarded to a member of the armed forces or former member of the armed forces by the Secretary of the military department concerned, unless the sale is conducted by the member or former member to whom the Purple Heart was awarded, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

"(b) Consideration authorized.—(1) Any agency or official thereof may consider a disclosure pursuant to subsection (a).

(2) The head of any agency may establish a negative preference of up to 10 percent of the cost of a contract for purposes of evaluating any disclosure pursuant to subsection (a) in response to solicitation issued by the agency.

(3) By inserting after paragraph (3) the following:

"(4) Annual report.—The head of each agency shall submit to Congress each year a report on the following:

(a) The number of solicitations made by the agency during the preceding year for which disclosure were made pursuant to subsection (a) in responsive bids or proposals.

(b) The number of contracts awarded by the agency during the preceding year in which such disclosure were taken into account in the award contract.

(c) The head of an agency may provide for the procurement of property and services covered by this chapter using competitive procedures but excluding a source making a disclosure pursuant to section 2327a(a) of this title in the bid or proposal in response to solicitation issued by the agency if the head of the agency determines that the actions described by disclosure are against the public interest of the United States and that the source is very close to those grounds. Any such determination shall take into account the sense of Congress set forth in section 2327c(c) of this title.

(d) By inserting after paragraph (3) the following:

"(1) in subsection (a), by striking "whoever willfully or maliciously".

"(2) by adding at the end the following:

"(3) DEFINITION.—In this subsection, the term 'willfully' means the voluntary, intentional violation of a known legal duty.'

SA 768. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2010, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the "Private Corrado Piccoli Purple Heart Preservation Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Purple Heart medal solemnly recognizes the great and sometimes ultimate sacrifice of American servicemembers like Private Corrado Piccoli.

(2) The Purple Heart medal holds a place of honor as the national symbol of this sacrifice and deserves special protections.
United States obligations under international agreements.

**SA 769.** Mr. WICKER (for Mrs. FISCHER) proposed an amendment to the bill S. 88, to ensure appropriate spectrum planning and interagency coordination to support the Internet of Things; as follows:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Developing Innovation and Growing the Internet of Things Act” or “DIGIT Act.”

**SEC. 2. FINDINGS; SENSE OF CONGRESS.**

(a) FINDINGS.—Congress finds that—

(1) the Internet of Things refers to the growing number of connected and interconnected devices;

(2) estimates indicate that more than 50,000,000,000 devices will be connected to the Internet by 2020;

(3) the Internet of Things has the potential to generate trillions of dollars in new economic activity around the world;

(4) businesses across the United States can develop new services and products, improve operations, simplify logistics, cut costs, and pass savings on to consumers by utilizing the Internet of Things and related innovations;

(5) the United States leads the world in the development of technologies that support the Internet of Things; and

(b) SENSE OF CONGRESS.—It is the sense of Congress that policies governing the Internet of Things should maximize the potential and development of the Internet of Things to benefit all stakeholders, including businesses, governments, and consumers.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(2) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(3) STEERING COMMITTEE.—The term “steering committee” means the steering committee established under section 4(e)(1).

(4) WORKING GROUP.—The term “working group” means the working group convened under section 4(a).

**SEC. 4. FEDERAL WORKING GROUP.**

(a) IN GENERAL.—The Secretary shall convene a working group of Federal stakeholders for the purpose of providing recommendations and a report to Congress relating to the Commission of the Internet of Things described in subsection (b).

(b) DUTIES.—The working group shall—

(1) identify any Federal regulations, statutes, grant practices, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development of the Internet of Things;

(2) consider policies or programs that encourage and improve coordination among Federal agencies with jurisdiction over the Internet of Things;

(3) incorporate the findings and recommendations made by the steering committee and, where appropriate, act to implement those recommendations; and

(4) (A) the use of Internet of Things technology by Federal agencies as of the date on which the working group performs the examination;

(b) the preparedness and ability of Federal agencies to adopt Internet of Things technology in the future; and

(d) any additional security measures that Federal agencies should take to—

(i) safely and securely use the Internet of Things, including measures that ensure the security of critical infrastructure; and

(ii) enhance the resiliency of Federal systems against cyber threats to the Internet of Things.

(c) AGENCY REPRESENTATIVES.—In convening the working group under subsection (a), the Secretary shall have discretion to appoint representatives and shall specifically consider seeking representation from—

(1) the Department of Commerce, including—

(A) the National Telecommunications and Information Administration;

(B) the National Institute of Standards and Technology; and

(C) the National Oceanic and Atmospheric Administration;

(2) the Department of Transportation;

(3) the Department of Homeland Security;

(4) the Office of Management and Budget;

(5) the National Science Foundation;

(6) the Commission;

(7) the Federal Trade Commission;

(8) the Office of Science and Technology Policy;

(9) the Department of Energy; and

(10) the Federal Energy Regulatory Commission.

(d) NONGOVERNMENTAL STAKEHOLDERS.—The working group shall consist wholly of non-governmental stakeholders, including—

(1) the steering committee;

(2) information and communications technology manufacturers, suppliers, service providers, and vendors;

(3) subject matter experts representing industrial sectors other than the technology sector that can benefit from the Internet of Things, including the energy, agriculture, and health care sectors;

(4) small, medium, and large businesses;

(5) think tanks and academia;

(6) nonprofit organizations and consumer groups;

(7) rural stakeholders; and

(8) other subject matter experts representing an area of concern made by the Secretary.

(e) STEERING COMMITTEE.—

(1) ESTABLISHMENT.—There is established within the Department of Commerce a steering committee to advise the working group.

(2) DUTIES.—The steering committee shall advise the working group with respect to—

(A) the identification of any Federal regulations, statutes, grant practices, programs, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development of the Internet of Things;

(B) whether adequate spectrum is available to support the growing Internet of Things and what legal or regulatory barriers may exist to provide any spectrum needed in the future;

(C) policies or programs that—

(i) promote or are related to the privacy of individuals who use or are affected by the Internet of Things; and

(ii) may enhance the security of the Internet of Things, including the security of critical infrastructure;

(D) may protect users of the Internet of Things; and

(V) may encourage coordination among Federal agencies with jurisdiction over the Internet of Things;

(E) any international proceeding, international negotiation, or other international matter affecting the Internet of Things to which the United States is or should be a party.

(f) REPORT TO CONGRESS.—The Secretary shall appoint to the steering committee members representing a wide range of stakeholders outside of the Federal Government with expertise relating to the Internet of Things, including—

(A) information and communications technology manufacturers, suppliers, service providers, and vendors;

(B) subject matter experts representing industrial sectors other than the technology sector that can benefit from the Internet of Things, including the energy, agriculture, and health care sectors;

(C) small, medium, and large businesses;

(D) think tanks and academia;

(E) nonprofit organizations and consumer groups;

(F) rural stakeholders; and

(G) other stakeholders with relevant expertise, as determined by the Secretary.

(2) INDEPENDENT ADVICE.—

(A) IN GENERAL.—The steering committee shall set the agenda of the steering committee in carrying out the duties of the steering committee under paragraph (2).

(B) SUGGESTIONS.—The working group may suggest topics or items for the steering committee to study, and the steering committee shall take those suggestions into consideration in carrying out the duties of the steering committee.

(3) REPORT.—The steering committee shall ensure that the report submitted under paragraph (4) is the result of the independent judgment of the steering committee.

(4) TERMINATION.—The steering committee shall terminate on the date on which the working group submits the report under subsection (f) unless, on or before that date, the Secretary files a notice to the steering committee under section 9(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

(5) FEDERAL WORKING GROUP.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the working group shall submit to Congress a report that includes—

(1) the findings and recommendations of the working group with respect to—

(A) the identification of any Federal regulations, statutes, grant practices, programs, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development of the Internet of Things;

(B) whether adequate spectrum is available to support the growing Internet of Things and what legal or regulatory barriers may exist to providing any spectrum needed in the future;

(C) policies or programs that—

(i) promote or are related to the privacy of individuals who use or are affected by the Internet of Things; and

(ii) may enhance the security of the Internet of Things, including the security of critical infrastructure;

(D) may protect users of the Internet of Things; and

(E) any international proceeding, international negotiation, or other international matter affecting the Internet of Things to which the United States is or should be a party.

(B) the use of Internet of Things technology by small businesses; and

(E) any international proceeding, international negotiation, or other international matter affecting the Internet of Things to which the United States is or should be a party.

(6) FEDERAL WORKING GROUP.—

(A) IN GENERAL.—The steering committee shall set the agenda of the steering committee in carrying out the duties of the steering committee under paragraph (2).

(2) INDEPENDENT ADVICE.—

(A) IN GENERAL.—The steering committee shall set the agenda of the steering committee in carrying out the duties of the steering committee under paragraph (2).

(3) REPORT.—The steering committee shall ensure that the report submitted under paragraph (4) is the result of the independent judgment of the steering committee.

(4) TERMINATION.—The steering committee shall terminate on the date on which the working group submits the report under subsection (f) unless, on or before that date, the Secretary files a notice to the steering committee under section 9(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

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(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the working group shall submit to Congress a report that includes—

(1) the findings and recommendations of the working group with respect to—

(A) the identification of any Federal regulations, statutes, grant practices, programs, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development of the Internet of Things;

(B) whether adequate spectrum is available to support the growing Internet of Things and what legal or regulatory barriers may exist to providing any spectrum needed in the future;

(C) policies or programs that—

(i) promote or are related to the privacy of individuals who use or are affected by the Internet of Things; and

(ii) may enhance the security of the Internet of Things, including the security of critical infrastructure;

(D) may protect users of the Internet of Things; and

(E) any international proceeding, international negotiation, or other international matter affecting the Internet of Things to which the United States is or should be a party.

(B) the use of Internet of Things technology by small businesses; and

(E) any international proceeding, international negotiation, or other international matter affecting the Internet of Things to which the United States is or should be a party.

(6) FEDERAL WORKING GROUP.—

(A) IN GENERAL.—The steering committee shall set the agenda of the steering committee in carrying out the duties of the steering committee under paragraph (2).

(2) INDEPENDENT ADVICE.—

(A) IN GENERAL.—The steering committee shall set the agenda of the steering committee in carrying out the duties of the steering committee under paragraph (2).

(3) REPORT.—The steering committee shall ensure that the report submitted under paragraph (4) is the result of the independent judgment of the steering committee.

(4) TERMINATION.—The steering committee shall terminate on the date on which the working group submits the report under subsection (f) unless, on or before that date, the Secretary files a notice to the steering committee under section 9(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

(5) FEDERAL WORKING GROUP.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the working group shall submit to Congress a report that includes—

(1) the findings and recommendations of the working group with respect to—

(A) the identification of any Federal regulations, statutes, grant practices, programs, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development of the Internet of Things;

(B) whether adequate spectrum is available to support the growing Internet of Things and what legal or regulatory barriers may exist to providing any spectrum needed in the future;

(C) policies or programs that—

(i) promote or are related to the privacy of individuals who use or are affected by the Internet of Things; and

(ii) may enhance the security of the Internet of Things, including the security of critical infrastructure;

(D) may protect users of the Internet of Things; and

(E) any international proceeding, international negotiation, or other international matter affecting the Internet of Things to which the United States is or should be a party.

(B) the use of Internet of Things technology by small businesses; and

(E) any international proceeding, international negotiation, or other international matter affecting the Internet of Things to which the United States is or should be a party.
SEC. 5. ASSESSING SPECTRUM NEEDS.
(a) IN GENERAL.—The Commission, in consultation with the National Telecommunications and Information Administration, shall consult with the notice of inquiry seeking public comments on the current, as of the date of enactment of this Act, and future spectrum needs of the Internet of Things.

(b) REQUIREMENTS.—In issuing the notice of inquiry under subsection (a), the Commission shall seek comments that consider and evaluate:

(1) whether adequate spectrum is available to support the growing Internet of Things;

(2) what regulatory barriers may exist to provide a needed spectrum for the Internet of Things; and

(3) what the role of licensed and unlicensed spectrum is and will be in the growth of the Internet of Things.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing the comments submitted in response to the notice of inquiry issued under subsection (a).

SA 770. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 8. SUNSET OF AUTHORIZATION FOR USE OF MILITARY FORCE.
(a) SUNSET.—Section 2 of the Authorization for Use of Military Force (Public Law 107–40, 115 Stat 57, note) is amended by adding at the end the following new subsection:

"(c) SUNSET.—The authority to use force in this resolution shall expire on the date that is three years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, unless reauthorized or extended by Congress."

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) need will remain to defend against specific networks of violent extremists, including al Qaeda and its affiliates, that threaten the United States; and

(2) the President must work with Congress to secure whatever authorities may be required to meet that threat in a manner that complies with the Constitution and the War Powers Resolution (50 U.S.C. 1541 et seq.).

SA 771. Ms. MURKOWSKI (for Mr. CARPER) proposed an amendment to the bill S. 1141, to provide for the identification and prevention of improper payments and the identification of strategic sourcing opportunities by reviewing and analyzing the use of Federal agency charge cards; as follows:

On page 5, beginning on line 6, strike "General Services Administration, Office of Charge Card Management" and insert "the General Services Administration".

SA 772. Ms. MURKOWSKI (for Mr. YOUNG) proposed an amendment to the bill S. 1182, to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of the American Legion; as follows:

In section 7(d), in the subsection heading, strike "GAO AUDIT" and insert "AUDIT".

SA 773. Ms. MURKOWSKI (for Mr. SULLIVAN) proposed an amendment to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; as follows:

Beginning on page 3, strike line 3 and all that follows through page 3, line 23, and insert the following:

"(2) ASSISTANCE.—If the Administrator makes a determination under paragraph (1) that there is a severe marine debris event, the Administrator is authorized to make sums available to be used by the affected State or by the Administrator in cooperation with the affected State—

"(A) to assist in the cleanup and response required by the severe marine debris event; or

"(B) to conduct such other activity as the Administrator determines is appropriate as a response to the severe marine debris event.

On page 4, beginning on line 24, strike "Federal funding for research and development" and insert "research and development, including through the establishment of a prize competition".

AUTHORITY FOR COMMITTEES TO MEET

Ms. FISCHER. Mr. President, I have 6 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to hold a hearing on Thursday, August 3, 2017 at 10 a.m. in Room 366 of the Dirksen Senate Office Building in Washington, DC.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to hold a Business Meeting on Thursday, August 3, 2017 at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on Thursday, August 3, 2017, at 9:45 a.m. in room 225 of the Russell Senate Office Building. The Committee will hold a Subcommittee Hearing on "Insurance Fraud in America: Current Issues Facing Industry and Consumers."

WOMEN, PEACE, AND SECURITY ACT OF 2017

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 123, S. 1141.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1141) to ensure that the United States promotes the meaningful participation of women in mediation and negotiation processes seeking to prevent, mitigate, or resolve violent conflict.

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

Ms. MURKOWSKI. I ask unanimous consent that the bill be considered read a third time.

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

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

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

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1141) was passed, as follows:

S. 1141
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE. This Act may be cited as the "Women, Peace, and Security Act of 2017".

SEC. 2. FINDINGS. Congress makes the following findings:

(1) Around the world, women remain under-represented in conflict prevention, conflict resolution, and post-conflict peace building efforts.

(2) Women in conflict-affected regions have achieved significant success in—

(A) moderating violent extremism;

(B) countering terrorism;

(C) resolving disputes through nonviolent mediation and negotiation; and

(D) stabilizing societies by enhancing the effectiveness of security services, peacekeeping efforts, institutions, and decision-making processes.
(3) Research suggests that peace negotiations are more likely to succeed and to result in durable peace agreements when women participate in the peace process.

SEC. 4. STATEMENT OF POLICY.

It shall be the policy of the United States to promote the meaningful participation of women in all aspects of overseas conflict prevention, management, and resolution, and to post-conflict relief and recovery efforts.

(1) integrate the perspectives and interests of women in conflict-prevention activities and strategies;
(2) encourage partner governments to adopt plans to improve the meaningful participation of women in peace and security processes and decision-making institutions;
(3) promote the physical safety, economic security, and dignity of women and girls;
(4) support the equal access of women to aid distribution mechanisms and services;
(5) authorize gender data collection for the purpose of developing and enhancing early warning systems of conflict and violence;
(6) adjust policies and programs to improve outcomes in gender equality and the empowerment of women; and
(7) monitor, analyze, and evaluate the efforts related to each strategy submitted under section 5 and the impact of such efforts.

SEC. 5. UNITED STATES STRATEGY TO PROMOTE THE MEANINGFUL PARTICIPATION OF WOMEN IN CONFLICT PREVENTION AND PEACE BUILDING.

(a) REQUIREMENT.—Not later than one year after the enactment of this Act, and again four years thereafter, the President, in consultation with the heads of the relevant Federal departments and agencies, shall ensure that the appropriate congressional committees and make publicly available a single government-wide strategy, to be known as the Women, Peace, and Security Strategy, that provides a detailed description of the strategy to be implemented by the United States to fulfill the policy objectives in section 4. The strategy shall:

(1) be integrated and aligned with plans developed by other countries to improve the meaningful participation of women in peace and security processes, conflict prevention, peace building, transitional processes, and decision-making institutions;
(2) include specific and measurable goals, benchmarks, performance metrics, time tables, roles, and timelines for assessing and evaluating plans to ensure the accountability and effectiveness of all policies and initiatives carried out under the strategy.

(b) REQUIREMENTS FOR DEPARTMENTS AND AGENCIES.—Each strategy under subsection (a) shall include a specific implementation plan from each of the relevant Federal departments and agencies that describes:

(1) the anticipated contributions of the department or agency, including technical, financial, and in-kind contributions, to implement the strategy; and
(2) the efforts of the department or agency to ensure that the policies and initiatives carried out in pursuit of the strategy are designed to achieve maximum impact and long-term sustainability.

(c) COORDINATING. The President shall coordinate the meaningful participation of women in conflict prevention, in coordination and consultation with international partners, including, as appropriate, multilateral organizations, stakeholders, and other relevant international organizations, particularly in situations in which the direct engagement of the Government is not appropriate or advisable.

(d) SENSE OF CONGRESS.—It is the sense of Congress—

(1) to provide technical assistance, training, and logistical support to female negotiators, mediators, peace builders, and stakeholders;
(2) to address security-related barriers to the meaningful participation of women;
(3) to encourage increased participation of women in existing programs funded by the United States Government that provide training to foreign nationals regarding law enforcement, the rule of law, or professional military education;
(4) to support the training, education, and mobilization of men and boys as partners in support of the meaningful participation of women;
(5) to encourage the development of transitional justice and accountability mechanisms that take into account the perspectives of women and girls;
(6) to conduct assessments that include the perspectives of women regarding new initiatives in support of peace negotiations, transitional justice and accountability, efforts to counter violent extremism, or security sector reform.

SEC. 6. TRAINING REQUIREMENTS REGARDING THE PARTICIPATION OF WOMEN IN CONFLICT PREVENTION AND PEACE BUILDING.

(a) FOREIGN SERVICE.—The Secretary of State, in conjunction with the Administrator of the United States Agency for International Development, shall ensure that all appropriate personnel (including special envoys, members of negotiation and mediation teams, relevant members of the civil service or Foreign Service, and contractors) responsible for or deploying to countries or regions considered to be at risk of, undergoing, or emerging from violent conflict obtain training, as appropriate, in the following areas:

(1) Conflict prevention, mitigation, and resolution;
(2) Protecting civilians from violence, exploitation, and trafficking in persons;
(3) International human rights and international humanitarian law.

(b) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that all relevant personnel receive training, as appropriate, in the following areas:

(1) Training in conflict prevention, peace processes, transitional justice, and security initiatives that specifically addresses the importance of meaningful participation by women;
(2) Gender considerations and meaningful participation by women, including training regarding—

(1) international human rights law and international humanitarian law, as relevant; and
(2) protecting civilians from violence, exploitation, and trafficking in persons.

(3) Effective strategies and best practices for ensuring meaningful participation by women.

SEC. 7. CONSULTATION AND COLLABORATION.

(a) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development may establish guidelines or take other steps to ensure overseas United States personnel of the Department of State or the United States Agency for International Development, as the case may be, consult with appropriate stakeholders, including women, youth, ethnic, and religious minorities, and other politically under-represented or marginalized populations, regarding United States efforts to—

(1) prevent, mitigate, or resolve violent conflict; and
(2) enhance the success of mediation and negotiation processes by ensuring the meaningful participation of women.

(b) COLLABORATION AND COORDINATION.—The Secretary of State should work with international, regional, national, and local organizations to increase the meaningful participation of women in international peacekeeping operations, and should promote training of international peacekeeping personnel with the substantive knowledge and skills needed to ensure effective physical security and meaningful participation of women in conflict prevention and peace building.

SEC. 8. REPORTS TO CONGRESS.

(a) BRIEFING.—Not later than 1 year after the date of the first submission of a strategy required under section 5, the Secretary of State, in conjunction with the Administrator of the United States Agency for International Development and the Secretary of Defense, shall brief the appropriate congressional committees on existing, enhanced, or newly established training carried out pursuant to section 6.

(b) REPORT ON WOMEN, PEACE, AND SECURITY STRATEGY.—Not later than 2 years after the date of the submission of each strategy required under section 5, the President shall submit to the appropriate congressional committees a report that—

(1) summarizes and evaluates the implementation of such strategy and the impact of United States efforts to implement foreign assistance programs, projects, and activities to promote the meaningful participation of women;
(2) describes the nature and extent of the coordination among the relevant Federal departments and agencies on the implementation of such strategy;
(3) outlines the monitoring and evaluation tools, mechanisms, and common indicators to assess progress made on the policy objectives set forth in section 4; and
(4) describes the existing, enhanced, or newly established training carried out pursuant to section 6.

SEC. 9. DEFINITIONS.

In this Act:

(a) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and
(2) the Committee on Foreign Affairs, the Committees on Armed Services, and the Committee on Appropriations of the House of Representatives.
(2) RELEVANT FEDERAL DEPARTMENTS AND AGENCIES.—The term “relevant Federal departments and agencies” means—
(A) the United States Agency for International Development;
(B) the Department of State;
(C) the Department of Defense;
(D) the Department of Homeland Security; and
(E) any other department or agency specified by the President for purposes of this Act.

(3) STAKEHOLDERS.—The term “stakeholders” means non-governmental and private sector entities engaged in or affected by conflict prevention and stabilization, peace building, protection, security, transition initiatives, humanitarian response, or related efforts.

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

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

SAVING FEDERAL DOLLARS THROUGH BETTER USE OF GOVERNMENT PURCHASE AND TRAVEL CARDS ACT OF 2017

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 169, S. 1099.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1099) to provide for the identification and prevention of improper payments and the identification of strategic sourcing opportunities by reviewing and analyzing the use of Federal agency charge cards.

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Carper amendment at the desk be considered and agreed to, the bill, as amended, be considered as a third time and passed, 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 amendment (No. 771) was agreed to, as follows:

(Purpose: To make a technical correction)

On page 5, beginning on line 6, strike “General Services Administration Office of Charge Card Management” and insert “the General Services Administration”.

The bill (S. 1099), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1099

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 referred to as the “Saving Federal Dollars Through Better Use of Government Purchase and Travel Cards Act of 2017”.

SEC. 2. DEFINITIONS. In this Act:

(1) IMPROPER PAYMENT.—The term “improper payment” has the meaning given the term in section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) QUESTIONABLE TRANSACTION.—The term “questionable transaction” means a charge card transaction, from initial card data, that appears to be high risk and may therefore be improper due to non-compliance with applicable law, regulation or policy.

(3) STRATEGIC SOURCING.—The term “strategic sourcing” means analyzing and modifying a Federal agency’s spending patterns to better leverage its purchasing power, reduce costs, and improve overall performance.

SEC. 3. EXPANDED USE OF DATA ANALYTICS.

(a) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator for General Services, shall develop a strategy to expand the use of data analytics in managing government purchase and travel charge card programs. These analytics may employ existing General Services Administration capabilities, and may be in conjunction with agencies’ capabilities, for the purpose of—

(1) identifying examples or patterns of questionable transactions and developing enhanced tools and methods for agency use in—

(A) identifying improper purchase and travel card transactions; and

(B) recovering improper payments made with purchase and travel cards;

(2) identifying potential opportunities for agencies to further leverage administrative process streamlining and cost reduction from purchase and travel card use, including additional agency opportunities for card-based strategic sourcing;

(3) developing a set of purchase and travel card metrics and benchmarks for high-risk activities, which shall assist agencies in identifying potential emphasis areas for their purchase and travel card management and oversight activities, including those required by the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112-194); and

(4) developing a plan, which may be based on existing capabilities, to create a library of analytics tools and data sources for use by Federal agencies (including inspectors general of those agencies).

(b) ELEMENTS.—The guidance issued under subsection (a) shall—

(1) require relevant officials at Federal agencies to identify high-risk activities and communicate that information to the appropriate management levels within the agencies;

(2) require that appropriate officials at Federal agencies review the reports issued by charge card-issuing banks on questionable transaction activity (such as purchase and travel card pre-suspension and suspension reports, delinquency reports, and exception reports), including transactions that occur with high-risk activities, and suspicious timing or amounts of cash withdrawals or advances;

(3) provide for the appropriate sharing of information related to questionable transactions, fraud schemes, and high-risk activities with the General Services Administration and the appropriate officials in Federal agencies;

(4) consider the recommendations made by Inspectors General or the best practices identified by the Administration for General Services in the relevant Federal departments and agencies.

(5) include other requirements determined appropriate by the Director for the purposes of carrying out this Act.

SEC. 5. INTERAGENCY CHARGE CARD DATA MANAGEMENT GROUP.

(a) ESTABLISHMENT.—The Administrator of General Services and the Director of the Office of Management and Budget shall establish a purchase and travel charge card data management group to develop and share best practices for the purposes described in section 3.

(b) ELEMENTS.—The best practices developed under subsection (a) shall—

(1) cover rules, edits, and task order or contract modifications related to charge card-issuing banks;

(2) include the review of accounts payable information and purchase and travel card transaction data of agencies for the purpose of identifying potential strategic sourcing and other additional opportunities (such as recurring payments, utility payments, and grant payments) for which the charge cards or related payment products could be used as a payment method; and

(3) include other best practices as determined by the Administrator and Director.

(c) MEMBERSHIP.—The purchase and travel charge card data management group shall meet regularly as determined by the co-chairs, for a duration of three years, and include those agencies as described in section 3(a) of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112-194) and others identified by the Administrator and Director.

SEC. 6. REPORTING REQUIREMENTS.

(a) GENERAL SERVICES ADMINISTRATION REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator for General Services shall submit a report to Congress on the implementation of this Act, including the metrics used in determining whether the analytic and benchmarking efforts have reduced, or contributed to the reduction of questionable, improper payments as well as improved utilization of card-based payment products.

(b) AGENCY REPORTS AND CONSOLIDATED REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the head of each Federal agency described in section 3(a) of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112-194) shall submit a report to the Director of the Office of Management and Budget on the agency’s activities to implement this Act.

(c) OFFICE OF MANAGEMENT AND BUDGET REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall submit to Congress a consolidated report of agency activities to implement this Act, which may be included as part of another report submitted to Congress by the Director.

(d) REPORT ON ADDITIONAL SAVINGS OPPORTUNITIES.—Not later than one year after the date of the enactment of this Act, the Administrator of General Services shall submit a report to Congress identifying and exploring further potential savings opportunities for government agencies under the Federal charge card programs. This report may be combined with the report required under subsection (a).
EXPRESSING SUPPORT FOR THE DESIGNATION OF OCTOBER 28, 2017, AS “HONORING THE NATION’S FIRST RESPONDERS DAY”

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 183, S. Con. Res. 15.

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

The senior assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 15) expressing support for the designation of October 28, 2017, as “Honor the Nation’s First Responders Day.”

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

(Where the concurrent resolution intended to be stricken is shown in italics.)

The preamble was agreed to.

The concurrent resolution (S. Con. Res. 15) expressing support for the designation of October 28, 2017, as “Honor the Nation’s First Responders Day.”

Whereas first responders include professional and volunteer fire, police, emergency medical technician, and paramedic workers in the United States;

Whereas there are more than 25,300,000 first responders in the United States working to keep communities safe;

Whereas first responders deserve to be recognized for their commitment to safety, defense, and honor; and

Whereas October 28, 2017, would be an appropriate day to establish as “Honoring the Nation’s First Responders Day”: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the designation of October 28, 2017, as “Honoring the Nation’s First Responders Day”;

(2) honors and recognizes the contributions of first responders; and

(3) encourages the people of the United States to observe Honoring the Nation’s First Responders Day with appropriate ceremonies and activities that promote awareness of the contributions of first responders in the United States.

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

The committee-reported amendment read as follows:

A bill (S. 810) to facilitate construction of a bridge on certain property in Christian County, Missouri, and for other purposes.

The amendment (No. 772) was agreed to, as follows:

(1) An amendment agreed unto, or re-striiction pursuant to, section 40(b)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)); and

(2) any easement or other Federal restriction pursuant to that Act (42 U.S.C. 5121 et seq.), that requires the covered property to be maintained for open space, recreation, or wetland management.

The amendment (No. 772) was agreed to, as follows:

(A) the term “covered property” means the property—

(1) in Christian County, Missouri; and

(2) conveyed to such County by the Riverside Inn, Inc.; and

(3) that is approximately 1.5 acres and 482 lineal feet adjacent to the westerly line of Riverside Road to the center of Finley Creek.

(B) the Federal Government shall not be liable for any such flood damage that does occur; and

(C) that the project is to construct, maintain, and operate a bridge on and over the covered property.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be considered and agreed to, the bill, as amended, be considered read a third time and passed.

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

The concurrent resolution (S. 810), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

THE AMERICAN LEGION 100TH ANNIVERSARY COMMEMORATIVE COIN ACT

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 192, S. Con. Res. 15.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1182) to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of The American Legion.

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

Ms. MURKOWSKI. I know of no further debate on the bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1182), as amended, was passed, as follows:

S. 1182

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 American Legion 100th Anniversary Commemorative Coin Act”.

SEC. 2. FINDINGS.

The Congress finds that—
(1) on March 15, 1919, The American Legion was founded in Paris, France, by members of the American Expeditionary Force occupying Europe after World War I and concerned about the welfare of their comrades and communities upon their return to the United States; (2) on September 16, 1919, Congress chartered The American Legion, which quickly grew to become the largest veterans service organization in the United States; (3) The American Legion conferences in Washington, D.C., in 1923 and 1924 crafted the first United States Flag Code, which was adopted in schools, States, cities and counties established in 1922, establishing the proper use, display, and respect for the colors of the United States; (4) during World War II, The American Legion drafted and presented to Congress its case for vastly improved support for medically discharged, disabled veterans, which ultimately became the Servicemen’s Readjustment Act of 1944 (58 Stat. 284; chapter 280), better known as the GI. Bill of Rights, and was drafted by former American Legion National Commander Harry W. Colmery in Washington, D.C.; (5) through the leadership and advocacy of The American Legion, the G.I. Bill was enacted in June 1944, which led to monumental changes in the United States society, including the democratization of higher education, home ownership for average people in the United States, better VA hospitals, businesses and farm loans for veterans, and the ability to appeal conditions of military discharge; (6) defying those who argued the G.I. Bill would break the Treasury, according to various researchers, the G.I. Bill provided a tremendous return on investment of $7 to the United States economy for every $1 spent on the program, triggering a half-century of prosperity in the United States; (7) after Hurricane Hugo in 1989, The American Legion established the National Emergency Fund to provide immediate cash relief for veterans who have been affected by natural disasters; (8) American Legion National Emergency Fund grants after Hurricanes Katrina and Rita in 2005, for instance, exceeded $1,700,000; (9) The American Legion fought to see the Veterans Administration elevated to Cabinet-level status by the Department of Veterans Affairs, ensuring support for veterans would be set at the highest level of the Federal Government, as a priority issue for the President; (10) after a decades-long struggle to improve the adjudication process for veterans disability claims, the American Legion shaped and introduced the Veterans Claims System, including a half-century of healthy and wholesome development. (11) In 1988, legislation was passed in 1988 to create the United States Court of Veterans Appeals, today known as the United States Court of Appeals for Veterans Claims; (12) The American Legion created the American Legacy Scholarship Fund for children of military members killed on active duty or on September 11, 2001; (13) In 2016, The American Legion’s National Executive Committee amended the original scholarship criteria to include children of veterans with 50 percent or greater VA disability ratings; (14) President George W. Bush signed into law the Post-9/11 Veterans Educational Assistance Act of 2008; (15) in August 2018, The American Legion will begin its centennial recognition at the 100th National Convention in Minneapolis, Minnesota, the site of the first American Legion National Convention in 1919; (16) in March 2019, the organization will celebrate its 100th birthday in Paris, France, and September 16, 2019, will mark the 100th anniversary of The American Legion’s Federal charter. 

SEC. 3. COIN SPECIFICATIONS. (a) DENOMINATIONS.—In recognition and celebration of the 100th anniversary of The American Legion, the Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 50,000 $5 coins, which shall—
   (A) weigh 8.839 grams; and
   (B) contain not less than 90 percent gold.

(2) $1 SILVER COINS.—Not more than 400,000 $1 coins, which shall—
   (A) weigh 26.73 grams; and
   (B) have a diameter of 1.050 inches; and
   (C) contain not less than 90 percent silver.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollars coins which shall—
   (A) weigh 11.34 grams; and
   (B) have a diameter of 1.205 inches; and
   (C) be minted to the specifications for half-dollar coins described in section 5112(b) of title 31, United States Code. 

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5108 of title 31, United States Code. 

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, any sale of coins issued under this Act shall be considered to be numismatic items. 

SEC. 4. DESIGN OF COINS. (a) IN GENERAL.—The design for the coins minted under this Act shall be emblematic of The American Legion. 

(b) DESIGNATIONS AND INScriptions.—On each coin minted under this Act there shall be—

(1) a designation of the denomination of the coin;

(2) an inscription of the year “2019”; and

(3) inscriptions of the words “Liberty” “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(c) SELECTION.—The design for the coins minted under this Act shall be selected by the Secretary after consultation with—

(1) the Commission of Fine Arts; and

(2) the Death of the American Legion, as defined in the constitution and bylaws of The American Legion; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS. (a) QUALITY OF COINS.—Coins minted under this Act shall be of the quality of, and shall be—

(b) PERIOD FOR ISSUE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2018.

SEC. 6. SALE OF COINS. (a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price based upon the surcharge provided in section 7(a) with respect to such coins; and

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.
JAVIER VEGA, JR. MEMORIAL ACT OF 2017

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 1617 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1617) to designate the checkpoint of the United States Border Patrol located on United States Highway 77 North in Sarita, Texas, as the “Javier Vega, Jr. Border Patrol Checkpoint.”

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

Ms. MURKOWSKI. 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. 1617) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1617

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 “Javier Vega, Jr. Memorial Act of 2017.”

SEC. 2. FINDINGS.

Congress finds the following:

(1) A native of La Feria, Texas, Border Patrol Agent Javier Vega, Jr., served his country first as a member of the United States Marines Corps and then proudly as a border patrol agent in the canine division with his dog, Goldie.

(2) Agent Vega was assigned to the Kingsville, Texas, Border Patrol Station as a canine handler and worked primarily at the Sarita Border Patrol Checkpoint.

(3) In 2014, Agent Vega was on a fishing trip with his family near Raymondville, Texas, when 2 criminal aliens attempted to rob and attack them.

(4) Agent Vega was shot and killed while attempting to subdue the assailants and protecting his family.

(5) Agent Vega is survived by his wife, parents, 3 sons, brother, sister-in-law, niece, and dog, Goldie.

SEC. 3. DESIGNATION.

The checkpoint of the United States Border Patrol located on United States Highway 77 North in Sarita, Texas, shall be known and designated as the “Javier Vega, Jr. Border Patrol Checkpoint.”

SEC. 4. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the checkpoint described in section 3 shall be deemed to be a reference to the “Javier Vega, Jr. Border Patrol Checkpoint.”

REMOVING THE SUNSET PROVISION OF SECTION 203 OF PUBLIC LAW 105-384

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 374, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 374) to remove the sunset provision of section 203 of Public Law 105-384, and for other purposes.

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

Ms. MURKOWSKI. 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 (H.R. 374) was ordered to a third reading, was read the third time, and passed.

COMMEMORATING THE 40TH ANNIVERSARY OF THE SILICON VALLEY LEADERSHIP GROUP

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 209 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 209) commemorating the 40th Anniversary of the Silicon Valley Leadership Group, a public policy trade association in Silicon Valley.

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions were agreed to. The preamble was agreed to.

The resolutions, with their preambles, are printed in today’s RECORD under “Submitted Resolutions.”

MEASURE READ THE FIRST TIME—S. 1757

Ms. MURKOWSKI. 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 for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 1757) to strengthen border security, increase resources for enforcement of immigration laws, and for other purposes.

Ms. MURKOWSKI. Mr. President, I now ask for a second reading and, 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 is heard.

The bill will be read for the second time on the next legislative day.

APPOINTMENTS AUTHORITY

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

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

The resolution (S. Res. 230) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is printed in the RECORD of July 24, 2017, under “Submitted Resolutions.”

RESOLUTIONS SUBMITTED TODAY

Ms. MURKOWSKI. 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. 247, S. Res. 248, and S. Res. 249.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Ms. MURKOWSKI. 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 were agreed to. The preambles were agreed to.

The resolutions, with their preambles, are printed in today’s RECORD under “Submitted Resolutions.”

NATIONAL ESTUARIES WEEK

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

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

The resolution (S. Res. 209) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is printed in the RECORD of June 28, 2017, under “Submitted Resolutions.”

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 209) designating the week of September 18 through September 23, 2017, as “National Estuaries Week.”

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

REPORTING AUTHORITY

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that notwithstanding the Senate’s adjournment, committees be authorized to report legislative and executive matters on Friday, August 18, from 10 a.m. to 12 p.m.

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

Ms. MURKOWSKI. 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.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SAVE OUR SEAS ACT OF 2017

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 181, S. 756.

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

The senior assistant legislative clerk read as follows:

A bill (S. 756) to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes—

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Sullivan amendment at the desk be considered and agreed to, the bill, as amended, 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 amendment (No. 773) was agreed to, as follows:

(Purpose: To improve the bill)

Beginning on page 3, strike line 3 and all that follows through page 3, line 23, and insert the following:

“(2) ASSISTANCE.—If the Administrator makes a determination under paragraph (1) that there is a severe marine debris event, the Administrator is authorized to make sums available to be used by the affected State or by the Administrator in cooperation with the affected State—

“(A) to assist in the cleanup and response required by the severe marine debris event; or

“(B) to conduct such other activity as the Administrator determines is appropriate in response to the severe marine debris event.

“(3) FUNDING.—

“(A) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under the authority of this subsection shall be—

“(i) if the activity is funded wholly by funds made available by an entity, including the government of a foreign country, to the Federal Government for the purpose of responding to a severe marine debris event, 100 percent of the cost of the activity; or

“(ii) for any activity other than an activity funded as described in clause (i), 75 percent of the cost of the activity.

“(B) LIMITATION ON ADMINISTRATIVE EXPENSES.—In the case of an activity funded as described in subparagraph (A)(i), not more than 5 percent of the funds made available for the activity may be used by the Administrator for administrative expenses.

SEC. 4. SENSE OF CONGRESS ON INTERNATIONAL ENGAGEMENT TO RESPOND TO MARINE DEBRIS.

It is the sense of Congress that the President should—

“(1) support research and development, including through the establishment of a prize competition, of bio-based and other alternatives or environmentally feasible improvements to materials that reduce municipal solid waste and its consequences in the ocean;

“(2) work with representatives of foreign countries that contribute the most to the global marine debris problem to learn about, and find solutions to, the contributions of such countries to marine debris in the world’s oceans;

“(3) carry out studies to determine—

“(A) the primary means by which solid waste enters the oceans; and

“(B) the manner in which waste management infrastructure can be most effective in preventing debris from reaching the oceans;

“(C) the long-term economic impacts of marine debris on the national economies of each country set out in paragraph (1) on the global economy; and

“(D) the economic benefits of decreasing the amount of marine debris in the oceans;

“(4) work with representatives of foreign countries that contribute the most to the global marine debris problem, including land-based sources, to conclude one or more new international agreements that include provisions—

“(A) to mitigate the risk of land-based marine debris contributed by such countries reaching an ocean; and

“(B) to increase technical assistance and investment in waste management infrastructure, if the President determines appropriate; and

“(C) to sign and work toward the implementation of comprehensive agreements to mitigate waste entering oceans;

“(5) enter into agreements with representatives of the United States and foreign countries to work together to reduce marine debris and its consequences in the world’s oceans; and

“(6) support the Marine Debris Act of 2017.

“SEC. 5. MEMBERSHIP OF THE INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.

Section 5(b) of the Marine Debris Act (33 U.S.C. 1954(b)) is amended—

“(1) in paragraph (4), by striking ‘‘; and’’ and inserting a semicolon;

“(2) by redesignating paragraph (5) as paragraph (7); and

“(3) by inserting after paragraph (4) the following:

“(a)-assistance for severe marine debris events—

“(1) IN GENERAL.—At the discretion of the Administrator or at the request of the Governor of an affected State, the Administrator shall determine whether there is a severe marine debris event.

“(2) ASSISTANCE.—If the Administrator makes a determination under paragraph (1) that there is a severe marine debris event, the Administrator is authorized to make sums available to be used by the affected State or by the Administrator in cooperation with the affected State—

“(A) to assist in the cleanup and response required by the severe marine debris event; or

“(B) to conduct such other activity as the Administrator determines is appropriate in response to the severe marine debris event.

“(3) FUNDING.—

“(A) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under the authority of this subsection shall be—

“(i) if the activity is funded wholly by funds made available by an entity, including the government of a foreign country, to the Federal Government for the purpose of responding to a severe marine debris event, 100 percent of the cost of the activity; or

“(ii) for any activity other than an activity funded as described in clause (i), 75 percent of the cost of the activity.

“(B) LIMITATION ON ADMINISTRATIVE EXPENSES.—In the case of an activity funded as described in subparagraph (A)(i), not more than 10 percent of the funds made available for the activity may be used by the Administrator for administrative expenses.

“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Marine Debris Act (33 U.S.C. 1958) is amended to read as follows:

“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated for each fiscal year 2018 through 2022—

“(1) to the Administrator carrying out sections 3, 5, and 6, $10,000,000, of which no more than 10 percent may be for administrative costs; and

“(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out section 4, $2,000,000, of which no more than 10 percent may be used for administrative costs.

“Ms. MURKOWSKI. Mr. President, I wish to take a brief detour and congratulate my colleague who has been working aggressively as we worked to address the issue of marine debris. This is something on which, as members of the Oceans Caucus, we have been working with Senator SULLIVAN, Senator WHITEHOUSE, and so many. I want to acknowledge the good work that has gone into this particular piece of legislation we have just passed.

GLOBAL WAR ON TERRORISM WAR MEMORIAL ACT

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 873, which was received from the House.
The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 873) to authorize the Global War on Terror Memorial Foundation to establish the National Global War On Terrorism Memorial as a commemorative work in the District of Columbia, and for other purposes.

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

Ms. MURKOWSKI. 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 (H.R. 873) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, AUGUST 4, 2017, THROUGH TUESDAY, SEPTEMBER 5, 2017

Ms. MURKOWSKI. 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, August 4, at 9:45 a.m.; Tuesday, August 8, at 12:30 p.m.; Friday, August 11, at 3:30 p.m.; Tuesday, August 15, at 4:30 p.m.; Friday, August 18, at 10 a.m.; Tuesday, August 22, at 7 a.m.; Friday, August 25, at 11:30 a.m.; Tuesday, August 29, at 2:30 p.m.; Friday, September 1, at 3 p.m. I further ask that when the Senate adjourns on Friday, September 1, it convene at 3 p.m., Tuesday, September 5; that following the prayer and pledge, the morning hour be deemed adjourned, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each until 5 p.m.; finally, that at 5 p.m., the Senate proceed to executive session under the previous order.

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

Ms. MURKOWSKI. Mr. President, I suggest the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Ms. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:01 p.m., adjourned until Friday, August 4, 2017, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES TAX COURT
ELIZABETH ANN COPELAND, OF TEXAS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE JAMES S. HALPERN, RETIRED.  

DEPARTMENT OF STATE
RICHARD DUKE BUCHAN III, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ANDORRA.  

THOMAS J. URBAN, OF IOWA, 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 KINGDOM OF SPAIN, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ANDORRA.  

THOMAS J. URBAN, OF IOWA, 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 ANDORRA.  

DEPARTMENT OF JUSTICE
SCOTT C. BLADE, OF WISCONSIN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE JOHN W. VAUDREUIL, RESIGNED.  

THE JUDICIARY
MICHAEL B. BRINNAN, OF WISCONSIN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT, VICE TERENCE T. EVANS, DECEASED.  

DONALD C. COOGHLAN, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA, VICE JOSEPH F. ANDERSON, JR., RETIRED.  

TERRY A. DOUGHTY, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE ROBERT G. JAMES, RETIRED.  

DEPARTMENT OF JUSTICE
ROBERT M. DUNCAN, JR., OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE KERRY B. HARVEY, RESIGNED.  

THE JUDICIARY
LEONARD STEVEN GRASE, OF NEBRASKA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE WILLIAM J. BARKER, RETIRED.  

MICHAEL J. JUNKE, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE RICHARD HAIR, SR., RETIRED.  

DEPARTMENT OF JUSTICE
JOHN R. LAUNCH, JR., OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS, VICE ZACHARY T. PARSON, RESIGNED.  

J. DOUGLAS OVERBY, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE WILLIAM C. KILJAN, RESIGNED.  

CHARLES E. PEELER, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE MICHAEL J. MOORE, RESIGNED.  

WILLIAM J. PORTER, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE WILLIAM J. BELLENFIELD, JR., RESIGNED.  

THE JUDICIARY
A. MARVIN QUATTLEBAUM, JR., OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA, VICE CAMERON MCGRORY CURRIE, RETIRED.  

ROBERT EARL Wills, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY, VICE AMUL R. THAPAR, ELEVATED.  

CONFFIRMATIONS

Executive nominations confirmed by the Senate August 3, 2017:

DEPARTMENT OF COMMERCE
MIRA RADIJELOVIC RICARDI, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION.
COUNCIL, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ALGERIA.

IN THE ARMY

ARMY NOMINATIONS BEGIN WITH DAMIAN R. RODRIGUEZ AND ENDING WITH LANCE ALLEN ROBERTSON, OF OKLAHOMA, TO BE Assistant Secretary for aging, Department of Health and Human Services.

ARMY NOMINATIONS BEGIN WITH JULIA R. FERGUSON AND ENDING WITH KAREN F. WIGGINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.


ARMY NOMINATIONS BEGIN WITH BRUCE A. YEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

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NAVY NOMINATION OF CLAIRE E. SMITH, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF MORGAN E. MCCLELLAN, TO BE LIEUTENANT COMMANDER.


DEPARTMENT OF EDUCATION

PETER LOUIS OPPENHEIM, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION.
Chamber Action

Routine Proceedings, pages S4781–S4898

Measures Introduced: Twenty-nine bills and five resolutions were introduced, as follows: S. 1732–1760, and S. Res. 245–249. Pages S4827–28

Measures Reported:

S. 1359, to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts. (S. Rept. No. 115–144)

S. 1057, to amend the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 to address harmful algal blooms, with an amendment in the nature of a substitute. (S. Rept. No. 115–145)

S. 870, to amend title XVIII of the Social Security Act to implement Medicare payment policies designed to improve management of chronic disease, streamline care coordination, and improve quality outcomes without adding to the deficit, with an amendment in the nature of a substitute. (S. Rept. No. 115–146)

S. 1393, to streamline the process by which active duty military, reservists, and veterans receive commercial driver’s licenses.

S. 1532, to disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving human trafficking.

S. 1536, to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration’s outreach and education program to include human trafficking prevention activities, with an amendment in the nature of a substitute. Page S4826

Measures Passed:

Jessie’s Law: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. 581, to include information concerning a patient’s opioid addiction in certain medical records, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Alexander (for Manchin) Amendment No. 752, in the nature of a substitute. Page S4787

BENEFIT Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. 1052, to strengthen the use of patient-experience data within the benefit-risk framework for approval of new drugs, and the bill was then passed. Pages S4787–88

Trickett Wendler Right to Try Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. 204, to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Johnson Amendment No. 753, in the nature of a substitute. Pages S4788–89

FDA Reauthorization Act: By 94 yeas to 1 nay (Vote No. 187), Senate passed H.R. 2430, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, after agreeing to the motion to proceed. Pages S4782–87, S4792–93

During consideration of this measure today, Senate also took the following action:

By 96 yeas to 1 nay (Vote No. 185), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. Page S4787

Bob Dole Congressional Gold Medal: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 1616, to award the Congressional Gold Medal to Bob Dole, in recognition for his service to the nation as a soldier, legislator, and statesman, and the bill was then passed. Pages S4804–06

Private Corrado Piccoli Purple Heart Preservation Act: Committee on the Judiciary was discharged from further consideration of S. 765, to amend title 18, United States Code, to provide for penalties for the sale of any Purple Heart awarded to a member

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of the Armed Forces, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Perdue Amendment No. 767, in the nature of a substitute.

**MOBILE NOW Act:** Senate passed S. 19, to provide opportunities for broadband investment, after agreeing to the committee amendment in the nature of a substitute.

**Improving Rural Call Quality and Reliability Act:** Senate passed S. 96, to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

**Federal Communications Commission Consolidated Reporting Act:** Senate passed S. 174, to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

**Spoofing Prevention Act:** Senate passed S. 134, to expand the prohibition on misleading or inaccurate caller identification information, after agreeing to the committee amendment in the nature of a substitute.

**Kari’s Law Act:** Senate passed S. 123, to amend the Communications Act of 1934 to require multi-line telephone systems to have a default configuration that permits users to directly initiate a call to 9–1–1 without dialing any additional digit, code, prefix, or post-fix.

**DIGIT Act:** Senate passed S. 88, to ensure appropriate spectrum planning and interagency coordination to support the Internet of Things, after agreeing to the following amendment proposed thereto:

Wicker (for Fischer) Amendment No. 769, in the nature of a substitute.

**Women, Peace, and Security Act:** Senate passed S. 1141, to ensure that the United States promotes the meaningful participation of women in mediation and negotiation processes seeking to prevent, mitigate, or resolve violent conflict.

**Saving Federal Dollars Through Better Use of Government Purchase and Travel Cards Act:** Senate passed S. 1099, to provide for the identification and prevention of improper payments and the identification of strategic sourcing opportunities by reviewing and analyzing the use of Federal agency charge cards, after agreeing to the following amendment proposed thereto:

Murkowski (for Carper) Amendment No. 771, to make a technical correction.

**Honorinig the Nation’s First Responders Day:** Senate agreed to S. Con. Res. 15, expressing support for the designation of October 28, 2017, as “Honoring the Nation’s First Responders Day”, after agreeing to the committee amendment.

**Bridge Construction in Christian County, Missouri:** Senate passed S. 810, to facilitate construction of a bridge on certain property in Christian County, Missouri, after agreeing to the committee amendment in the nature of a substitute.

**The American Legion 100th Anniversary Commemorative Coin Act:** Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 1182, to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of The American Legion, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Murkowski (for Young) Amendment No. 772, of a perfecting nature.

**Javier Vega, Jr. Memorial Act:** Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 1617, to designate the checkpoint of the United States Border Patrol located on United States Highway 77 North in Sarita, Texas, as the “Javier Vega, Jr. Border Patrol Checkpoint”, and the bill was then passed.

**Removing the Sunset Provision of Public Law 105–384:** Senate passed H.R. 374, to remove the sunset provision of section 203 of Public Law 105–384.

**Silicon Valley Leadership Group 40th Anniversary:** Committee on the Judiciary was discharged from further consideration of S. Res. 209, commemorating the 40th Anniversary of the Silicon Valley Leadership Group, the preeminent public policy trade association in Silicon Valley, and the resolution was then agreed to.

**National Estuaries Week:** Committee on the Judiciary was discharged from further consideration of S. Res. 230, designating the week of September 16 through September 23, 2017, as “National Estuaries Week”, and the resolution was then agreed to.

**Paralympic and Adaptive Sport Day:** Senate agreed to S. Res. 247, designating July 29, 2017, as “Paralympic and Adaptive Sport Day”.
American Grown Flower Month: Senate agreed to S. Res. 248, expressing the sense of the Senate that flowers grown in the United States support the farmers, small businesses, jobs, and economy of the United States, that flower farming is an honorable vocation, and designating July as “American Grown Flower Month”.

Page S4895

National Child Awareness Month: Senate agreed to S. Res. 249, designating September 2017 as “National Child Awareness Month” to promote awareness of charities that benefit children and youth-serving organizations throughout the United States and recognizing the efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

Page S4895

SOS Act: Senate passed S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, after agreeing to the following amendment proposed thereto:

Murkowski (for Sullivan) Amendment No. 773, relative to severe marine debris events.

Pages S4895–96

Global War on Terrorism War Memorial Act: Senate passed H.R. 873, to authorize the Global War on Terror Memorial Foundation to establish the National Global War on Terrorism Memorial as a commemorative work in the District of Columbia.

Page S4896

Washington Metrorail Safety Commission—Agreement: A unanimous-consent agreement was reached providing that if the Senate receives H.J. Res. 76, granting the consent and approval of Congress for the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into a compact relating to the establishment of the Washington Metrorail Safety Commission, from the House, and if the text of H.J. Res. 76 is identical to the text at the desk, that the joint resolution be considered passed, the preamble be considered agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

Page S4896

Authorizing Leadership to Make Appointments—Agreement: A unanimous-consent agreement was reached providing 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.

Page S4895

Authority for Committees—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the Senate’s adjournment, committees be authorized to report legislative and executive matters on Friday, August 18, 2017, from 10 a.m. until 12 noon.

Page S4895

Pro Forma Sessions—Agreement: A unanimous-consent agreement was reached providing that the Senate 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, August 4, 2017 at 9:45 a.m.; Tuesday, August 8, 2017 at 12:30 p.m.; Friday, August 11, 2017 at 3:30 p.m.; Tuesday, August 15, 2017 at 4:30 p.m.; Friday, August 18, 2017 at 10 a.m.; Tuesday, August 22, 2017 at 7 a.m.; Friday, August 25, 2017 at 11:30 a.m.; Tuesday, August 29, 2017 at 2:30 p.m.; Friday, September 1, 2017 at 3 p.m.; and that when the Senate adjourns on Friday, September 1, 2017, it next convene at 3 p.m., on Tuesday, September 5, 2017.

Page S4896

Kelly Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at 5 p.m., on Tuesday, September 5, 2017, Senate begin consideration of the nomination of Timothy J. Kelly, of the District of Columbia, to be United States District Judge for the District of Columbia; that there be 30 minutes of debate on the nomination, equally divided in the usual form, and that following the use or yielding back of time, Senate vote on confirmation of the nomination, with no intervening action or debate.

Page S4806

Nominations Confirmed: Senate confirmed the following nominations:

By 79 yeas to 17 nays (Vote No. EX. 186), Dan R. Brouillette, of Texas, to be Deputy Secretary of Energy.

Brooks D. Tucker, of Maryland, to be an Assistant Secretary of Veterans Affairs (Congressional and Legislative Affairs).

Michael P. Allen, of Florida, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

Amanda L. Meredith, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

Joseph L. Toth, of Wisconsin, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years.

Thomas G. Bowman, of Florida, to be Deputy Secretary of Veterans Affairs.

James Byrne, of Virginia, to be General Counsel, Department of Veterans Affairs.

Page S4796
David Malpass, of New York, to be an Under Secretary of the Treasury.

Brent James McIntosh, of Michigan, to be General Counsel for the Department of the Treasury.

Andrew K. Maloney, of Virginia, to be a Deputy Under Secretary of the Treasury.

David J. Kautter, of Virginia, to be an Assistant Secretary of the Treasury.

Christopher Campbell, of California, to be an Assistant Secretary of Commerce.

Mira Radielovic Ricardel, of California, to be Under Secretary of Commerce for Export Administration.

Richard Ashooh, of New Hampshire, to be an Assistant Secretary of Commerce.

Neal J. Rackleff, of Texas, to be an Assistant Secretary of the Department of Housing and Urban Development.

Anna Maria Farias, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Vishal J. Amin, of Michigan, to be Intellectual Property Enforcement Coordinator, Executive Office of the President.

Stephen Elliott Boyd, of Alabama, to be an Assistant Attorney General.

Beth Ann Williams, of New Jersey, to be an Assistant Attorney General.

John W. Huber, of Utah, to be United States Attorney for the District of Utah for the term of four years.

Justin E. Herdman, of Ohio, to be United States Attorney for the Northern District of Ohio for the term of four years.

John E. Town, of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

Claire M. Grady, of Pennsylvania, to be Under Secretary for Management, Department of Homeland Security.

David P. Pekoske, of Maryland, to be an Assistant Secretary of Homeland Security.

David James Glawe, of Iowa, to be Under Secretary for Intelligence and Analysis, Department of Homeland Security.

Susan M. Gordon, of Virginia, to be Principal Deputy Director of National Intelligence.

Mark Andrew Green, of Wisconsin, to be Administrator of the United States Agency for International Development.

Sharon Day, of Florida, to be Ambassador to the Republic of Costa Rica.

Nathan Alexander Sales, of Ohio, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

George Edward Glass, of Oregon, to be Ambassador to the Portuguese Republic.

Robert Wood Johnson IV, of New York, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland.

Luis E. Arreaga, of Virginia, to be Ambassador to the Republic of Guatemala.

Kelley Eckels Currie, of Connecticut, to be Ambassador to the Republic of Peru.

Kay Bailey Hutchison, of Texas, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador.

Ray Washburne, of Texas, to be President of the Overseas Private Investment Corporation.

Kelley Eckels Currie, of Georgia, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.


David Steele Bohigian, of Missouri, to be Executive Vice President of the Overseas Private Investment Corporation.

Michael Arthur Raynor, of Maryland, to be Ambassador to the Federal Democratic Republic of Ethiopia.

Maria E. Brewer, of Indiana, to be Ambassador to the Republic of Sierra Leone.

John P. Desrocher, of New York, to be Ambassador to the People's Democratic Republic of Algeria.

Kelly Knight Craft, of Kentucky, to be Ambassador to Canada.

Carl C. Risch, of Pennsylvania, to be an Assistant Secretary of State (Consular Affairs).

Lewis M. Eisenberg, of Florida, to be Ambassador to the Italian Republic, and to serve concurrently and without additional compensation as Ambassador to the Republic of San Marino.

Robert L. Sumwalt III, of South Carolina, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2021.

Karen Dunn Kelley, of Pennsylvania, to be Under Secretary of Commerce for Economic Affairs.

Elizabeth Erin Walsh, of the District of Columbia, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Michael Platt, Jr., of Arkansas, to be an Assistant Secretary of Commerce.
Mark H. Buzby, of Virginia, to be Administrator of the Maritime Administration.

Peter B. Davidson, of Virginia, to be General Counsel of the Department of Commerce.

Robert L. Sumwalt III, of South Carolina, to be Chairman of the National Transportation Safety Board for a term of two years.

Peter Louis Oppenheim, of Maryland, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

James J. Sullivan, Jr., of Pennsylvania, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2021.

Heather L. MacDougall, of Florida, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2023.

Elinore F. McCance-Katz, of Rhode Island, to be Assistant Secretary for Mental Health and Substance Use, Department of Health and Human Services.

Lance Allen Robertson, of Oklahoma, to be Assistant Secretary for Aging, Department of Health and Human Services.

Jerome M. Adams, of Indiana, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service for a term of four years.

Robert P. Kadlec, of New York, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services.

Jessica Rosenworcel, of Connecticut, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2015.

Brendan Carr, of Virginia, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 2018.

J. Christopher Giancarlo, of New Jersey, to be Chairman of the Commodity Futures Trading Commission.

Brian D. Quintenz, of Ohio, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2020.

Rostin Behnam, of New Jersey, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring June 19, 2021.

Althea Coetzee, of Virginia, to be Deputy Administrator of the Small Business Administration.

Neil Chatterjee, of Kentucky, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2021.


Elizabeth Ann Copeland, of Texas, to be a Judge of the United States Tax Court for a term of fifteen years.

Patrick J. Urda, of Indiana, to be a Judge of the United States Tax Court for a term of fifteen years.

Richard Duke Buchan III, of Florida, to be Ambassador to the Kingdom of Spain, and to serve concurrently and without additional compensation as Ambassador to Andorra.

Thomas J. Hushek, of Wisconsin, to be Ambassador to the Republic of South Sudan.

Scott C. Blader, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years.

Michael B. Brennan, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit.

Donald C. Coggins, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

Terry A. Doughty, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Robert M. Duncan, Jr., of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.

Leonard Steven Grasz, of Nebraska, to be United States Circuit Judge for the Eighth Circuit.

Michael Joseph Juneau, of Louisiana, to be United States District Judge for the Western District of Louisiana.

John R. Lausch, Jr., of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years.

J. Douglas Overbey, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Charles E. Peeler, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

William J. Powell, of West Virginia, to be United States Attorney for the Northern District of West Virginia for the term of four years.
A. Marvin Quattlebaum, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

Holly Lou Teeter, of Kansas, to be United States District Judge for the District of Kansas.

Robert Earl Wier, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

Measures Read the First Time:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Authorities for Committees to Meet:

Record Votes: Three record votes were taken today. (Total—187)

Adjournment: Senate convened at 10 a.m. and adjourned at 7:01 p.m., until 9:45 a.m. on Friday, August 4, 2017. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S4896.)

Committee Meetings

(Committees not listed did not meet)

EXAMINE INSURANCE FRAUD IN AMERICA


WILDLAND FIRES

Committee on Energy and Natural Resources: Committee concluded a hearing to examine Federal and non-federal collaboration, including through the use of technology, to reduce wildland fire risk to communities and enhance firefighting safety and effectiveness, after receiving testimony from Victoria C. Christiansen, Deputy Chief, State and Private Forestry, Forest Service, Department of Agriculture; Bryan Rice, Director, Office of Wildland Fire, Department of the Interior; John Maisch, Alaska Department of Natural Resources, Fairbanks; Steve King, City of Wenatchee Economic Development Director, Wenatchee, Washington; and Mary Ellen Miller, Michigan Tech Research Institute, Ann Arbor.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the nominations of Brenda Burman, of Arizona, to be Commissioner of Reclamation, and Susan Combs, of Texas, and Douglas W. Domenech, of Virginia, both to be an Assistant Secretary, all of the Department of the Interior, and Paul Dabbar, of New York, to be Under Secretary for Science, and Mark Wesley Menezes, of Virginia, to be Under Secretary, both of the Department of Energy.

NOMINATIONS

Committee on Finance: Committee concluded a hearing to examine the nominations of Gilbert B. Kaplan, of the District of Columbia, to be Under Secretary of Commerce for International Trade, and Matthew Basset, of Tennessee, to be an Assistant Secretary, who was introduced by Senator Boozman, and Robert Charrow, of Maryland, to be General Counsel, both of the Department of Health and Human Services, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

S. 1697, to condition assistance to the West Bank and Gaza on steps by the Palestinian Authority to end violence and terrorism against Israeli citizens and United States Citizens, with amendments; and

The nominations of Michael Arthur Raynor, of Maryland, to be Ambassador to the Federal Democratic Republic of Ethiopia, Maria E. Brewer, of Indiana, to be Ambassador to the Republic of Sierra Leone, John P. Desrocher, of New York, to be Ambassador to the People’s Democratic Republic of Algeria, and Jay Patrick Murray, of Virginia, to be Alternate Representative for Special Political Affairs in the United Nations, with the rank of Ambassador, and to be an Alternate Representative to the Sessions of the General Assembly of the United Nations, during his tenure of service as Alternate Representative for Special Political Affairs in the United Nations, all of the Department of State.
BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of Jeffrey Bossert Clark, of Virginia, to be an Assistant Attorney General, Peter E. Deegan, Jr., to be United States Attorney for the Northern District of Iowa, D. Michael Dunavant, to be United States Attorney for the Western District of Tennessee, Louis V. Franklin, Sr., to be United States Attorney for the Middle District of Alabama, Marc Krickbaum, to be United States Attorney for the Southern District of Iowa, Jessie K. Liu, of Virginia, to be United States Attorney for the District of Columbia, and Richard W. Moore, to be United States Attorney for the Southern District of Alabama, all of the Department of Justice.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet in a Pro Forma session at 1 p.m. on Friday, August 4, 2017.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY,
AUGUST 4, 2017

(Committee meetings are open unless otherwise indicated)

Senate
No meetings/hearings scheduled.

House
No hearings are scheduled.
Next Meeting of the SENATE
9:45 a.m., Friday, August 4

Senate Chamber
Program for Friday: Senate will meet in a pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES
1 p.m., Friday, August 4

House Chamber
Program for Friday: House will meet in a Pro Forma session at 1 p.m.