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Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

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

Let us pray.

Our Father in Heaven, You clothe Yourself with light as with a robe. You spread the glorious Heavens with Your mighty hand. Listen now to our prayers, and forgive us for our conscious and unconscious transgressions.

Lord, bless our lawmakers until all they do may find the goals You have inspired. May they live this day with a greater dedication to serve You and humanity. Give them grace to fill every hour with an awareness of Your love, mercy, and grace.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. YOUNG). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The legislative clerk read the nomination of Stuart Kyle Duncan, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

NOMINATION OF MIKE POMPEO

Mr. MCCONNELL. Mr. President, today our colleagues on the Foreign Relations Committee will vote to report the President's choice for the next Secretary of State.

It is really hard to imagine someone more thoroughly qualified than Mike Pompeo. His career is a success story on every single level. He graduated first in his class from West Point, served as a U.S. Army officer, and attended Harvard Law School. Then came success in business, and then Mike's neighbors elected him to Congress in 2010.

That impressive resume explains why, a little more than a year ago, a large bipartisan majority of Senators confirmed Mike as CIA Director. His qualifications were perfectly obvious, and, by all accounts, his track record at the CIA shows that vote of confidence was exactly the right decision. He has demonstrated mastery of the daily briefings he both receives and delivers. His high-quality counsel on sensitive matters has won the confidence not only of our national clandestine service but also of the Commander in Chief, and he has returned our CIA to the aggressive gathering of foreign intelligence. Along the way, he has built a reputation for listening to all points of view, trusting career staff, treating everyone fairly, and acting decisively.

In Mike Pompeo, the United States will have a chief diplomat who will enjoy the total confidence of the President and is uniquely qualified to reinvigorate our Foreign Service and represent our interests abroad. It is hard to imagine a better nominee for this mission, at this moment, than Mike Pompeo. I look forward to upholding the tradition of this body and voting to confirm him this week.

The Senate will also vote later this afternoon to advance the nomination of Kyle Duncan of Louisiana to serve on the Fifth Circuit Court of Appeals. Mr. Duncan's legal credentials show that the President has made another outstanding choice.

With degrees from LSU and Columbia under his belt, he built an impressive record in litigation, rising to serve as appellate chief in the Louisiana office of attorney general.

His accomplishments also extend to private practice, where his work earned the respect of his colleagues and peers, including his opponents in court.

A few weeks ago, a law professor and litigator who sparred with Kyle Duncan in a high-profile case wrote:

Kyle Duncan is a magnificent nominee for the Fifth Circuit. . . . His confirmation should be supported by all who value judges committed to fairness and scrupulous application of the law.

A bipartisan group of current and former State solicitors general wrote to our colleagues on the Judiciary Committee to praise his nomination. Here is what they said:

As frequent advocates in the U.S. Courts of Appeals, we are well-acquainted with the qualifications and characteristics that make good judges, including intellect, integrity, legal experience, and temperament, all of which Mr. Duncan possesses in ample quantities.

They went on to say:

We came to know him as a highly skilled lawyer with an easygoing demeanor, and as someone we could routinely turn to for advice and interest on issues of mutual interest. Even though we have worked for state Attorneys General of different political stripes, we all agree that Kyle Duncan has the personal and professional qualities that should typify the federal judiciary.

No wonder the American Bar Association's Standing Committee on the

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

Federal Judiciary awarded Mr. Duncan its highest rating of ''well qualified.''

I urge every one of our colleagues to take his credentials, experience, and bipartisan support into account. Let's vote to advance the Duncan nomination this afternoon.

TAX REFORM

Mr. President, on another matter, in the last several weeks, we have focused on the contrast between the economic policies that my Democratic colleagues favor and the policies this Republican President and Republican Congress have put into effect.

Under nearly a decade of Democratic leadership, the American people saw slow and insufficient growth. For most workers in most industries, significant wage growth was nearly nonexistent; new opportunities were few and far between; and the new prosperity that was created was spread unevenly across the country.

Metropolitan areas with more than 1 million residents did OK under Democratic policies. Big cities captured nearly three-quarters of the limited job growth and more than 90 percent of population growth between 2010 and 2016. The rest of America fell further and further behind. Year after year, rural America, suburban America, smalltown America, and small cities across the country saw almost no progress. That is not a record to be proud of, and it is not one that Republicans would stand for. That is why we are implementing an inclusive opportunity agenda to get wages, opportunities, and prosperity growing again for all Americans.

We have cut job-killing redtape and passed historic tax relief for middle-class families, workers, and job creators. It is delivering results for Americans whom the Obama economy left behind. I hear frequently from workers and small business owners in my State about how lifting these burdens is changing their lives.

I recently heard from Senator GRASSLEY about the good things tax reform is doing in the State of Iowa. In Cushing, IA—population 220—the Anfinson Farm Store is using the new Tax Code to raise worker wages and give employees bonuses. Across the State, the 162 full-time manufacturing workers at Dyersville Die Cast are receiving their own tax reform bonuses. Iowa families will see lower heating and cooling bills, since tax reform is letting the State's utility companies deliver $147 million in consumer savings. Iowans should be proud that both of their U.S. Senators voted for the historic reform that made all of this possible.

South of the border, in Missouri, it is a different story. There, too, tax reform is a big win for working families and small businesses. From big employers like Walmart to local businesses like Mid-Am Metal Forming, Missouri workers are reaping the benefits, but, unfortunately, only one of Missouri's Senators voted for it. The State's senior Senator voted on strict party lines to block these historic tax cuts from reaching workers and families.

Maybe my Democratic colleagues still prefer the leftwing policy playbook that funnels jobs and prosperity into the biggest and richest cities but does very little for States like Missouri and Iowa. I am proud of Republicans who are taking things in a different direction, and all kinds of Americans are doing better because of it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NATIONAL PARK WEEK

Mr. DAINES. Mr. President, today marks the start of National Park Week.

As a fifth-generation Montanan and as someone who grew up in Bozeman—in fact, Mom and Dad moved there in 1964, just a short drive from America's first national park, Yellowstone—I am very excited to take this opportunity to celebrate the parks that are so very special to so many because, in Montana, hiking, backpacking, fishing, and white water rafting are a way of life.

I grew up spending as much time outdoors as possible, and I continue that tradition with my children today. In fact, my idea of a great time in August is to take our dogs, as many of our kids as we can get together—according to their schedules anymore—and take our backpacks and spend several days together in enjoying Montana's outdoors. As a father, I am grateful to share these experiences with our four children and instill in them a love for the outdoors. Frankly, what better place to do that and enjoy the outdoors than in our national parks.

While Montana is privileged to have two world-famous national parks in Glacier and Yellowstone, national parks are the pride of so many States from Florida to Colorado, to Maine.

Speaking of Maine, I am very glad to have partnered with my colleague from Maine in leading this week, as well as with an additional 26 of our colleagues around the country, supporting this resolution. I am pleased we will have the opportunity to recognize the tremendous value our national parks bring to so many.

As this week begins, I have one challenge for everyone. I challenge you to find time in your schedules and visit a national park. Our national parks are what make us distinctly American. In fact, you can go to findyourpark.com and find the closest park to you. I hope to see all of you out there sometime this year.

With that, I would like to turn it over to my colleague and my friend, the former Governor of Maine and now the Senator of Maine, ANGUS KING, who joins me in leading National Park Week.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, I thank my distinguished colleague. I want to join with the chairman of the Subcommittee on National Parks of the Committee on Energy and Natural Resources, Senator DAINES, to support this resolution which was adopted unanimously last week recognizing this week as National Park Week in this country.

When I left office as Governor of Maine in January of 2003, my family and I the next day took off in a 40-foot RV to see the country. My children were 12 and 9 at the time, and we basically circumnavigated America over the next 5½ months.

Just before coming to the floor, I went down the list of the parks we went to. The point I want to make is—and I get a bit emotional about this. This was the greatest experience of my life, to have taken my children to these parks with my wife, Mary; and to have seen and experienced them and experienced the people at the parks was just an unbelievable life-changing experience.

We went to Arches—I am doing them in alphabetical order, not geographically—Bad Lands; Big Bend in Texas, which, by the way, is one of the most beautiful places in the country and one of the least visited national parks; Bryce Canyon; Canyonlands; Capitol Reef; Carlsbad; the Grand Canyon—of course, every American should see the Grand Canyon. No picture, no movie, no helicopter movie, nothing can prepare you for the Grand Canyon; Mesa Verde; Olympic National Park in the State of Washington; the redwoods and sequoias in California; Shenandoah, just a few hours from here; St. John in the Virgin Islands; Yellowstone; Yosemite; and Zion. These are gems.

It has become commonplace to reference Ken Burns' statement that the national parks are ''America's best idea,'' starting with Yellowstone but spreading across the country. They mark our history, they mark our tremendous natural resources, and they are just pure inspiration.

I hope our colleagues can go, if only for 1 day. If you have 1 day, you can leave Washington and be in Front Royal, VA, in about an hour and a half and go down the Skyline Drive of Shenandoah National Park, one of the most beautiful places in the country and within a couple of hours of Washington. These parks are near every place. There are so many gorgeous and extraordinary places among this system.

In Maine, we have two—one is a national park and one is a national monument. We have Acadia National Park, which is the fifth most visited national park in the country, and it is enormously important. These parks are not only important to our spiritual well-being and the ability of our people

to enjoy the wonders of this country, but they are also economically important. Acadia, for example, has about 3.5 million visitors a year. To put that in perspective, Maine has a population of 1.3 million. So almost three times the population of Maine visits Acadia every year. The estimate is $386 million of direct economic benefit to our State, with 4,200 jobs. It is a magnet. It is a national park that draws people into our State, and it is, indeed, one of the most spectacular places in America. I have been there many times. From the top of Cadillac Mountain to the place they call Thunder Hole, it is a gem of a place that is on the ocean. Acadia is on an island just off the coast of Maine. We just had a monument established about 3 years ago called Katahdin Woods and Waters, which is the other side of the coin in terms of attractive places that are important for visitors and are symbolic of the places all over the country. Katahdin Woods and Waters is inland. It is on a river. It has mountain views and forests, it is inland Maine, which represents so much of what our country looked like many years ago.

These places are deeply important to our country. I want to join my colleague in challenging all of our colleagues to visit the national parks. It is not only the physical nature, the physical attraction of a place like the Grand Canyon, but it is also about the people.

I will never forget taking our children to Kitty Hawk on that RV trip. We had a guide who knew everything there was to know about the Wright brothers, and he engaged our kids in a way I hadn't seen. This was education of the highest sort. The people in these parks are dedicated, they know their stuff, and they make the experience so dramatic and real for all the members of the family.

We have work to do in this body. We have a backlog of maintenance on our parks that the Senator from Montana and I are working on, along with Senators ALEXANDER, HEINRICH, and others, to try to find a solution to this maintenance backlog. We do have work to do. We are working with the parks to bring their admissions system into the 21st century in terms of online access for park passes. There is plenty of work to be done.

The underlying assets are so magnificent and are so important to our country economically, culturally, socially, and spiritually. I am proud to have joined my colleagues in sponsoring this resolution which was adopted unanimously. I join my colleague and invite all of my colleagues and all Americans to make it a point this year, as the weather gets warmer, to visit one of these magnificent places. You will be rewarded richly and the rewards will stay with you every day of your life.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

NOMINATION OF MIKE POMPEO

Mr. CORNYN. Madam President, article II, section 2 of our Nation's founding document grants the Senate the prerogative to confirm the President's Cabinet nominees. One of those nominees—the current administration's most important nominee, at least today and this week—is Mike Pompeo, the current Director of the Central Intelligence Agency.

Director Pompeo has been asked to become the Nation's chief diplomat, the Secretary of State, and now filling this post is entirely up to the Senate. The relevant questions couldn't be graver or more obvious.

Do we as a country, with so many longstanding relationships around the world, really feel the need for, the utter necessity of a Secretary of State or not? Do we believe in furthering international diplomacy by filling this post expeditiously or not? Do peace talks—for example, in North Korea—rank among our highest national priorities? Do we want to demonstrate as much by confirming Mr. Pompeo so that those talks can proceed, or is this Chamber too self-absorbed in partisan divides to see the much bigger, global picture?

It is time to be serious about Director Pompeo and what this nomination represents. The stakes are high, and the time is short. So why is it, then, that some of our colleagues, all of a sudden, seem to have suffered from sort of a situational amnesia?

Take this, for example. Our colleague from New Hampshire said last year that Mike Pompeo's nomination for CIA Director demonstrated his ''strong condemnation of Russian aggression'' and ''gives [her] confidence'' that he can step into this role and effectively lead the CIA. Now she seems to have forgotten those previous positive statements. Frankly, it is hard to reconcile what she is saying now about her vote on the nominee for Secretary of State and her vote on the Director of the Central Intelligence Agency.

Now our friend from New Hampshire says she has deep concerns and cannot support Director Pompeo's nomination to the State Department. How is it that you support a nomination to be Director of the Central Intelligence Agency—the leader of the intelligence community and an Agency so important to our national security interests—and then turn around and say you cannot support the nomination for Secretary of State of the same person whom you have just spoken so highly about?

Well, like I said, it is hard for me to reconcile the differences. Perhaps that would make sense if there were some allegation that Director Pompeo had done a bad job leading the CIA, but no one thinks that. Indeed, we have learned—from leaks, unfortunately—that he traveled to meet with Kim Jong Un, the leader of North Korea, to lay the foundation for the talks that will now occur between Kim Jong Un and President Trump on denuclearizing the Korean Peninsula. I can't imagine a more urgent, a more dangerous, and a more necessary negotiation than the negotiation between President Trump and Kim Jong Un.

Having been in Seoul last September and seeing how close North and South Korea are, it is not just the nuclear weapons that could be put on intercontinental ballistic missiles that we have to be concerned about but the conventional weapons that are laid right there along the demilitarized zone that could literally cause enormous loss of life and bloodshed just across the border in South Korea.

So I applaud Director Pompeo going, at President Trump's request, on that clandestine mission to try to pave the way to denuclearize North Korea. If anything, my confidence in Director Pompeo's fitness to serve as Secretary of State is enhanced by his role as a diplomat, even during his current role as Director of the CIA.

Well, people are practically unanimous in their praise for Mike Pompeo's conduct as Director of the Central Intelligence Agency. It is public knowledge that he has great rapport with the President. When you are representing the U.S. Government to foreign governments, the knowledge that the Secretary of State has a close working relationship with the President of the United States is the coin of the realm. That is why foreign leaders talk to the Secretary of State and take the Secretary of State seriously.

Mike Pompeo has earned the President's trust through his hard work and mastery of the intelligence work done at the CIA, and that has been the reason why the President now seeks to elevate him to the office of Secretary of State.

The objections of our colleague from New Hampshire, and by extension her party, are not about anything substantive. Nobody is pointing to something he did wrong or something they wish he would have done differently as a reason to vote no. They think Director Pompeo is too close to the President and asked whether and to what extent the Director will be able to exercise independent judgment. This is the chief diplomat of the United States, the chief representative of the President of the United States, and our colleagues are asking: How can he exercise independent judgment and separate himself from the person who appoints him and at whose pleasure he serves?

It just doesn't make any sense.

Our other colleague, the senior Senator from California, has come close to saying this very thing. She has said

about Director Pompeo that he is smart and he is hard-working and devoted to protecting our country. This is our colleague from California, Senator FEINSTEIN, who voted to confirm him as Director of the Central Intelligence Agency. She knows a lot about it, having been chair of the Committee on Intelligence here in the Senate, but now she says she senses a certain disdain for diplomacy in Mike Pompeo that she believes disqualifies him to be our senior diplomat—the same person who over Easter flew over to see Kim Jong Un to lay the groundwork for this negotiation, which could well save hundreds of thousands and maybe millions of lives that would be lost in the event there were military conflict between North and South Korea and the United States and our other allies.

Now, like our friend from New Hampshire, I admire the Senator from California and enjoy working with her, but frankly I don't understand her turnabout.

Mike Pompeo is thoughtful, careful, and has a remarkable ability to see the world through multiple lenses at once. That is because of his time at West Point, his service in the U.S. Army, and his experience practicing as a lawyer. It is because he has worked as a leader in business and he has represented the men and women of Kansas in Congress. He knows the intelligence community inside and out, not only from his service as Director of the Central Intelligence Agency but also as a member of the House Permanent Select Committee on Intelligence. He is indisputably smart, and he sees all the angles. That is precisely what will serve him so well when the State Department and others work tirelessly to untangle and resolve some of the most intractable of issues—arms control, international security, human rights violations, and religious freedom, just to name a few.

Well, what has happened since our friend from California said Mike Pompeo is smart, hard-working, and devoted to protecting our country? What has changed since then? Well, nothing has changed, except for perhaps the political calculation that it is perhaps in the Democratic Party's best political interest to oppose every one of President Trump's policies and nominees because that way they stay out of trouble with their political base. One reason Senators are elected for 6 years from a whole State is, presumably, that we can get beyond those sorts of parochial political concerns, particularly on matters of such national and international import.

Our Democratic colleagues have made it no secret that they are not fond of the President and some of his instincts and decisions, but isn't that all the more reason for them to not sacrifice rational judgment in the case of this highly qualified and widely revered nominee? After all, defeating a Secretary of State nominee would be extraordinary, historically speaking, and it would send a terrible message to our friends and allies around the world. This is nothing to be trifled with. President George W. Bush's first nominee, Colin Powell, was confirmed by a unanimous voice vote. And his second, Condoleezza Rice, had 85 Senators vote in her favor. Hillary Clinton received only two no votes, and John Kerry only three. Every Secretary of State nominee since 1925 has been reported out of the Senate Foreign Relations Committee favorably. That may change today.

This body and this institution should not forget its own history and traditions, and we should not give up on the tradition of bipartisanship, goodwill, and fairness to the opposition.

I am proud to support Mike Pompeo as our next Secretary of State and hope that all of our colleagues across the aisle will have the political courage to join those of us voting yes.

I note that there have been some press releases, some announcements, and a number of our colleagues have stepped forward and said they will vote yes for Mike Pompeo as Secretary of State. I applaud them in their political courage for standing against the tide.

For those who refuse—especially for the ones who have flip-flopped in the matter of a year—Mike Pompeo is a human being, a public servant, and somebody well trained and well prepared to be the Nation's top diplomat. I just simply don't understand how they can reconcile those two polar opposite positions, or perhaps they can explain it to the American people. I cannot.

I yield the floor.

I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MERKLEY. Madam President, the preamble of our Constitution lays out a vision that includes establishing justice and promoting the general welfare. Certainly we have the challenge in America of making sure the doors of opportunity are wide open and not slammed shut.

For centuries, we have been working to try to make sure that vision comes into full realization, but today we are considering the nomination of Stuart Kyle Duncan to a lifetime appointment on the Fifth Circuit Court of Appeals. This individual is not supportive of our constitutional vision of open doors; he is intent on slamming them shut—slamming them shut on all LGBTQ communities; slamming them shut on women seeking reproductive rights and healthcare; slamming opportunity shut on those who simply wish to vote in America in fulfillment of the vision of our constitutional democratic Republic; slamming the doors shut on those who are here and have been here legally, who are seeking to become citizens.

Mr. Duncan is probably best known for his work on Burwell v. Hobby Lobby, a landmark case opposing the ACA's requirement that employers provide insurance coverage opportunity for contraception and for undermining the healthcare of countless women across America.

You might say: Didn't his side of this case win in the courts? Well, not for the reasons that this individual put forward. The Court rejected the arguments Kyle Duncan made. He refused to acknowledge the importance of birth control in women's lives, arguing that the government does not have a compelling interest in ensuring access to birth control without cost-sharing. The Court said that is wrong and that the government does have a compelling interest. Mr. Duncan argued that the Court was not required to consider the impact of this law—or the possibility of overturning it—on employees under the Religious Freedom Restoration Act. Every single member of the Court, whether in the majority or in the minority on the opinion, threw out that argument, reaffirming that burdens on third parties must be considered. Although the verdict came down on the side Mr. Duncan advocated for, the Court soundly rejected his arguments and his reasoning.

After Hobby Lobby, he wrote an amicus brief in Zubik v. Burwell on behalf of Eternal World Television Network, a nonprofit seeking an exception from the ACA birth control benefit. He made some of those same arguments again, and again the Court rejected his reasoning and directed the government and all parties involved to arrive at an approach that ensures that affected women ''receive full and equal health coverage, including contraceptive coverage.''

It is certainly a concern to have a nominee who wants to slam the door shut on the freedom of women to access the reproductive healthcare that they desire, but there is more door-slamming here than that. He is an ardent opponent to equality and opportunity for the LGBTQ community here in the United States of America. He is recognized as one of our Nation's leading opponents of opportunity for the LGBTQ community.

He authored legal briefs opposing marriage equality in Obergefell v. Hodges, going so far as to question the legitimacy of the Supreme Court when the Court came down saying that ''love is love'' and that marriage equality is the law of the land under the Constitution of the United States of America. He called that decision ''an abject failure.''

I ask you, what kind of fairness do you anticipate from a judge who is ardently opposed to the freedom of opportunity for LGBTQ Americans, who condemns a previous decision of the Supreme Court as ''an abject failure,'' and

who said that this decision would ''imperil civic peace''? He said:

> No one can possibly predict with any degree of confidence what are all the possible ramifications for our society that are going to take place. No one could have predicted all of the social pathologies from no-fault divorce. This is a far more radical change than no-fault divorce.

He said that ''harms'' to our democracy from marriage equality ''would be severe, unavoidable, and irreversible.''

Certainly, he wanted to slam the door on marriage opportunity for LGBTQ Americans, but he made an outrageous argument that the concern of others should enable his court, as he envisioned it, to deprive Americans of the opportunity to marry the individual they love—no concern for the Constitution, just that some folks might find it uncomfortable. He made an extensive, hyperbolic, hysterical argument that it would completely debase society for people to be with the person they love.

His attacks against the LGBTQ community go on and on, from introducing expert declarations in one case that characterized transgender Americans as ''delusional.'' If you have been characterized as delusional based on who you are and whom you love, what fairness can you expect from the judgment of this individual? He fought to deny parental rights to the woman who adopted the children of her same-sex partner—the same children she had helped raise for 8 years.

Clearly, this individual is interested in rightwing, opportunity-denying legislating from the bench, not protecting the vision of opportunity embedded in our Constitution.

All that doesn't even touch on his other efforts, such as his effort to make it difficult for communities of color or communities of modest economic means to be able to vote in the United States of America. If you believe in the Constitution of the United States, you should be a fierce advocate for voter empowerment and participation, not voter suppression, but this individual is a fierce advocate for voter suppression. Isn't it right to have people confirmed to the bench for a lifetime appointment who actually admire the vision of our Constitution for opportunity and for citizen engagement, not one who wants to tear down opportunities and slam doors on opportunities and stop people from voting.

That is not all. There is more. There are his attacks on deferred action for parents of Americans in which he spreads false and frightening stereotypes about immigrants, echoing his previous hysterical comments, saying that ''[m]any violent criminals would likely be eligible to receive deferred action under DAPA's inadequate standards.'' It is kind of the last refuge of a scoundrel, an individual who proceeds to attack our immigrants, saying: Oh, they might all end up being criminals—completely contrary to the facts, where immigrants are far more law-abiding than the vast average among Americans born here in the United States.

Isn't it the case that we are a nation of immigrants? Unless you are 100 percent Native American Indian, then you are here because you immigrated or your parents immigrated or your ancestors at some level immigrated generations ago. So basically descending to attack immigrants as all criminals is simply another example of this individuals's unsuitability to serve on the bench.

We are a ''we the people'' nation, founded on equality, justice, and opportunity for all. Our Nation is about opening doors for each individual to participate to the full degree of their talent, not to have the prejudices of some allow them to slam doors on others. That is why this individual, Stuart Kyle Duncan, should never be on the floor of the Senate to be confirmed as a judge in the United States of America. Let him carry on his advocacy outside the hallowed halls of the courtroom but not inside, sitting on the bench. That is why everyone here tonight should vote against confirming this nomination.

Thank you, Madam President.

The PRESIDING OFFICER (Mr. MORAN). The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I rise to speak to the nomination of and the vote we are about to have on Kyle Duncan. Kyle Duncan is from Louisiana. He has been nominated to be on the Fifth Circuit Court of Appeals. Let me speak a little bit about his qualifications and why I think we should support his nomination and vote yes.

First, I have a little bit of pride in this; he is a graduate of LSU, my alma mater, and graduated from LSU's law school, the Paul M. Hebert Law School. He graduated in the Order of the Coif and subsequently got a master of law degree from Columbia University. He has the training, experience, and institutional knowledge to be a successful judge.

I have discussed his academics; let's speak about his experience. His breadth of experience makes him a great choice. He was certified as ''well qualified'' by the American Bar Association. He has extensive courtroom experience on the Tenth and Fifth Circuit Courts of Appeals, the D.C. Circuit Court of Appeals, the Texas and Louisiana Supreme Courts, and he has twice argued in the U.S. Supreme Court. He has experience working in the public and private sectors and in academia. He pulls from diverse legal backgrounds, including criminal law, American Disabilities Act regulations, section 1983 claims, healthcare law, adoptions, and contract law. He understands the Fifth Circuit.

After law school, Mr. Duncan clerked on the Fifth Circuit Court of Appeals under the Honorable John M. Duhe, Jr. He was the assistant solicitor general at the Texas attorney general's office and a professor at the University of Mississippi Law School. He is the appellate chief of the Louisiana Department of Justice. All of these are States included in the Fifth Circuit Court of Appeals. Again, this is the experience and background we should look for when selecting a judicial nominee.

I will also add that he is of high character. Even those who are going to vote no have been impressed once they have met him. They consider him a genuinely nice man whose body of work is reflective of someone who is decent. His body of work also demonstrates his high respect for legal precedent. He understands that a judge is not an advocate for a particular case but, instead, an adjudicator upholding the law, applying the law to the facts. He is a man of high integrity, high character—something sorely needed in this world but especially to be demonstrable in the Federal judiciary.

Clearly, Mr. Duncan is a qualified nominee, having that which it takes to be a successful judge. I recommend Mr. Duncan without reservation, and I urge my colleagues to join in supporting his nomination.

NOMINATION OF MIKE POMPEO

Mr. President, this relates to Mike Pompeo, who is the nominee for Secretary of State. If there is one thing everyone in Washington seems to agree on these days—indeed, in our country—it is that we face very serious threats around the globe. From Russian aggression in Eastern Europe and Syria to China's expansion in the South China Sea, to Iran's increased threats against Israel, to a North Korean dictator who likes to fire off missiles and test nuclear weapons, to the collapse of Venezuela, to transnational criminal organizations contributing to the opioid epidemic at home, to trade issues, our country is facing big challenges. As we face these global threats, we need a well-qualified Secretary of State who understands diplomacy and is working to keep our country safe.

It is hard to think of someone more qualified than Mike Pompeo. As Director of the CIA, a former Member of Congress, a top graduate of West Point, and editor of the Harvard Law Review, there are zero—I say zero—questions about his ability. That is what is troubling about our colleagues across the aisle who appear ready to oppose his nomination en masse for no other reason than that he is a Republican nominated by President Trump. It seems to be the latest example of Washington Democrats kowtowing to the so-called resistance movement, opposing anything and everything because they can't accept that Donald Trump was elected President of the United States.

It used to be said that our partisan differences ended at the shoreline; that we presented a united face to the rest of the world. An extension of that is whom we select as Secretary of State. It is worth noting that the previous Secretaries of State appointed under President Obama had overwhelming

support, both from Democrats and Republicans, precisely because of the importance of having a Secretary of State in place in this challenging world but also, again, because partisan differences should not be reflected to the outside. In this case, that has been lost in the name of the resistance.

When it comes to the critical position of Secretary of State, Mike Pompeo, in particular, would be the man for the job as we deal with Russia, Iran, North Korea, Syria, and other challenges. I urge my Democratic colleagues to do the right thing for our country instead of catering to the most extreme elements of their party.

Most of my Senate colleagues supported Mike Pompeo when he was nominated to serve as CIA Director. They should support him now as Secretary of State so we can show the world that while we may have our political differences at home about any number of issues, we stand united as Americans when it comes to facing threats to our security abroad.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BOOZMAN). Without objection, it is so ordered.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Stuart Kyle Duncan, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

Mitch McConnell, Thom Tillis, John Cornyn, John Kennedy, Richard Burr, Mike Lee, David Perdue, Steve Daines, James Lankford, Pat Roberts, Johnny Isakson, Jeff Flake, Lindsey Graham, Patrick J. Toomey, Marco Rubio, Tom Cotton, James E. Risch.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Stuart Kyle Duncan, of Louisiana, to be United States Circuit Judge for the Fifth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH), the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Ms. HIRONO), and the Senator from Florida (Mr. NELSON) are necessarily absent.

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

The yeas and nays resulted—yeas 50, nays 44, as follows:

[Rollcall Vote No. 81 Ex.]

YEAS—50

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Collins	Hyde-Smith	Sasse
Corker	Inhofe	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	Manchin	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young
Fischer	Murkowski	

NAYS—44

Baldwin	Hassan	Reed
Bennet	Heinrich	Sanders
Blumenthal	Heitkamp	Schatz
Booker	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Smith
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Markey	Udall
Coons	McCaskill	Van Hollen
Cortez Masto	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Harris	Peters	

NOT VOTING—6

Duckworth	Hirono	McCain
Feinstein	Isakson	Nelson

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 44.

The motion is agreed to.

The majority leader.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate resume legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

CUBA

Mr. MENENDEZ. Mr. President, today I wish to address Cuba's undemocratic leadership transition and its implications for the Cuban people and U.S. foreign policy.

Today, in a highly scripted process, Cuba's National Assembly replaced Raul Castro, the country's gerontocratic dictator, with heir apparent Miguel Diaz Canel. While this marks the first time in nearly 60 years that a Castro does not occupy the Cuban Presidency, this transition by no means portends the desperately needed political and economic change that Cubans desire, nor does it mean that the Castro regime is no longer in charge.

This week's transition, characterized as a coronation and an attempt to institutionalize the Castro regime, is a ruse. This spectacle does not remotely come close to meeting internationally recognized standards for a democratic election. Cuba remains a single party, authoritarian state that denies its citizens their most fundamental freedoms.

Some contend that Mr. Diaz Canel could be a ''Cuban Mikhail Gorbachev,'' and in seeking to reform the Castros' broken model, he will stumble into the collapse of Cuba's communist system. Such thinking fails to account for the fact that Mr. Diaz Canel's political ascent was forged under the same Communist Party that has perpetuated the Castros' decades-long stranglehold on Cuba.

More importantly, Raul Castro will maintain his position as the First Secretary of the Cuban Communist Party. As article 5 of Cuba's authoritarian constitution states, ''The Communist Party of Cuba [. . .] is the superior ruling force of society and the State . . .'' Under such a structure, does anyone honestly think that Raul Castro won't continue calling the shots while his handpicked dauphin occupies the role of President?

As this political farce unfolds, I want to make brief observations about three aspects of Raul Castro's legacy, the state of human rights in the country, the state of the Cuban economy, and the crisis in Venezuela, which Miguel Diaz Canel now owns.

Raul Castro will certainly leave an enduring human rights legacy. In the last 3 years, the Cuban Commission on Human Rights and National Reconciliation, Cuba's leading independent human rights organization, documented more than 20,000 arbitrary detentions of activists. Moreover, the State Department's 2016 Human Rights Report on Cuba stated that the Cuban Government routinely denies its citizens fair trials, monitors and censors private communications, suppresses freedoms of speech, assembly and press, and employs threats, physical assault and intimidation tactics against its own people.

Raul Castro's economic legacy will be the maintenance of the dual currency system that distorts the national economy and subjugates Cuban citizens to second-class status in their own country. Foreign companies seeking opportunities in Cuba are still forced to conduct business with the military and its vast network of shell companies. ''Independent entrepreneurs'' are a complete misnomer, as individuals continue to operate in a byzantine system that prevents them from owning their own companies and subjects them to licensing and tax requirements designed to stifle entrepreneurial activity.

Additionally, as well-connected members of the Cuban Communist

Party and the military use their positions for self-enrichment, average Cubans face a status quo of limited economic opportunities. As the gap between the ''haves'' and the ''have nots'' grows in Cuba, it appears that the Castros' Orwellian dystopia is a system in which all Cubans are equal, but some Cubans are more equal than others.

Finally, looking outward, at the Summit of the Americas last week, where leaders of the Western Hemisphere grappled with an unprecedented migration and humanitarian crisis, Raul Castro may have been absent, but the legacy of ruin in Venezuela was front and center. In a July 2017 Senate hearing, Organization of American States Secretary General Luis Almagro described Cuba's presence in Venezuela as an ''occupation army.'' While Nicolas Maduro clings to his failed ideological, military, and economic alliance with the Castro regime, Venezuelans are suffering from food shortages, a collapsed healthcare system, and rampant crime.

This brutal reality is the Castros' legacy for the Cuban people and the hemisphere. In his role as First Vice President since 2013, Mr. Diaz Canel has been Raul Castro's first accomplice. So while Cubans will never stop dreaming for a future in which they are guaranteed human rights and are truly free to pursue economic prosperity, they know that Mr. Diaz Canel represents little more than a continuation of the Castro regime.

Turning to U.S. foreign policy, to those who would argue Cuba is ready to be a member of the community of nations, let me point to the attacks against American diplomats in Havana. U.S. personnel have faced an unprecedented ordeal. More than 50 unexplained attacks have affected more than two dozen American citizens, with some cases involving lasting, physical brain damage. Let anyone who harbors doubts about these incidents refer to the Trudeau government's announcement this week regarding incidents affecting Canadian officials and changes to Canada's diplomatic presence in Cuba. These attacks are real. People are suffering.

Cuban officials attempting to dismiss these egregious attacks is yet another sign of the disingenuous nature of the dictatorship. Whether the attacks were perpetrated by Cuban intelligence services or involve the participation of another country's intelligence services, it is unfathomable that a government that prides itself on running a police state would even try to feign ignorance about these incidents. I refuse to accept the premise that members of the Castro regime are not in some way complicit or have no information about who is responsible. The State Department must continue its investigation of these attacks.

The Trump administration must also move beyond Presidential promises towards a substantive strategy that pressures the regime to undertake serious reforms to advance democratic values and human rights and end its support of failed leadership in Venezuela.

First, the United States must remain steadfast in supporting democratic activists in Cuba. While President Trump claims to support those fearlessly advocating for their rights, his budget proposals tell a different story. Alarmingly, his fiscal year 2018 request to Congress proposed zero dollars for democracy programs in Cuba, while his fiscal year 2019 budget only requested $10 million. In contrast to his statements, this amounts to rejecting support for the Cuban people and our interests.

Additionally, as the U.S. Government hones new tools to advance accountability for human rights violations, we should utilize targeted global Magnitsky sanctions to put a spotlight on the Cuban officials responsible for these abuses.

Second, although senior administration officials have been critical of business deals with the Cuban military that enrich the Castro regime in the process, the regulations the administration introduced in November 2017 fail to address key elements of commerce that benefit Cuba's dictatorship. In the coming weeks, I will launch a congressional review of Treasury and Commerce regulations in order to end unnecessary loopholes that benefit the regime.

Finally, as leaders from the Americas and Europe come together to address the multifaceted crisis in Venezuela, they must seriously confront Cuba's role in Venezuela's collapse. To date, efforts to coordinate increased international pressure on the Venezuelan Government have given the Castro regime a free pass. There was widespread support in the hemisphere for Peru's decision to not invite Nicolas Maduro to the Summit of the Americas due to the authoritarian nature of his government; yet no one, including the Trump administration, held Cuba's dictatorship to the same standard. It is time for the administration to reverse this trend and call for a coordinated diplomatic response to Cuba's longstanding role in Venezuela's emergence as a failed state.

In closing, I urge my colleagues join me in speaking out against the undemocratic political spectacle in Cuba this week. We must join together to pursue a comprehensive policy towards Cuba that pressures regime officials to loosen their stranglehold on Cuba's economy and political system and that advances the true democratic and justice reforms the Cuban people so desperately desire.

103RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. REED. Mr. President, this week we solemnly observe the 103rd anniversary of the Armenian genocide.

Over a century ago, one of the greatest tragedies of the 20th century began when the Young Turk leaders of the Ottoman Empire executed more than 200 prominent Armenians. What followed was an 8-year systematic campaign of oppression and massacre. By 1923, an estimated 1.5 million Armenians were killed, and over a half a million survivors were exiled.

These atrocities affected the lives of every Armenian living in Asia Minor and, indeed, across the globe. The U.S. Ambassador to the Ottoman Empire during this dark time, Henry Morgenthau, Sr., unsuccessfully pleaded with President Wilson to take action and later remembered the events of the genocide, saying, ''I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.'' Clearly, the suffering of the Armenian people must never be forgotten.

The survivors of the Armenian genocide, however, persevered due to their unbreakable spirit and steadfast resolve and went on to greatly contribute to the lands in which they found new homes and communities, including the United States. That is why we not only commemorate this grave tragedy each year, but we also take this moment to celebrate the traditions, the contributions, as well as the bright future of the Armenian people. Indeed, my home State of Rhode Island continues to be enriched by our strong and vibrant Armenian-American community.

This genocide has been denied for far too long. To honor the memory of this tragedy, I have joined with several of my colleagues on resolutions over the years to encourage the U.S. to officially recognize the Armenian genocide.

As we remember the past, we remain committed to forging a brighter future. We must continue to guard against hatred and oppression so that we can prevent such crimes against humanity.

As ranking member on the Senate Armed Services Committee, I remain committed to supporting assistance to Armenia to strengthen security, promote economic growth, and foster democratic reforms and development.

We must find a way to come together to recognize the truth of what happened and to provide unwavering support and assistance to those facing persecution today.

ADDITIONAL STATEMENTS

CONGRATULATING CONGRESSIONAL YOUTH CABINET PARTICIPANTS

● Mr. BOOZMAN. Mr. President, today I wish to recognize 32 Arkansans who have taken an interest in playing a positive, productive role in their communities, the State of Arkansas, and our country.

In September, this group of high school students convened as part of my

inaugural Congressional Youth Cabinet, a nonpartisan initiative that has allowed these young people firsthand experience engaging in the democratic process. Students from each of Arkansas' four congressional districts participated in the program, which provided them with exposure to the legislative process and opportunities to seek out advocacy and civic engagement.

The goal of the Congressional Youth Cabinet is to foster a lifetime commitment to civic engagement and public service. I have been impressed with these young Arkansans as they have grown in their knowledge of how our government works and the role that public policy plays in their everyday lives.

One project in particular that demonstrates this process involved having the participants, grouped together by their congressional districts, develop a legislative proposal of their choice between three issues: driverless cars, an internet sales tax, or rural broadband. The students worked together to craft their proposals on these topics, drawing on their own research and background knowledge.

I was able to help them refine their ideas and offer my advice as to how they could make adjustments to their product so as to have the best chance of garnering bipartisan support. We also discussed why similar legislation had not successfully attracted enough backing to pass Congress and become law.

This program has given these students the chance to think critically and carefully about how public policy can have an impact on them, their families, friends, neighbors, and fellow citizens. I am proud of these Arkansans for taking a proactive step to learn more about how they can make a difference and be a force for good. Their participation in the Congressional Youth Cabinet is something we all can take great pride in.

I congratulate them on their hard work and efforts and offer my best wishes for the future. I know these students will continue to be leaders and doers who give back to their communities. I hope their participation in the Congressional Youth Cabinet is something they can point to as having made a distinct and significant contribution to their development as students and informed, engaged citizens.●

TRIBUTE TO MARY KAY FORSYTH

● Mr. DAINES. Mr. President, today I wish to recognize the 100th birthday of Mary Kay Forsyth, originally of Bozeman, MT. She was born in the middle of Main Street under a firetruck on April 24, 1918, and she has been setting off alarms ever since.

Mary Kay spent her formative years in Missoula where her father, Clyde P. Fickes, was the head the U.S. Forest Service Region 1 office. Soon after graduating from the University of Montana in 1941 with a double major in journalism and pre-medicine, Mary Kay married professional hockey player, Albert J.C. Forsyth of Wainwright, Alberta. They soon moved to Seattle to help the war effort. At the conclusion of the war, Mr. and Mrs. Forsyth and their growing family settled in Coronado, CA.

Mary Kay spent her life dedicated to the improvement of her community. Her public service and spirit is an example to others and is admired by all who know her.

Mary Kay has a loving family of four children, six grandchildren, and four great-grandchildren. I, along with her family and friends, wish Mary Kay a very happy 100th birthday.●

REMEMBERING DORIS WARD

● Ms. HARRIS. Mr. President, Californians and San Franciscans have lost a fearless advocate for racial and economic equality who became the first African-American president of San Francisco's board of supervisors. Ms. Doris Ward was elected to the board of supervisors and was sworn in on January 8, 1980. In 1991, Ms. Ward became the first Black woman to serve as board president.

Ms. Ward was a trailblazer from her earliest days. She attended an integrated school from kindergarten through 12th grade. She went on to earn her bachelor's and master's degrees in education at Indiana University. Later she earned a master's degree in counseling from San Francisco State University and a doctorate in education from U.C. Berkeley. Ms. Ward was active in the civil rights movement and participated in sit-ins at bars and other public areas in Indiana. Ms. Ward began her career as a teacher in Gary, IN, her hometown, before joining the National Association for the Advancement of Colored People, NAACP, in Indianapolis.

During her time at the NAACP in the late 1960s, Ms. Ward cemented her role as a leader for civil rights and social justice by opposing the Ku Klux Klan and other forms of racism and discrimination before moving to California.

Ms. Ward started her political career in 1972, after moving to San Francisco, when she became a trustee for the city's community college district prior to joining the board of supervisors.

Ms. Ward was a friend, mentor, and we will miss her vibrant spirit. The thoughts of San Franciscans and Californians are with Ms. Ward's sister, Debra Floyd, of Washington, DC, her family, city leaders, and the people of San Francisco during this time.●

TRIBUTE TO JOHN RUHS

● Mr. HELLER. Mr. President, today I would like to recognize and thank Mr. John Ruhs, the director of the U.S. Bureau of Land Management, BLM, in Nevada, for his work on behalf of our State as he departs his role to assume the top position at the National Interagency Fire Center in Boise, ID.

Mr. Ruhs first moved to Nevada as a wild horse and burro specialist and later served as Ely's BLM district manager and Winnemucca's district fire management officer. When talking about the time he has spent in Nevada, Mr. Ruhs said, ''I truly love the resources, the people, and the wide variety of activities and issues that we face.''

He was appointed by Neil Kornze, the national director of the BLM during the Obama administration, to serve as Nevada's director in 2015, a role he was well-suited for, given his previous public service in Nevada. For more than 3 years, he was in charge of managing 48 million acres of Federal land in our State. It is a tough job, but he excelled in the role, and I have appreciated the opportunity to work with him. He is a hard-working, honest broker who has a record of successfully and expeditiously resolving longstanding issues. John is a leader and a problem solver and was willing to get personally involved in even the most difficult disputes.

Prior to his work in Nevada, Mr. Ruhs worked for the BLM in Colorado, Idaho, and Oregon, as well as in Washington, DC, as the senior special assistant. He also worked in Wyoming as district manager of the High Desert District. Mr. Ruhs is also a veteran. He served in the U.S. Marine Corps, and I am truly grateful for his service to our Nation.

Mr. Ruhs grew up in Iowa and graduated from the University of Idaho with a bachelor of science degree in animal science. He and his wife, Amy, are the proud parents of seven daughters. Together, they embrace the outdoors and enjoy spending time riding horses and camping.

As the senior Senator from the State of Nevada, I ask my colleagues to join me in recognizing Mr. Ruhs for his many years of public service to the BLM and to my home State. While his departure is Nevada's loss, I know that the National Interagency Fire Center will benefit from his expertise. I wish Mr. Ruhs continued success in his future endeavors and many fulfilling years to come.●

TRIBUTE TO DIMITRI PHILEMONOF

● Ms. MURKOWSKI. Mr. President, today I would like to recognize an Alaska Native leader who has dedicated much of his life and career to humanitarian service in Alaska. Dimitri Philemonof is the president of the Aleutian Pribilof Islands Association, which is a Tribal nonprofit organization that serves the regional tribes in the Aleutian Pribilof Islands of Alaska. Under Dimitri's leadership, APIA has had a profound impact on the health and well-being of the Aleut people by providing them with a broad spectrum of services. These services include health, education, social, employment

and vocational training, public safety, and cultural preservation.

Dimitri's tenure with APIA began on April 24, 1978, when he was hired as a training tech for employment assistance. Less than a year later, Dimitri was promoted to manpower director and later the community services director. By 1985, the board of directors at APIA would reach a consensus and promote Dimitri to be the executive director and president of APIA, a position that he has held since. This week marks the 40th anniversary of Dimitri's hiring at APIA, and I would like to take this time to express my appreciation for Dimitri's service to the Alaska Native people.

Dimitri accomplished many things during his time as the president of APIA, but according to Dimitri, the most important accomplishment as the president of APIA was working to pass the Aleut Restitution Act. It was meaningful for Dimitri because his parents were forcibly evacuated from the island of St. George and brought to the Funter Bay Internment Camp during the Aleut Evacuation of WWII. Conditions at the camps were horrid. There was no running water, no sewer system, and no laundry or bathing facilities. Most of the buildings didn't have electricity, heat, windows, or doors. Eventually, Dimitri's parents were able to return to their home on St. George Island, but they still carried with them the experience of being forced into an internment camp. This was an experience that many Alaska Natives carried with them because they too were put into internment camps, not just in Funter Bay. There were internment camps in Killisnoo, Ward Cove, and on Burnett Island.

Fast forward and once Dimitri became the executive director of APIA, he worked tirelessly to ensure that the Aleut people would receive restitution for their time in internment camps. He worked with Alaska's congressional delegation to ensure that Aleut and other Alaska Native people were able to testify before congressional hearing commissions and committees to share their stories and their experiences in internment camps.

In 1988, the Aleut Restitution Act was passed, and in 1993, the Aleutian Pribilof Restitution Trust was created. Dimitri and many other Aleut leaders believe that the pursuit for restitution was one of the first steps in the healing process for the Aleut people.

Dimitri has had a significant impact on the Aleut people who he represents. He serves as an inspiration to many other Alaska Native leaders. I am honored to recognize Dimitri for his years of humanitarian service, and I wish him many more years of service to his people and to his community by reminding us all that ''Unganan Ataaqan Akun''—''We Are One.''●

TRIBUTE TO RICHARD W. POGUE

● Mr. PORTMAN. Mr. President, today I wish to honor the achievements of Richard W. Pogue on the occasion of his 90th birthday. Mr. Pogue is a respected attorney and community leader who continues to this day to work tirelessly to serve greater Cleveland, the State of Ohio, and our country. The impact of his generosity, commitment to the northeast Ohio community where he lives, and tradition of service has touched countless organizations and individuals. I am pleased to recognize Mr. Pogue's over six decades of service today.

Mr. Pogue was born on April 26, 1928. He graduated from Cornell University in 1950 and the University of Michigan Law School in 1953. After serving 3 years, from 1954 to 1957, in the office of the Judge Advocate General, U.S. Army, in the Pentagon, he was honorably discharged with the rank of captain and joined the Cleveland law firm of Jones, Day, Cockley & Reavis as an associate in 1957. He became a partner in the firm nearly 60 years ago.

In 1984, Pogue became managing partner of the firm, which was at this time known as Jones, Day, Reavis & Pogue. During the 9 years he spent as managing partner, he led the firm during a period of unprecedented growth, including taking the firm into international markets. His area of practice has primarily focused on antitrust and corporate takeover work, and he has served as a mediator in a large number of major commercial disputes.

Mr. Pogue retired from Jones Day in 1994, only to take on a second career as senior adviser to Dix & Eaton, a Cleveland public relations firm. He returned to Jones Day in 2004 and currently serves as senior adviser to the firm.

Mr. Pogue's distinguished professional career as an accomplished lawyer and corporate adviser alone warrants this recognition. However, his caring leadership and dedication to civic engagement is even more impressive and has left a lasting impact on countless organizations throughout our community and State. He has served as chairperson of many organizations, including the Cleveland Foundation, Greater Cleveland Growth Association, Business Volunteers Unlimited, University Hospitals, and the Cleveland Council on World Affairs. He is known for his commitment to helping young people, improving our neighborhoods, many philanthropic endeavors, advising public and private sector leaders, and guiding business organizations through changing times. He chairs the advisory committee for the Regula Institute at Mount Union University and was a founding trustee of the Rock and Roll Hall of Fame and Museum. He is a member of the Ohio State Bar Association Committee to preserve the legacy of Ohio Chief Justice Thomas J. Moyer, the Access to Justice Task Force appointed by Ohio's Supreme Court Chief Justice, and the Ohio Legal Assistance Foundation.

He continues to be committed to higher education and has remained an active contributor to the University of Michigan Law School, which honored him as the inaugural recipient of the Michigan Law School Distinguished Alumni Award. He has served as a trustee of Case Western Reserve University, University of Akron, and the Cleveland Institute of Music.

As he approaches his 90th birthday, Mr. Pogue is known to rise early each morning, work long days, and engage with community leaders and citizens in a wide variety of endeavors. He is a dedicated and loving husband, father, and grandfather to his wife, Patricia; their three children, Mark, Tracy and David; and their eight grandchildren. He is modest and quietly effective. His kind nature, integrity, professionalism, and dedication to community service has touched the lives of so many and has truly made a difference for greater Cleveland, our State, and Nation. It is my pleasure to recognize Richard W. Pogue and offer my best wishes as his family, friends, and the community he loves gather to celebrate his 90th birthday.●

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. CORKER for the Committee on Foreign Relations.

*Mike Pompeo, of Kansas, to be Secretary of State.

*Thomas J. Hushek, of Wisconsin, 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 South Sudan.

Nominee: Thomas J. Hushek.

Post: Chief of Mission, Juba, South Sudan.

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: N/A.

3. Children and Spouses: N/A.

4. Parents: Mary A. Hushek (deceased), None; Francis T. Hushek (deceased), None.

5. Grandparents: Francis J. Hushek (deceased), None; Cecilia Hushek (deceased), None; George Schaller (deceased), None; Margaret Schaller (deceased), None.

6. Brothers and Spouses: John F. Hushek, None; Sharon A. Hushek, None; Francis J. Hushek, None; Andrew R. Hushek, None.

7. Sisters and Spouses: Barbara J. McMillion, None; Michael McMillion (deceased), None; Sarah A. Berg, None; Lance A. Berg, None; Martha E. Troop, None; Jeffrey Troop, None.

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*Kirsten Dawn Madison, of Florida, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs).

Mr. CORKER. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive

Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Foreign Service nomination of Robert F. Grech.

*Foreign Service nominations beginning with Karen S. Sliter and ending with Elia P. Vanechanos, which nominations were received by the Senate and appeared in the Congressional Record on February 13, 2018.

*Foreign Service nomination of Tuyvan Nguyen.

*Foreign Service nominations beginning with Benjamin Thomas Ardell and ending with Alexander Zvinakis, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2018. (minus 3 nominees: Keisha L. Effiom; Robin Sharma; Jeffrey D. Tilton)

*Foreign Service nomination of Abigail Marie Nguema.

*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.

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. BOOKER (for himself, Mr. NELSON, Mr. COONS, and Mr. CARPER):

S. 2726. A bill to amend the Public Health Service Act to promote healthy eating and physical activity among children; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 2727. A bill to require the Administrator of the Environmental Protection Agency to establish a discretionary grant program for drinking water and wastewater infrastructure projects, and for other purposes; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR (for herself and Mr. KENNEDY):

S. 2728. A bill to protect the privacy of users of social media and other online platforms; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 2729. A bill to establish programs related to prevention of prescription opioid misuse, and for other purposes; to the Committee on Finance.

By Mr. MCCONNELL:

S. 2730. A bill to amend the Public Health Service Act to establish a pilot program to help individuals in recovery from a substance use disorder transition from treatment to independent living and the workforce, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. BALDWIN:

S. 2731. A bill to expand domestic content requirements for certain shipboard components, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. HEITKAMP (for herself, Ms. COLLINS, and Ms. WARREN):

S. Res. 479. A resolution designating April 2018 as ''National Donate Life Month''; considered and agreed to.

By Mr. BLUNT (for himself and Mrs. MCCASKILL):

S. Res. 480. A resolution expressing support for the designation of May 1, 2018, as ''Silver Star Service Banner Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 27, a bill to establish an independent commission to examine and report on the facts regarding the extent of Russian official and unofficial cyber operations and other attempts to interfere in the 2016 United States national election, and for other purposes.

S. 266

At the request of Mr. HATCH, the names of the Senator from Illinois (Ms. DUCKWORTH) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors 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. 352

At the request of Mr. CORKER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 352, a bill to award a Congressional Gold Medal to Master Sergeant Rodrick ''Roddie'' Edmonds in recognition of his heroic actions during World War II.

S. 367

At the request of Mr. HATCH, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 367, a bill to amend section 3606 of title 18, United States Code, to grant probation officers authority to arrest hostile third parties who obstruct or impede a probation officer in the performance of official duties.

S. 427

At the request of Mr. SANDERS, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 427, a bill to enhance Social Security benefits and ensure the long-term solvency of the Social Security program.

S. 482

At the request of Mr. THUNE, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to treat certain amounts paid for physical activity, fitness, and exercise as amounts paid for medical care.

S. 1086

At the request of Mr. HATCH, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1086, a bill to amend title 10, United States Code, to remove the prohibition on eligibility for TRICARE Reserve Select of members of the reserve components of the Armed Forces who are eligible to enroll in a health benefits plan under chapter 89 of title 5, United States Code.

S. 1169

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 1169, a bill to amend title XIX of the Social Security Act to provide States with an option to provide medical assistance to individuals between the ages of 22 and 64 for inpatient services to treat substance use disorders at certain facilities, and for other purposes.

S. 1764

At the request of Mr. BOOKER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1764, a bill to extend the principle of federalism to State drug policy, provide access to medical marijuana, and enable research into the medicinal properties of marijuana.

S. 1850

At the request of Mr. MANCHIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1850, a bill to amend the Public Health Service Act to protect the confidentiality of substance use disorder patient records.

S. 2101

At the request of Mr. DONNELLY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2101, a bill to award a Congressional Gold Medal, collectively, to the crew of the USS Indianapolis, in recognition of their perseverance, bravery, and service to the United States.

S. 2260

At the request of Mr. SCHATZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2260, a bill to establish and fund an Opioids and STOP Initiative to expand, intensify, and coordinate fundamental, translational, and clinical research of the National Institutes of Health with respect to opioid abuse, the understanding of pain, and the discovery and development of safer and more effective treatments and preventive interventions for pain.

S. 2303

At the request of Mr. COONS, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 2303, a bill to amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers.

S. 2430

At the request of Mr. COONS, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Missouri (Mr. BLUNT) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 2430, a bill to provide a permanent appropriation of funds for the payment of death gratuities and related benefits for survivors

of deceased members of the uniformed services in event of any period of lapsed appropriations.

S. 2436

At the request of Mr. DAINES, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2436, a bill to amend the Internal Revenue Code of 1986 to limit the amount of certain qualified conservation contributions.

S. 2461

At the request of Mr. WICKER, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 2461, a bill to allow for judicial review of certain final rules relating to national emission standards for hazardous air pollutants for brick and structural clay products or for clay ceramics manufacturing before requiring compliance with the rules by existing sources.

S. 2506

At the request of Mr. INHOFE, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 2506, a bill to establish an aviation maintenance workforce development pilot program.

S. 2591

At the request of Mr. BLUMENTHAL, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 2591, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 2600

At the request of Mr. PAUL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2600, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on indoor tanning services.

S. 2652

At the request of Mr. CASSIDY, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Maine (Mr. KING), the Senator from Tennessee (Mr. ALEXANDER), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Georgia (Mr. ISAKSON), the Senator from South Carolina (Mr. GRAHAM), the Senator from Montana (Mr. TESTER), the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mr. CORNYN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. NELSON), the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from North Carolina (Mr. TILLIS) and the Senator from Alaska (Mr. SULLIVAN) were added as cosponsors of S. 2652, a bill to award a Congressional Gold Medal to Stephen Michael Gleason.

S. 2667

At the request of Mr. MCCONNELL, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2667, a bill to amend the Agricultural Marketing Act of 1946 to provide for State and Tribal regulation of hemp production, and for other purposes.

S. 2680

At the request of Mr. ALEXANDER, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2680, a bill to address the opioid crisis.

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2680, supra.

S. 2688

At the request of Mr. CRUZ, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 2688, a bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets for purposes of determining gain or loss.

S. 2719

At the request of Mrs. SHAHEEN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2719, a bill to direct the Secretary of Veterans Affairs to establish a registry to ensure that members of the Armed Forces who may have been exposed to per- and polyfluoroalkyl substances on military installations receive information regarding such exposure, and for other purposes.

S. 2722

At the request of Ms. HARRIS, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 2722, a bill to establish environmental justice as a consideration in the regulation of pesticides, and for other purposes.

S. RES. 168

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. Res. 168, a resolution supporting respect for human rights and encouraging inclusive governance in Ethiopia.

S. RES. 414

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 414, a resolution condemning the continued undemocratic measures by the Government of Venezuela to undermine the independence of democratic institutions and calling for a free and fair electoral process.

S. RES. 459

At the request of Ms. HARRIS, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. Res. 459, a resolution recognizing ''Black Maternal Health Week'' to bring national attention to the maternal health care crisis in the Black community and the importance of reducing the rate of maternal mortality and morbidity among Black women.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 2729. A bill to establish programs related to prevention of prescription opioid misuse, and for other purposes; to the Committee on Finance.

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

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

S. 2729

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 ''Addiction Prevention and Responsible Opioid Practices Act''.

SEC. 2. FEDERAL LICENSURE OF PHARMACEUTICAL REPRESENTATIVES WHO PROMOTE CERTAIN OPIOIDS.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

''SEC. 569D. FEDERAL LICENSURE OF PHARMACEUTICAL REPRESENTATIVES WHO PROMOTE CERTAIN OPIOIDS.

''(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, shall establish a licensure program for pharmaceutical representatives described in subsection (b).

''(b) LICENSURE PROGRAM.—

''(1) REQUIREMENT.—Beginning on January 1, 2020, no individual described in paragraph (2) may engage in the marketing or promoting of opioid drugs unless such individual is licensed under this section.

''(2) INDIVIDUALS REQUIRED TO OBTAIN LICENSURE.—An individual required to obtain a license under this section is any individual who, on behalf of a drug manufacturer, engaged, on more than 15 days in a calendar year, in the marketing or promotion to health care professionals, including educational or sales communications, meetings or paid events, and the provision of goods, gifts, and samples, of any opioid drug (other than methadone) that is listed in schedule II of section 202(c) of the Controlled Substances Act.

''(3) LICENSURE PERIOD.—Each license issued under this section shall be valid for 3 years, and may be renewed for additional 3-year periods.

''(c) REQUIREMENTS.—An individual required to obtain a license under this section shall—

''(1) submit to the Secretary, at such time and in such manner as the Secretary may require—

''(A) such information as the Secretary may require; and

''(B) a registration fee in the amount of $3,000;

''(2) certify that such individual has completed training on ethics, pharmaceutical marketing regulations, the 'CDC Guidelines for Prescribing Opioids for Chronic Pain', published by the Centers for Disease Control and Prevention in 2016 (or any successor document) or the 'FDA Blueprint for Prescriber Education for Extended-Release and Long-Acting Opioid Analgesics', and applicable Federal laws pertaining to drug marketing, labeling, and clinical trials, as the Secretary may require;

''(3) certify that such individual will not engage in any illegal, fraudulent, misleading, or other deceptive marketing of schedule II opioid drugs; and

''(4) file with the Secretary annual reports disclosing the names of providers visited and any drug samples or gifts such individual gives any such provider.

''(d) MANUFACTURER REPORTING REQUIREMENTS.—The manufacturer who employs or contracts with any individual required to obtain a license under this section shall include in reports required under section 1128G

of the Social Security Act the name of each such licensed individual that provides payments or other transfers of value required to be reported under such section 1128G that relates to an opioid drug that is listed in schedule II of the Controlled Substances Act.''.

SEC. 3. WITHDRAWAL OF APPROVAL OF CERTAIN OPIOIDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, any ultra-high-dose opioid shall be considered a drug that presents an imminent hazard to the public health within the meaning of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), and the Secretary of Health and Human Services shall suspend the approval of such drug, in accordance with such section 505(e).

(b) DEFINITION.—In this section, the term ''ultra-high-dose opioid'' means an opioid drug for which the daily dosage provided for in the approved label exceeds the morphine milligram equivalents per day outlined in the report entitled ''CDC Guidelines for Prescribing Opioids for Chronic Pain'', published by the Centers for Disease Control and Prevention in 2016 (or any successor document).

SEC. 4. EXPANDING AVAILABILITY OF INFORMATION IN THE ARCOS DATABASE.

Section 307(d) of the Controlled Substances Act (21 U.S.C. 827(d)) is amended by adding at the end the following:

''(3) The Attorney General shall make available to the medical licensing board and board of pharmacy for each State the information in the Automation of Reports and Consolidated Orders System, or any subsequent automated system developed by the Attorney General to monitor the sale, delivery, and disposal of controlled substances within such State.''.

SEC. 5. CONTINUING MEDICAL EDUCATION AND PRESCRIPTION DRUG MONITORING PROGRAM REGISTRATION FOR PRESCRIBERS.

Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

''(k)(1) The Attorney General shall not register, or renew the registration of, a practitioner under subsection (f) who is licensed under State law to prescribe controlled substances in schedule II, III, or IV, unless the practitioner submits to the Attorney General, for each such registration or renewal request, a written certification that—

''(A)(i) the practitioner has, during the 1-year period preceding the registration or renewal request, completed a training program described in paragraph (2); or

''(ii) the practitioner, during the applicable registration period, will not prescribe such controlled substances in amounts in excess of a 72-hour supply (for which no refill is available); and

''(B) the practitioner has registered with the prescription drug monitoring program of the State in which the practitioner practices, if the State has such program.

''(2) A training program described in this paragraph is a training program that—

''(A) follows the best practices for pain management, as described in the 'Guideline for Prescribing Opioids for Chronic Pain' as published by the Centers for Disease Control and Prevention in 2016, or any successor thereto, or the 'FDA Blueprint for Prescriber Education for Extended-Release and Long-Acting Opioid Analgesics' as published by the Food and Drug Administration in 2017, or any successor thereto;

''(B) includes information on—

''(i) recommending non-opioid and non-pharmacological therapy;

''(ii) establishing treatment goals and evaluating patient risks;

''(iii) prescribing the lowest dose and fewest number of pills considered effective;

''(iv) addictive and overdose risks of opioids;

''(v) diagnosing and managing substance use disorders, including linking patients to evidence-based treatment;

''(vi) identifying narcotics-seeking behaviors; and

''(vii) using prescription drug monitoring programs; and

''(C) is approved by the Secretary of Health and Human Services.''.

SEC. 6. REPORT ON PRESCRIBER EDUCATION COURSES FOR MEDICAL AND DENTAL STUDENTS.

Each school of medicine, school of osteopathic medicine, and school of dentistry participating in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.), as a condition for such participation, shall submit an annual report to the Secretary of Education and the Secretary of Health and Human Services on any prescriber education courses focused specifically on pain management and responsible opioid prescribing practices that such school requires students to take, and whether such courses are consistent with the most recently published version of the ''Guideline for Prescribing Opioids for Chronic Pain'' of the Centers for Disease Control and Prevention or the ''FDA Blueprint for Prescriber Education for Extended-Release and Long-Acting Opioid Analgesics'', as published by the Food and Drug Administration in 2017. The Secretary of Education and the Secretary of Health and Human Services shall compile the reports submitted by such schools and submit an annual summary of such reports to Congress.

SEC. 7. REQUIREMENTS UNDER PRESCRIPTION DRUG MONITORING PROGRAMS.

(a) IN GENERAL.—Beginning 1 year after the date of enactment of this Act, each State that receives funding under any of the programs described in subsection (c) shall—

(1) require practitioners, or their designees, in the State to consult the database of the prescription drug monitoring program before writing prescriptions for controlled substances (as such term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) in schedule II, III, or IV under section 202 of such Act (21 U.S.C. 812);

(2) require dispensers of controlled substances in schedule II, III, or IV, or their designees, to input data into the database of the prescription drug monitoring program within 24 hours of filling a qualifying prescription, as required by the Attorney General and the Secretary of Health and Human Services, including patient identifier information, the national drug code of the dispensed drug, date of dispensing the drug, quantity and dosage of the drug dispensed, form of payment, Drug Enforcement Administration registration number of the practitioner, Drug Enforcement Administration registration number of the dispenser;

(3) allow practitioners and dispensers to designate other appropriate individuals to act as agents of such practitioners and dispensers for purposes of obtaining and inputing data from the database for purposes of complying with paragraphs (1) and (2), as applicable;

(4) provide informational materials for practitioners and dispensers to identify and refer patients with possible substance use disorders to professional treatment specialists;

(5) establish formal data sharing agreements to foster electronic connectivity with the prescription drug monitoring programs of each State (if such State has such a program) with which the State shares a border, to facilitate the exchange of information through an established technology architecture that ensures common data standards, privacy protection, and secure and streamlined information sharing;

(6) notwithstanding section 399O(f)(1)(B) of the Public Health Service Act (42 U.S.C. 280g–3(f)(1)(B)), authorize direct access to the State's database of the prescription drug monitoring program to all State law enforcement agencies, State boards responsible for the licensure, regulation, or discipline of practitioners, pharmacists, or other persons authorized to prescribe, administer, or dispense controlled substances; and

(7) in order to enhance accountability in prescribing and dispensing patterns, not fewer than 4 times per year, proactively provide informational reports on aggregate trends and individual outliers, based on information available through the State prescription drug monitoring program to—

(A) the State entities and persons described in paragraph (6); and

(B) the Medicaid agency and the department of public health of the State.

(b) TRANSPARENCY IN PRESCRIBING PRACTICES AND INTERVENTION FOR HIGH PRESCRIBERS.—

(1) STATE REPORTING REQUIREMENT.—Each State that receives funding under any of the programs described in subsection (c) shall, twice per year, submit to the Secretary of Health and Human Services and the Administrator of the Drug Enforcement Administration—

(A) a list of all practitioners and dispensers who, in the applicable reporting period, have prescribed or dispensed schedule II, III, or IV opioids in the State;

(B) the amount of schedule II, III, or IV opioids that were prescribed and dispensed by each individual practitioner and dispenser described in subparagraph (A); and

(C) any additional information that the Secretary and Administrator may require to support surveillance and evaluation of trends in prescribing or dispensing of schedule II, III, or IV opioids, or to identify possible nonmedical use and diversion of such substances.

(2) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services, in consultation with the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of Veterans Affairs, and the Director of the Indian Health Service, shall submit to Congress, and make public, a report identifying outliers among the medical specialties and geographic areas with the highest rates of opioid prescribing in the Nation, by zip code.

(3) DEVELOPMENT OF ACTION PLAN.—

(A) INITIAL PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of Veterans Affairs, and the Director of the Indian Health Service, shall submit to Congress a plan of action, including warning letters and enforcement mechanisms, for addressing outliers in opioid prescribing practices and ensuring an adequate Federal response to protect the public health.

(B) UPDATED PLAN.—The Secretary of Health and Human Services shall submit to Congress updates to the plan of action described in subparagraph (A), as such Secretary, in consultation with the heads of agencies described in such subparagraph, determines appropriate.

(c) PROGRAMS DESCRIBED.—The programs described in this subsection are—

(1) the Harold Rogers Prescription Drug Monitoring Program established under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies

Appropriations Act, 2002 (Public Law 107–77; 115 Stat. 748);

(2) the controlled substance monitoring program under section 399O of the Public Health Service Act (42 U.S.C. 280g–3);

(3) the Prescription Drug Overdose: Prevention for States program of the Centers for Disease Control and Prevention;

(4) the Prescription Drug Overdose: Data-Driven Prevention Initiative of Centers for Disease Control and Prevention;

(5) the Enhanced State Opioid Overdose Surveillance program of the Centers for Disease Control and Prevention;

(6) the opioid grant program under section 1003 of the 21st Century Cures Act (Public Law 114–255); and

(7) the State Opioid Response Grant program described under the heading ''SUBSTANCE ABUSE TREATMENT'' under the heading ''SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION'' of title II of division H of the Consolidated Appropriations Act, 2018 (Public Law 115–141).

(d) DEFINITIONS.—In this section, the terms ''dispenser'' and ''practitioner'' have the meanings given such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).

SEC. 8. INTEROPERABILITY OF CERTIFIED HEALTH INFORMATION TECHNOLOGY.

Section 3001(c)(5) of the Public Health Service Act (42 U.S.C. 300jj–11(c)(5)) is amended by adding at the end the following:

''(F) INTEROPERABILITY.—Beginning on January 1, 2021, the National Coordinator shall not certify electronic health records as health information technology that is in compliance with applicable certification criteria under this paragraph unless such technology is interoperable with the prescription drug monitoring programs of each State that, at the time of the request for such certification, has such a program.''.

SEC. 9. STUDIES RELATED TO OVERDOSE DISCHARGE AND FOLLOW-UP POLICIES.

(a) STUDY.—Not later than January 1, 2021, the Secretary of Health and Human Services shall—

(1) conduct a study on the scope and circumstances of non-fatal opioid overdoses, the policies and procedures that States, health care systems, and first responders have implemented; and

(2) in partnership with stakeholder organizations with subject matter expertise, establish guidelines for hospital procedures following non-fatal opioid overdose and the administration of overdose reversal medication.

(b) STUDY AND DEVELOPMENT OF QUALITY MEASURES UNDER MEDICARE RELATED TO OPIOID ABUSE AND SUBSTANCE USE DISORDER.—Section 1890A(e) of the Social Security Act (42 U.S.C. 1395aaa–1(e)) is amended—

(1) by striking ''MEASURES.—The Administrator'' and inserting ''MEASURES.—

''(1) IN GENERAL.—The Administrator''; and

(2) by adding at the end the following new paragraph:

''(2) STUDY AND DEVELOPMENT OF QUALITY MEASURES RELATED TO OPIOID ABUSE AND SUBSTANCE USE DISORDER.—Beginning not later than 1 year after the date of enactment of this paragraph, the Administrator of the Center for Medicare and Medicaid Services shall study and through contracts develop, in coordination with appropriate subject matter organizations (such as the entity with a contract under section 1890), for use under this Act, quality measures related to standards of care for treating individuals with non-fatal opioid overdose, discharge procedures, and linkages to appropriate substance use disorder treatment and community support services.''.

SEC. 10. MEDICAID OPIOID DRUG MAPPING TOOL.

(a) IN GENERAL.—The Secretary of Health and Human Services shall create an interactive opioid drug mapping tool, which shall be made publicly available on the internet website of the Centers for Medicare & Medicaid Services, showing prescribing practices of providers that participate in State Medicaid programs and geographic comparisons, at the State, county, and ZIP code levels, of de-identified opioid prescription claims made under State Medicaid programs under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(b) COLLECTION OF DATA FROM STATES.—The Secretary of Health and Human Services may request from States such data as the Secretary determines necessary to create the opioid mapping tool described in subsection (a).

SEC. 11. NATIONAL ACADEMY OF MEDICINE STUDY.

(a) STUDY.—The Secretary of Health and Human Services shall enter into a contract with the National Academy of Medicine to carry out a study on the addition of coverage under the Medicare program under title XVIII of the Social Security Act of alternative treatment modalities (such as integrative medicine, including acupuncture and exercise therapy, neural stimulation, biofeedback, radiofrequency ablation, and trigger point injections) furnished to Medicare beneficiaries who suffer from acute or chronic lower back pain. Such study shall, pursuant to the contract under this paragraph, include an analysis of—

(1) scientific research on the short-term and long-term impact of the addition of such coverage on clinical efficacy for pain management of such beneficiaries;

(2) whether the lack of Medicare coverage for alternative treatment modalities impacts the volume of opioids prescribed for beneficiaries; and

(3) the cost to the Medicare program of the addition of such coverage to treat pain and mitigate the progression of chronic pain, as weighed against the cost of opioid use disorder, overdose, readmission, subsequent surgeries, and utilization and expenditures under parts B and D of such title.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, pursuant to the contract under subsection (a), the National Academy of Medicine shall submit to Congress a report on the study under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary.

SEC. 12. EXCISE TAX ON OPIOID PAIN RELIEVERS.

(a) IN GENERAL.—Subchapter E of chapter 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 4192. OPIOID PAIN RELIEVERS.

''(a) IN GENERAL.—There is hereby imposed on the manufacturer or producer of any taxable active opioid a tax equal to the amount determined under subsection (b).

''(b) AMOUNT DETERMINED.—The amount determined under this subsection with respect to a manufacturer or producer for a calendar year is 1 cent per milligram of taxable active opioid in the production or manufacturing quota determined for such manufacturer or producer for the calendar year under section 306 of the Controlled Substances Act (21 U.S.C. 826).

''(c) TAXABLE ACTIVE OPIOID.—For purposes of this section—

''(1) IN GENERAL.—The term 'taxable active opioid' means any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), as in effect on the date of the enactment of this section) manufactured in the United States which is opium, an opiate, or any derivative thereof.

''(2) EXCLUSIONS.—

''(A) OTHER INGREDIENTS.—In the case of a product that includes a taxable active opioid and another ingredient, subsection (a) shall apply only to the portion of such product that is a taxable active opioid.

''(B) DRUGS USED IN ADDICTION TREATMENT.—The term 'taxable active opioid' shall not include any controlled substance (as so defined) which is used exclusively for the treatment of opioid addiction as part of a medication-assisted treatment.''.

(b) CLERICAL AMENDMENTS.—

(1) The heading of subchapter E of chapter 32 of the Internal Revenue Code of 1986 is amended by striking ''**Medical Devices**'' and inserting ''**Other Medical Products**''.

(2) The table of subchapters for chapter 32 of such Code is amended by striking the item relating to subchapter E and inserting the following new item:

''SUBCHAPTER E. OTHER MEDICAL PRODUCTS''.

(3) The table of sections for subchapter E of chapter 32 of such Code is amended by adding at the end the following new item:

''Sec. 4192. Opioid pain relievers.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 13. OPIOID CONSUMER ABUSE REDUCTION PROGRAM.

(a) OPIOID TAKE-BACK PROGRAM.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following:

''(h)(1) The Attorney General shall establish a national take-back program for the safe and environmentally responsible disposal of controlled substances.

''(2) In establishing the take-back program required under paragraph (1), the Attorney General—

''(A) shall consult with the Secretary and the Administrator of the Environmental Protection Agency; and

''(B) may coordinate with States, law enforcement agencies, water resource management agencies, manufacturers, practitioners, pharmacists, public health entities, transportation and incineration service contractors, and other entities and individuals, as appropriate.

''(3) The take-back program established under paragraph (1)—

''(A) shall—

''(i) ensure appropriate geographic distribution so as to provide—

''(I) reasonably convenient and equitable access to permanent take-back locations, including not less than 1 disposal site for every 25,000 residents and not less than 1 physical disposal site per town, city, county, or other unit of local government, where possible; and

''(II) periodic collection events and mail-back programs, including public notice of such events and programs, as a supplement to the permanent take-back locations described in subclause (I), particularly in areas in which the provision of access to such locations at the level described in that subclause is not possible;

''(ii) establish a process for the accurate cataloguing and reporting of the quantities of controlled substances collected; and

''(iii) include a public awareness campaign and education of practitioners and pharmacists; and

''(B) may work in coordination with State and locally implemented public and private take-back programs.

''(4) From time to time, beginning in the second calendar year that begins after the date of enactment of this subsection, the

Secretary of the Treasury shall transfer from the general fund of the Treasury an amount equal to one-half of the total amount of taxes collected under section 4192 of the Internal Revenue Code of 1986 to the Attorney General to carry out this subsection. Amounts transferred under this subparagraph shall remain available until expended.''.

(b) FUNDING OF SUBSTANCE ABUSE PROGRAMS.—From time to time, beginning in the second calendar year that begins after the date of enactment of this Act, the Secretary of the Treasury shall transfer from the general fund of the Treasury an amount equal to one-half of the total amount of taxes collected under section 4192 of the Internal Revenue Code of 1986, as added by this Act, to the Director of the Center for Substance Abuse Treatment of the Substance Abuse and Mental Health Services Administration for programs of the Center, including the Block Grants for Prevention and Treatment of Substance Abuse program under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.) and Programs of Regional and National Significance. Amounts transferred under this subsection shall remain available until expended.

SEC. 14. GAO STUDY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study evaluating the various State laws, commercial insurance methods, and existing research on requirements that place limitations on opioid prescribing practices and provide analysis on best practices to address over-prescribing of opioids, while ensuring that individuals who need such opioids can access them safely. Such study shall provide recommendations, including with respect to—

(1) requiring non-opioid pain treatments to be front line therapies;

(2) limiting first-time opioid prescriptions to a patient for acute pain to a 72-hour supply; and

(3) pain management treatment contracts between practitioners and patients that establish informed consent regarding the expectations, risks, long-term effects, and benefits of the course of opioid treatment, treatment goals, the potential for opioid misuse, abuse, or diversion, and requirements and responsibilities of patients, such as submitting to a urine drug screening.

By Mr. MCCONNELL:

S. 2730. A bill to amend the Public Health Service Act to establish a pilot program to help individuals in recovery from a substance use disorder transition from treatment to independent living and the workforce, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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

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

S. 2730

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 ''Comprehensive Addiction Recovery through Effective Employment and Reentry Act'' or the ''CAREER Act''.

SEC. 2. PILOT PROGRAM TO HELP INDIVIDUALS IN RECOVERY FROM A SUBSTANCE USE DISORDER TRANSITION TO INDEPENDENT LIVING AND THE WORKFORCE.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by adding at the end the following:

''SEC. 320B. PILOT PROGRAM TO HELP INDIVIDUALS IN RECOVERY FROM A SUBSTANCE USE DISORDER TRANSITION TO INDEPENDENT LIVING AND THE WORKFORCE.

''(a) IN GENERAL.—The Secretary shall establish a pilot program to award 5-year grants under subsection (b)(1) to States, and 1-year grants under subsection (b)(2) to States or Indian tribes, for the purpose of making subgrants to entities under subsection (c) to help individuals in recovery from a substance use disorder transition from treatment to independent living and the workforce.

''(b) GRANTS.—

''(1) 5-YEAR GRANTS.—

''(A) IN GENERAL.—The Secretary shall award 5-year grants under this paragraph to 5 States that submit an application under paragraph (3). Such States shall be selected—

''(i) from among the 10 States with the highest rate of death due to drug overdose per 100,000 people, based on data from the Centers for Disease Control and Prevention for calendar years 2013 through 2017; and

''(ii) based on the merits of the proposal included in such application and the preferences described in subparagraph (B).

''(B) PREFERENCES.—The Secretary, in selecting States for a grant under this paragraph, shall give priority to States from among the States described in subparagraph (A) with the combination of—

''(i) the highest average rates of unemployment based on data provided by the Bureau of Labor Statistics for calendar years 2013 through 2017;

''(ii) the lowest average labor force participation rates based on data provided by the Bureau of Labor Statistics for calendar years 2013 through 2017; and

''(iii) the highest prevalence of opioid use disorder based on data provided by the Substance Abuse and Mental Health Services Administration for calendar years 2013 through 2017 as may be available.

''(C) GRANT FUNDS.—

''(i) IN GENERAL.—The funds from a 5-year grant awarded under this paragraph shall be provided to each of the 5 selected States on an annual basis for each of fiscal years 2019 through 2023.

''(ii) CARRY OVER.—

''(I) IN GENERAL.—The funds awarded under clause (i) for a fiscal year shall remain available for the State to make subgrants under subsection (c) for such fiscal year, except a State may carry over (subject to subclause (II)) not more than 10 percent of such funds for the following fiscal year for such purpose.

''(II) REQUEST.—A State may make a request to the Secretary to carry over more than 10 percent of the funds awarded under clause (i) for a fiscal year for the following fiscal year for such purpose, and the Secretary may grant such request as the Secretary determines appropriate.

''(III) AMOUNT FOR FOLLOWING FISCAL YEAR.—Any amount carried over under this clause shall not impact the amount of the funds the Secretary awards the State for such following fiscal year.

''(iii) RETURN OF FUNDS.—Any funds awarded under clause (i) that are not expended during the fiscal year for which the funds are awarded and that are not carried over for the following fiscal year under clause (ii) shall be returned to the Secretary to carry out this section. Any funds returned to the Secretary after fiscal year 2023 shall be returned to the general fund of the Treasury.

''(2) 1-YEAR GRANTS.—

''(A) IN GENERAL.—The Secretary shall, for each of fiscal years 2019 through 2023, award 1-year grants to States or Indian tribes under this paragraph that submit an application in accordance with paragraph (3). Such States or Indian tribes shall be selected for a grant under this paragraph based on criteria established by the Secretary.

''(B) GRANT FUNDS.—

''(i) IN GENERAL.—The funds awarded through a grant under subparagraph (A) for a fiscal year shall remain available for the State or Indian tribe to make subgrants under subsection (c) for such fiscal year and may not be carried over for such following fiscal year.

''(ii) RETURN OF FUNDS.—Any funds awarded through a grant under subparagraph (A) that are not expended during the fiscal year of the grant shall be returned to the Secretary to carry out this section. Any funds returned to the Secretary after fiscal year 2023 shall be returned to the general fund of the Treasury.

''(3) APPLICATIONS.—

''(A) IN GENERAL.—Each State desiring a grant under paragraph (1) and each State or Indian tribe desiring a grant under paragraph (2) shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require for such grant.

''(B) CONTENTS.—

''(i) IN GENERAL.—An application submitted under subparagraph (A) shall contain such information as the Secretary may reasonably require, including a proposal for awarding subgrants under subsection (c) and a method for evaluating such subgrants.

''(ii) 5-YEAR GRANTS.—An application submitted under subparagraph (A) for a grant awarded under subsection (b)(1) shall include an assurance that not less than 50 percent of the funds awarded through the grant will be used towards making subgrants under subsection (c) to the entities applying for such subgrants that serve the areas in the State with the highest prevalence of substance use disorder, based on data determined appropriate by the Secretary.

''(c) SUBGRANTS.—

''(1) IN GENERAL.—Each State that receives a grant under subsection (b)(1) and each State or Indian tribe that receives a grant under subsection (b)(2) shall award subgrants on a competitive basis to entities that meet the requirements under paragraphs (2) and (3).

''(2) SUBGRANT REQUIREMENTS.—

''(A) APPLICATION.—An entity that desires a subgrant under this subsection shall submit an application to the State or Indian tribe at such time and in such manner as the State or Indian tribe may reasonably require.

''(B) CONTENTS.—An application submitted under subparagraph (A) by an entity shall contain such information as the State or Indian tribe may reasonably require, including a demonstration that the entity has one or more of the following abilities:

''(i) The ability to partner with local stakeholders, which may include local employers, community stakeholders, and local and State governments, to identify gaps in the workforce due to the prevalence of substance use disorders.

''(ii) The ability to partner with local stakeholders, which may include local employers, community stakeholders, and local and State governments, to offer transitional services, including employment and career counseling or job placement, to help individuals in recovery from a substance use disorder transition into the workforce.

''(iii) The ability to partner with local stakeholders, which may include local employers, community stakeholders, and local and State governments, to assist employers with informing their employees of the resources, such as treatment options for a substance use disorder, that are available to them.

''(3) USE OF FUNDS.—An entity receiving a subgrant under this subsection shall use the subgrant funds for more than one of the following:

''(A) To hire specialists with an expertise in treating substance use disorders, including through residential treatment, to assist with the treatment provided through a subgrant under this subsection, which may include the use of medication-assisted treatment.

''(B) To provide wrap-around services to encourage substance use disorder prevention, treatment, recovery, and rehabilitation, with a focus on ensuring long-term recovery and symptom remission.

''(C) To help individuals transition from inpatient treatment for a substance use disorder to the workforce by providing—

''(i) career services described in paragraph (2), and training services described in paragraph (3), of section 134(c) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)); and

''(ii) related services described in section 134(a)(4)(D) of such Act (42 U.S.C. 3174(a)(4)(D)).

''(D) To implement innovative technologies to make substance use disorder treatment more affordable and accessible, which may include the use of telemedicine, and may assist individuals in finding and maintaining employment throughout recovery.

''(E) To provide ongoing outpatient substance use disorder treatment programs, including peer support meetings, for individuals who have recovered or are in recovery from a substance use disorder while they transition from receiving treatment for such disorder to entering the workforce and maintaining employment.

''(F) To assist patients, including through hiring case managers, care coordinators, or trained peer recovery coaches, in recovery from a substance use disorder, including through programs to provide services to develop daily living skills, provide counseling, and provide housing assistance, and through other appropriate Federal Government assistance programs.

''(G) With respect to an entity that provides the full continuum of substance use disorder treatment services, which may include detoxification, residential rehabilitation, recovery housing, evidence-based treatments (which may include the use of medication-assisted treatment), counseling, and recovery supports, to expand such services to include services that may include—

''(i) short-term prevocational training services, such as the development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct;

''(ii) vocational training, which shall emphasize the skills or knowledge necessary for a particular job function or trade; and

''(iii) care coordination throughout the short- and long-term substance use disorder recovery process.

''(H) Any other service determined by the Secretary as necessary for achieving the goal of transitioning individuals from treatment for substance use disorders to independent living and the workforce or to encouraging substance use disorder prevention in the workforce.

''(d) CONSULTATION.—The Secretary may, in carrying out the pilot program under this section, consult with the Assistant Secretary for Substance Use and Mental Health, the Administrator of the Health Resources and Services Administration, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of Education.

''(e) REPORTING REQUIREMENTS.—

''(1) REPORTS TO THE SECRETARY.—

''(A) 5-YEAR GRANTS.—Not later than December 31, 2021, each State that has received a grant under subsection (b)(1) shall report to the Secretary on its progress and effectiveness in meeting the objectives of the pilot program under this section, including the progress and effectiveness of the entities receiving subgrants under subsection (c) as demonstrated through reports of such progress and effectiveness submitted to the State by such entities.

''(B) 1-YEAR GRANTS.—Not later than December 31 of the fiscal year following the fiscal year for which a grant is awarded under subsection (b)(2), the State or Indian tribe receiving such grant shall report to the Secretary on its progress and effectiveness in meeting the objectives of the pilot program under this section, including the progress and effectiveness of the entities receiving subgrants under subsection (c) which may be demonstrated through reports of such progress and effectiveness submitted to the State or Indian tribe by such entities.

''(2) REPORT TO CONGRESS.—Not later than December 31, 2024, the Secretary shall submit a report to Congress, including any applicable authorizing committee of the Senate or House of Representatives, evaluating the grants awarded under this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $200,000,000, for each of fiscal years 2019 through 2023, to carry out this section. Out of such amount appropriated for each such fiscal year—

''(1) 75 percent shall be used to make grants under subsection (b)(1); and

''(2) 25 percent shall be used to make grants under subsection (b)(2).''.

SEC. 3. TRANSITIONAL HOUSING SERVICES.

(a) IN GENERAL.—Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (25)(D), by striking ''and'' at the end;

(2) in paragraph (26), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(27) providing temporary housing services to individuals who are transitioning out of substance abuse treatment programs for—

''(A) a period of not more than 24 months or until the individual secures permanent housing, whichever is earlier; or

''(B) such longer period as the Secretary determines necessary.''.

(b) ADDITIONAL CDBG AUTHORIZATION OF APPROPRIATIONS.—

(1) DEFINITION OF COVERED ENTITY.—In this subsection, the term ''covered entity'' means—

(A) a State (as defined in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)) that is among the 10 States with the highest rate of death due to drug overdose per 100,000 people, based on data from the Centers for Disease Control and Prevention for calendar years 2013 through 2017; and

(B) any entitlement community located in a State described in subparagraph (A).

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts appropriated for the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), there are authorized to be appropriated $25,000,000 for each of fiscal years 2019 through 2023, to be allocated by the Secretary of Housing and Urban Development on a competitive basis to covered entities to carry out the activity described in paragraph (27) of section 105(a) of such Act (42 U.S.C. 5305(a)), as added by subsection (a).

(3) PREFERENCES.—In allocating amounts authorized to be appropriated under paragraph (2), the Secretary of Housing and Urban Development shall give priority to—

(A) States from among the States described in paragraph (1)(A) with a combination of—

(i) the highest average rates of unemployment based on data provided by the Bureau of Labor Statistics for calendar years 2013 through 2017;

(ii) the lowest average labor force participation rates based on data provided by the Bureau of Labor Statistics for calendar years 2013 through 2017; and

(iii) the highest prevalence of opioid use disorder based on data provided by the Substance Abuse and Mental Health Services Administration for calendar years 2013 through 2017 as may be available; and

(B) entitlement communities located in a State described in clause (i), (ii), or (iii) of subparagraph (A).

SEC. 4. SUBSTANCE USE DISORDER TRANSITION ACTIVITIES.

(a) RESERVATIONS FOR STATE ACTIVITIES.—Section 133(a)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3173(a)(1)) is amended—

(1) by striking ''The Governor'' and inserting the following:

''(A) IN GENERAL.—The Governor''; and

(2) by adding at the end the following:

''(B) SUBSTANCE USE DISORDER TRANSITION ACTIVITIES.—

''(i) ADULT AND DISLOCATED FUNDS.—Of the funds reserved as required under section 128(a)(1) and subparagraph (A), the Governor of a State with an application approved under section 134(a)(4) may reserve a sum of not more than 5 percent of each of the amounts allotted to the State under paragraphs (1)(B) and (2)(B) of section 132(b) for a fiscal year for substance use disorder transition activities described in section 134(a)(4). Notwithstanding sections 128(a)(2), 129(b), and 134(a), the Governor may not use an amount allotted under section 127(b)(1)(C) for those activities.

''(ii) VOCATIONAL REHABILITATION FUNDS.—The Governor of a State with such an approved application may reserve funds as described in section 110(e) of the Rehabilitation Act of 1973 (29 U.S.C. 730(e)) for substance use disorder transition activities described in section 134(a)(4).''.

(b) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) IN GENERAL.—Section 134(a)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(a)(1)) is amended—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), in the matter following clause (ii), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(C) as described in section 133(a)(1)(B), may be used for substance use disorder transition activities as described in paragraph (4), regardless of whether the funds were allotted to the State under paragraph (1) or (2) of section 132(b).''.

(2) SUBSTANCE USE DISORDER TRANSITION ACTIVITIES.—Section 134(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(a)) is amended by adding at the end the following:

''(4) SUBSTANCE USE DISORDER TRANSITION ACTIVITIES.—

''(A) DEFINITIONS.—In this paragraph:

''(i) APPROPRIATE SECRETARY.—The term 'appropriate Secretary' means—

''(I) except as provided in subclause (II), the Secretary of Labor; or

''(II) if the application involves funds reserved under section 110(e) of the Rehabilitation Act of 1973 (29 U.S.C. 730(e)), the Secretary of Labor and the Secretary of Education.

''(ii) SUBSTANCE USE DISORDER.—The term 'substance use disorder' means such a disorder within the meaning of the term in title V of the Public Health Service Act (42 U.S.C. 290aa et seq.).

''(iii) SUBSTANCE USE DISORDER TRANSITION ACTIVITIES.—The term 'substance use disorder transition activities' means activities authorized under subparagraph (D) or (E).

''(B) ELIGIBLE STATES.—To be eligible to use the funds reserved under clause (i) or (ii) of section 133(a)(1)(B) for substance use disorder transition activities described in this paragraph, a State shall—

''(i) submit to the appropriate Secretary an application seeking flexibility to use the reserved funds for such activities, and submit the application at such time, in such manner, and containing such information as the appropriate Secretary may require, including an assurance that the State will award subgrants to entities on the basis of the ability of the entities to provide the substance use disorder transition activities involved, including any programs that the entities propose to provide that lead to recognized postsecondary credentials; and

''(ii) obtain approval of the application.

''(C) SUBGRANTS.—An eligible State may use the funds reserved under clause (i) or (ii) of section 133(a)(1)(B) to make subgrants to one-stop operators and nonprofit organizations, to provide services under subparagraph (D) and (at the election of the State) subparagraph (E).

''(D) CAREER SERVICES.—An entity that receives a subgrant under subparagraph (C) shall use the subgrant funds to assist individuals in recovery from a substance use disorder in transitioning to the workforce, by providing career services (such as the services described in section 134(c)(2)) and related services, which may include 1 or more of—

''(i) providing ongoing career counseling, both before and after job placement, with a focus on individual employment preferences while weighing the skill needs of industries in the local area;

''(ii) promoting systemic job development, by facilitating voluntary programs and relationships between participants and local employers to create potential employment opportunities;

''(iii) providing benefits counseling—

''(I) to ensure participants receive accurate information regarding how employment will affect access to various Federal programs, such as the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and the supplemental security income program established under title XVI of that Act (42 U.S.C. 1381 et seq.); and

''(II) to advise participants on ways to transition away from the programs described in subclause (I) through maintaining employment;

''(iv) creating voluntary programs with employers to establish a work and treatment arrangement, such as an Employee Assistance Program, for employees in recovery from a substance use disorder;

''(v) providing educational materials or training to employers to enable the employers to inform their employees of the resources, such as treatment options for a substance use disorder, that are available to them; and

''(vi) any other career services that are determined to be necessary by the appropriate Secretary and that would assist individuals in recovery from a substance use disorder in transitioning to the workforce.

''(E) TRAINING SERVICES.—An entity that receives a subgrant under subparagraph (C) shall (at the election of the State) use the subgrant funds to assist individuals in recovery from a substance use disorder in transitioning to the workforce, by providing training services.''.

(c) ADMINISTRATION.—Section 181 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3241) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) RELATIONSHIP TO OTHER LAWS.—

''(1) DISABILITY NONDISCRIMINATION LAW.—Subject to paragraph (2), an employer that employs, or considers for employment, any individual who receives services under this section or under section 320B of the Public Health Service Act shall have an absolute defense to any claim (including a charge) of unlawful discrimination on the basis of disability under a covered law, that alleges that the employer discriminated against that individual (which may include refusing to hire or terminating the employment of the individual) based on alcohol addiction or past substance use disorder for which the individual receives such services.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to eliminate the duty of the employer, to an employee who is an individual who receives such services, to provide a reasonable accommodation for an alcohol disorder, or a past substance use disorder, that is a disability under a covered law.

''(3) DEFINITIONS.—In this subsection:

''(A) COVERED LAW.—The term 'covered law' means title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.), title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.), or a State law (including local law), that prohibits discrimination on the basis of disability in employment.

''(B) SUBSTANCE USE DISORDER.—The term 'substance use disorder' means such a disorder within the meaning of the term in title V of the Public Health Service Act (42 U.S.C. 290aa et seq.).''.

(d) OTHER CORE PROGRAMS.—Section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730) is amended by adding at the end the following:

''(e)(1) In the case of a transition State, from any State allotment under subsection (a) for a fiscal year, the State may reserve not more than 5 percent of the allotted funds for substance use disorder transition activities described in section 134(a)(4) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(a)(4)).

''(2) In this section, the term 'transition State' means a State with an application approved under section 134(a)(4) of the Workforce Innovation and Opportunity Act.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 479—DESIGNATING APRIL 2018 AS ''NATIONAL DONATE LIFE MONTH''

Ms. HEITKAMP (for herself, Ms. COLLINS, and Ms. WARREN) submitted the following resolution; which was considered and agreed to:

S. RES. 479

Whereas, in April 2018, more than 114,000 individuals in the United States were on the official national transplant waiting list (referred to in this preamble as the ''national transplant waiting list'') managed by the Organ Procurement and Transplantation Network;

Whereas, in 2017, 34,770 transplant procedures were performed in the United States with organs from 10,286 deceased donors and 6,187 living donors, yet 6,081 candidates for transplantation died while waiting for an organ transplant;

Whereas, on average, 20 people die each day in the United States while waiting for an organ donation;

Whereas more than 138,000,000 people in the United States are registered to be organ and tissue donors, yet the demand for donated organs outweighs the supply of organs made available each day;

Whereas, in 2017, a record was set for the number of organ transplants performed in a single year, yet every 10 minutes, 1 person is added to the national transplant waiting list;

Whereas an organ donation from a single deceased donor can benefit up to 8 individuals;

Whereas a living donor can donate a kidney or a portion of a lung or the liver to save the life of another individual; and

Whereas April is traditionally recognized as ''National Donate Life Month'': Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2018 as ''National Donate Life Month'';

(2) supports the goals and ideals of National Donate Life Month;

(3) supports promoting awareness of organ donation by increasing public awareness;

(4) encourages States, localities, and territories of the United States to support the goals and ideals of National Donate Life Month by issuing a proclamation to designate April 2018 as ''National Donate Life Month'';

(5) commends each individual who—

(A) is a registered organ donor who may have a positive impact on the life of another individual; or

(B) indicates a wish to become an organ donor;

(6) acknowledges the grief of families who face the loss of loved ones and commends the families who, in their grief, choose to donate the organs of deceased family members;

(7) recognizes the generous contribution made by each living individual who has donated an organ to save the life of another individual;

(8) acknowledges the advances in medical technology that have enabled organ transplantation with organs donated by living individuals to become a viable treatment option for an increasing number of patients;

(9) commends the medical professionals and organ transplantation experts who have worked to improve the process of living organ donation and increase the number of living donors; and

(10) salutes each individual who has helped to give the gift of life by supporting, promoting, and encouraging organ donation.

SENATE RESOLUTION 480—EXPRESSING SUPPORT FOR THE DESIGNATION OF MAY 1, 2018, AS ''SILVER STAR SERVICE BANNER DAY''

Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted the following resolution; which was considered and agreed to:

S. RES. 480

Whereas the Senate has always honored the sacrifices made by the wounded and ill members of the Armed Forces;

Whereas the Silver Star Service Banner has come to represent the members of the Armed Forces and veterans who were wounded or became ill in combat in the wars fought by the United States;

Whereas the Silver Star Families of America was formed to help the people of the United States remember the sacrifices made by the wounded and ill members of the Armed Forces by designing and manufacturing Silver Star Service Banners and Silver Star Flags for that purpose;

Whereas the sole mission of the Silver Star Families of America is to evoke memories of the sacrifices made by members of the Armed Forces and veterans on behalf of the United States through the presence of a Silver Star Service Banner in a window or a Silver Star Flag flying;

Whereas the sacrifices made by members of the Armed Forces and veterans on behalf of the United States should never be forgotten; and

Whereas May 1, 2018, is an appropriate date to designate as ''Silver Star Service Banner Day'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of May 1, 2018, as ''Silver Star Service Banner Day''; and

(2) calls upon the people of the United States to observe Silver Star Service Banner Day with appropriate programs, ceremonies, and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2239. Mr. MCCONNELL (for Ms. MURKOWSKI) proposed an amendment to the bill S. 2325, to incentivize the hiring of United States workers in the Commonwealth of the Northern Mariana Islands, and for other purposes.

TEXT OF AMENDMENTS

SA 2239. Mr. MCCONNELL (for Ms. MURKOWSKI) proposed an amendment to the bill S. 2325, to incentivize the hiring of United States workers in the Commonwealth of the Northern Mariana Islands, and for other purposes; as follows:

On page 21, line 25, strike ''issued'' and insert ''requested''.

On page 25, line 12, insert ''with petitions filed with employment start dates'' after ''Beginning''.

On page 31, line 8, strike ''or''.

On page 31, line 11, insert '', or otherwise ceases to operate as a legitimate business (as defined in clause (iv)(II))'' before the semicolon.

On page 33, line 18, strike ''and Commonwealth'' and insert '', Commonwealth, and local''.

On page 33, line 22, insert '', or knowingly benefit from,'' after ''engage in''.

On page 33, line 25, strike ''or Commonwealth law; and'' and insert '', Commonwealth, or local law;''.

On page 34, line 3, strike ''program.'' and insert ''program;''.

On page 34, between lines 3 and 4, insert the following:

''(ff) does not have, as an owner, investor, manager, operator, or person meaningfully involved with the undertaking, any individual who has been the owner, investor, manager, operator, or otherwise meaningfully involved with an undertaking that does not comply with item (cc) or (dd), or is the agent of such an individual; and

''(gg) is not a successor in interest to an undertaking that does not comply with item (cc) or (dd).

On page 35, line 12, insert ''prior to the submission of a renewal petition on their behalf'' after ''30 days''.

At the end of the bill, add the following:

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as specifically otherwise provided, this Act and the amendments made by this Act—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to petitions for Commonwealth Only Transitional Workers filed on or after such date.

(2) AUTHORITY OF SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security, in the Secretary's discretion, may delay the effective date of any provision of this Act relating to Commonwealth Only Transition Workers until the effective date of the interim final rule described in subsection (b), except for provisions providing annual numerical caps for such workers.

AUTHORITY FOR COMMITTEES TO MEET

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

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

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Monday, April 23, 2018, at 5 p.m., to hold a hearing.

NATIONAL DONATE LIFE MONTH

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 479, submitted earlier today.

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

The bill clerk read as follows:

A resolution (S. Res. 479) designating April 2018 as ''National Donate Life Month.''

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

Mr. MCCONNELL. 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. 479) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

EXPRESSING SUPPORT FOR THE DESIGNATION OF MAY 1, 2018, AS ''SILVER STAR SERVICE BANNER DAY''

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 480, submitted earlier today.

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

The bill clerk read as follows:

A resolution (S. Res. 480) expressing support for the designation of May 1, 2018, as ''Silver Star Service Banner Day.''

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

Mr. MCCONNELL. 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. 480) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

NORTHERN MARIANA ISLANDS U.S. WORKFORCE ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 354, S. 2325.

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

The bill clerk read as follows:

A bill (S. 2325) to incentivize the hiring of United States workers in the Commonwealth of the Northern Mariana Islands, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Northern Mariana Islands U.S. Workforce Act''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to increase the percentage of United States workers (as defined in section 6(i) of the Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'' (48 U.S.C. 1806)) in the total workforce of the Commonwealth of the Northern Mariana Islands, while maintaining the minimum number of workers who are not United States workers to meet the changing demands of the Northern Mariana Islands' economy;

(2) to encourage the hiring of United States workers into such workforce; and

(3) to ensure that no United States worker—

(A) is at a competitive disadvantage for employment compared to a worker who is not a United States worker; or

(B) is displaced by a worker who is not a United States worker.

SEC. 3. TRANSITIONAL PROVISIONS.

(a) IN GENERAL.—Section 6 of the Joint Resolution entitled ''A Joint Resolution to approve

the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'' (48 U.S.C. 1806) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''2019'' and inserting ''2029''; and

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

''(6) FEES FOR TRAINING UNITED STATES WORKERS.—

''(A) SUPPLEMENTAL FEE.—

''(i) IN GENERAL.—In addition to fees imposed pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) to recover the full costs of adjudication services, the Secretary shall impose an annual supplemental fee of $200 per nonimmigrant worker on each prospective employer who is issued a permit under subsection (d)(3) during the transition program. A prospective employer that is issued a permit with a validity period of longer than 1 year shall pay the fee for each year of requested validity at the time the permit is issued.

''(ii) INFLATION ADJUSTMENT.—Beginning in fiscal year 2020, the Secretary, through notice in the Federal Register, may annually adjust the supplemental fee imposed under clause (i) by a percentage equal to the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

''(iii) USE OF FUNDS.—Amounts collected pursuant to clause (i) shall be deposited into the Treasury of the Commonwealth Government for the sole and exclusive purpose of funding vocational education, apprenticeships, or other training programs for United States workers.

''(iv) FRAUD PREVENTION AND DETECTION FEE.—In addition to the fees described in clause (i), the Secretary—

''(I) shall impose, on each prospective employer filing a petition under this subsection for 1 or more nonimmigrant workers, a $50 fraud prevention and detection fee; and

''(II) shall deposit and use the fees collected under subclause (I) in accordance with section 286(v)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(B)).

''(B) PLAN FOR THE EXPENDITURE OF FUNDS.—Not later than 120 days before the first day of fiscal year 2020, and annually thereafter, the Governor of the Commonwealth Government shall submit to the Secretary of Labor—

''(i) a plan for the expenditures of amounts deposited under subparagraph (A)(iii);

''(ii) a projection of the effectiveness of such expenditures in the placement of United States workers into jobs held by non-United States workers; and

''(iii) a report on the changes in employment of United States workers attributable to expenditures of such amounts during the previous year.

''(C) DETERMINATION AND REPORT.—Not later than 120 days after receiving each expenditure plan under subparagraph (B)(i), the Secretary of Labor shall—

''(i) issue a determination on the plan; and

''(ii) submit a report to Congress that describes the effectiveness of the Commonwealth Government at meeting the goals set forth in such plan.

''(D) PAYMENT RESTRICTION.—Payments may not be made in a fiscal year from amounts deposited under subparagraph (A)(iii) before the Secretary of Labor has approved the expenditure plan submitted under subparagraph (B)(i) for that fiscal year.'';

(2) in subsection (b), by adding at the end the following:

''(3) REPORT.—Not later than December 1, 2027, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate, the Committee on the Judiciary of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that—

''(A) projects the number of asylum claims the Secretary anticipates following the termination of the transition period; and

''(B) describes the efforts of the Secretary to ensure appropriate interdiction efforts, provide for appropriate treatment of asylum seekers, and prepare to accept and adjudicate asylum claims in the Commonwealth.'';

(3) in subsection (d)—

(A) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(B) by inserting after paragraph (1) the following:

''(2) PROTECTION FOR UNITED STATES WORKERS.—

''(A) TEMPORARY LABOR CERTIFICATION.—

''(i) IN GENERAL.—Beginning in fiscal year 2020, a petition to import a nonimmigrant worker under this subsection may not be approved by the Secretary unless the petitioner has applied to the Secretary of Labor for a temporary labor certification confirming that—

''(I) there are not sufficient United States workers in the Commonwealth who are able, willing, qualified, and available at the time and place needed to perform the services or labor involved in the petition; and

''(II) employment of the nonimmigrant worker will not adversely affect the wages and working conditions of similarly employed United States workers.

''(ii) PETITION.—After receiving a temporary labor certification under clause (i), a prospective employer may submit a petition to the Secretary for a Commonwealth Only Transitional Worker permit on behalf of the nonimmigrant worker.

''(B) PREVAILING WAGE SURVEY.—

''(i) IN GENERAL.—In order to effectuate the requirement for a temporary labor certification under subparagraph (A)(i), the Secretary of Labor shall use, or make available to employers, an occupational wage survey conducted by the Governor that the Secretary of Labor has determined meets the statistical standards for determining prevailing wages in the Commonwealth on an annual basis.

''(ii) ALTERNATIVE METHOD FOR DETERMINING THE PREVAILING WAGE.—In the absence of an occupational wage survey approved by the Secretary of Labor under clause (i), the prevailing wage for an occupation in the Commonwealth shall be the arithmetic mean of the wages of workers similarly employed in the territory of Guam according to the wage component of the Occupational Employment Statistics Survey conducted by the Bureau of Labor Statistics.

''(C) MINIMUM WAGE.—An employer shall pay each Commonwealth Only Transitional Worker a wage that is not less than the greater of—

''(i) the statutory minimum wage in the Commonwealth;

''(ii) the Federal minimum wage; or

''(iii) the prevailing wage in the Commonwealth for the occupation in which the worker is employed.'';

(C) by amending paragraph (3), as redesignated, to read as follows:

''(3) PERMITS.—

''(A) IN GENERAL.—The Secretary shall establish, administer, and enforce a system for allocating and determining terms and conditions of permits to be issued to prospective employers for each nonimmigrant worker described in this subsection who would not otherwise be eligible for admission under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

''(B) NUMERICAL CAP.—The number of permits issued under subparagraph (A) may not exceed—

''(i) 13,000 for fiscal year 2019;

''(ii) 12,500 for fiscal year 2020;

''(iii) 12,000 for fiscal year 2021;

''(iv) 11,500 for fiscal year 2022;

''(v) 11,000 for fiscal year 2023;

''(vi) 10,000 for fiscal year 2024;

''(vii) 9,000 for fiscal year 2025;

''(viii) 8,000 for fiscal year 2026;

''(ix) 7,000 for fiscal year 2027;

''(x) 6,000 for fiscal year 2028;

''(xi) 5,000 for fiscal year 2029; and

''(xii) 1,000 for the first quarter of fiscal year 2030.

''(C) REPORTS REGARDING THE PERCENTAGE OF UNITED STATES WORKERS.—

''(i) BY GOVERNOR.—Not later than 60 days before the end of each calendar year, the Governor shall submit a report to the Secretary that identifies the ratio between United States workers and other workers in the Commonwealth's workforce based on income tax filings with the Commonwealth for the tax year.

''(ii) BY GAO.—Not later than December 31, 2019, and biennially thereafter, the Comptroller General of the United States shall submit a report to the Chair and Ranking Member of the Committee on Energy and Natural Resources of the Senate, the Chair and Ranking Member of the Committee on Natural Resources of the House of Representatives, the Chair and Ranking Member of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chair and Ranking Member of the Committee on Education and the Workforce of the House of Representatives that identifies the ratio between United States workers and other workers in the Commonwealth's workforce during each of the previous 5 calendar years.

''(D) PETITION; ISSUANCE OF PERMITS.—

''(i) SUBMISSION.—A prospective employer may submit a petition for a permit under this paragraph not earlier than—

''(I) 120 days before the date on which the prospective employer needs the beneficiary's services; or

''(II) if the petition is for the renewal of an existing permit, not earlier than 180 days before the expiration of such permit.

''(ii) EMPLOYMENT VERIFICATION.—The Secretary shall establish a system for each employer of a Commonwealth Only Transitional Worker to submit a semiannual report to the Secretary and the Secretary of Labor that provides evidence to verify the continuing employment and payment of such worker under the terms and conditions set forth in the permit petition that the employer filed on behalf of such worker.

''(iii) REVOCATION.—

''(I) IN GENERAL.—The Secretary, in the Secretary's discretion, may revoke a permit approved under this paragraph for good cause, including if—

''(aa) the employer fails to maintain the continuous employment of the subject worker, fails to pay the subject worker, fails to timely file a semiannual report required under this paragraph, or commits any other violation of the terms and conditions of employment;

''(bb) the beneficiary of such petition does not apply for admission to the Commonwealth by the date that is 10 days after the period of petition validity begins, if the employer has requested consular processing; or

''(cc) the employer fails to provide a former, current, or prospective Commonwealth Only Transitional Worker, not later than 21 business days after receiving a written request from such worker, with the original (or a certified copy of the original) of all petitions, notices, and other written communication related to the worker (other than sensitive financial or proprietary information of the employer, which may be redacted) that has been exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency or department.

''(II) REALLOCATION OF REVOKED PETITION.—Notwithstanding subparagraph (C), for each permit revoked under subclause (I) in a fiscal year, an additional permit shall be made available for use in the subsequent fiscal year.

''(iv) LEGITIMATE BUSINESS.—

''(I) IN GENERAL.—A permit may not be approved for a prospective employer that is not a legitimate business.

''(II) DEFINED TERM.—In this clause, the term 'legitimate business' means a real, active, and

operating commercial or entrepreneurial undertaking that the Secretary, in the Secretary's sole discretion, determines—

''(aa) produces services or goods for profit, or is a governmental, charitable, or other validly recognized nonprofit entity;

''(bb) meets applicable legal requirements for doing business in the Commonwealth;

''(cc) has substantially complied with wage and hour laws, occupational safety and health requirements, and all other Federal and Commonwealth requirements related to employment during the preceding 5 years;

''(dd) does not directly or indirectly engage in prostitution, human trafficking, or any other activity that is illegal under Federal or Commonwealth law; and

''(ee) is a participant in good standing in the E-Verify program.

''(v) CONSTRUCTION OCCUPATIONS.—A permit for Construction and Extraction Occupations (as defined by the Department of Labor as Standard Occupational Classification Group 47-0000) may not be issued for any worker other than a worker described in paragraph (7)(B).'';

(D) in paragraph (4), as redesignated, by inserting ''or to Guam for the purpose of transit only'' after ''except admission to the Commonwealth'';

(E) in paragraph (5), as redesignated, by adding at the end the following: ''Approval of a petition filed by the new employer with a start date within the same fiscal year as the current permit shall not count against the numerical limitation for that period.''; and

(F) by adding at the end the following:

''(7) REQUIREMENT TO REMAIN OUTSIDE OF THE UNITED STATES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B)—

''(i) a permit for a Commonwealth Only Transitional Worker—

''(I) shall remain valid for a period that may not exceed 1 year; and

''(II) may be renewed for not more than 2 consecutive, 1-year periods; and

''(ii) at the expiration of the second renewal period, an alien may not again be eligible for such a permit until after the alien has remained outside of the United States for a continuous period of at least 30 days.

''(B) LONG-TERM WORKERS.—An alien who was admitted to the Commonwealth as a Commonwealth Only Transitional Worker during fiscal year 2015, and during every subsequent fiscal year beginning before the date of the enactment of the Northern Mariana Islands U.S. Workforce Act, may receive a permit for a Commonwealth Only Transitional Worker that is valid for a period that may not exceed 3 years and may be renewed for additional 3-year periods during the transition period. A permit issued under this subparagraph shall be counted toward the numerical cap for each fiscal year within the period of petition validity.''; and

(4) by adding at the end the following:

''(i) DEFINITIONS.—In this section:

''(1) COMMONWEALTH.—The term 'Commonwealth' means the Commonwealth of the Northern Mariana Islands.

''(2) COMMONWEALTH ONLY TRANSITION WORKER.—The term 'Commonwealth Only Transition Worker' means an alien who has been admitted into the Commonwealth under the transition program and is eligible for a permit under subsection (d)(3).

''(3) GOVERNOR.—The term 'Governor' means the Governor of the Commonwealth of the Northern Mariana Islands.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(5) TAX YEAR.—The term 'tax year' means the fiscal year immediately preceding the current fiscal year.

''(6) UNITED STATES WORKER.—The term 'United States worker' means any worker who is—

''(A) a citizen or national of the United States;

''(B) an alien who has been lawfully admitted for permanent residence; or

''(C) a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau (known collectively as the 'Freely Associated States') who has been lawfully admitted to the United States pursuant to—

''(i) section 141 of the Compact of Free Association between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia (48 U.S.C. 1921 note); or

''(ii) section 141 of the Compact of Free Association between the United States and the Government of Palau (48 U.S.C. 1931 note).''.

(b) RULEMAKING.—

(1) SECRETARY OF HOMELAND SECURITY.—Notwithstanding the requirements under section 553(b) of title 5, United States Code, the Secretary of Homeland Security shall publish in the Federal Register, not later than 180 days after the date of the enactment of this Act, an interim final rule that specifies how the Secretary intends to implement the amendments made by subsection (a) that relate to the responsibilities of the Secretary.

(2) SECRETARY OF LABOR.—Notwithstanding the requirements under section 553(b) of title 5, United States Code, the Secretary of Labor shall publish in the Federal Register, not later than 180 days after the date of the enactment of this Act, an interim final rule that specifies how the Secretary intends to implement the amendments made by subsection (a) that relate to the responsibilities of the Secretary.

(3) RECOMMENDATIONS OF THE GOVERNOR.—In developing the interim final rules under paragraphs (1) and (2), the Secretary of Homeland Security and the Secretary of Labor—

(A) shall each consider, in good faith, any written public recommendations regarding the implementation of this Act that are submitted by the Governor of the Commonwealth not later than 60 days after the date of the enactment of this Act; and

(B) may include provisions in such rule that are responsive to any recommendation of the Governor that is not inconsistent with this Act, including a recommendation to reserve a number of permits each year for occupational categories necessary to maintain public health or safety in the Commonwealth.

(c) DEPARTMENT OF THE INTERIOR TECHNICAL ASSISTANCE.—Not later than October 1, 2019, and biennially thereafter, the Secretary of the Interior shall submit a report to Congress that describes the fulfillment of the Department of the Interior's responsibilities to the Commonwealth of the Northern Mariana Islands—

(1) to identify opportunities for economic growth and diversification;

(2) to provide assistance in recruiting, training, and hiring United States workers; and

(3) to provide such other technical assistance and consultation as outlined in section 702(e) of the Consolidated Natural Resources Act of 2008 (48 U.S.C. 1807).

(d) OUTREACH AND TRAINING.—Not later than 120 days after the date on which the Secretary of Labor publishes an interim final rule in the Federal Register in accordance with subsection (b)(2), the Secretary shall conduct outreach and training in the Commonwealth of the Northern Mariana Islands for employers and workers on the foreign labor certification process set forth in section 6 of the Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'', as amended by subsection (b), including the minimum wage requirement set forth in subsection (d)(2)(C) of such section.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Murkowski amendment at the desk be agreed to and the committee-reported amendment, as amended, be agreed to.

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

The amendment (No. 2239) was agreed to, as follows:

(Purpose: To make technical amendments to the bill)

On page 21, line 25, strike ''issued'' and insert ''requested''.

On page 25, line 12, insert ''with petitions filed with employment start dates'' after ''Beginning''.

On page 31, line 8, strike ''or''.

On page 31, line 11, insert '', or otherwise ceases to operate as a legitimate business (as defined in clause (iv)(II))'' before the semicolon.

On page 33, line 18, strike ''and Commonwealth'' and insert '', Commonwealth, and local''.

On page 33, line 22, insert '', or knowingly benefit from,'' after ''engage in''.

On page 33, line 25, strike ''or Commonwealth law; and'' and insert '', Commonwealth, or local law;''.

On page 34, line 3, strike ''program.'' and insert ''program;''.

On page 34, between lines 3 and 4, insert the following:

''(ff) does not have, as an owner, investor, manager, operator, or person meaningfully involved with the undertaking, any individual who has been the owner, investor, manager, operator, or otherwise meaningfully involved with an undertaking that does not comply with item (cc) or (dd), or is the agent of such an individual; and

''(gg) is not a successor in interest to an undertaking that does not comply with item (cc) or (dd).

On page 35, line 12, insert ''prior to the submission of a renewal petition on their behalf'' after ''30 days''.

At the end of the bill, add the following:

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as specifically otherwise provided, this Act and the amendments made by this Act—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to petitions for Commonwealth Only Transitional Workers filed on or after such date.

(2) AUTHORITY OF SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security, in the Secretary's discretion, may delay the effective date of any provision of this Act relating to Commonwealth Only Transition Workers until the effective date of the interim final rule described in subsection (b), except for provisions providing annual numerical caps for such workers.

The committee-reported amendment in the nature of a substitute, as amended, was agreed to.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill, as amended, 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. MCCONNELL. Mr. President, I know of no further debate on the bill.

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

The bill (S. 2325), as amended, was passed, as follows:

S. 2325

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 ''Northern Mariana Islands U.S. Workforce Act''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to increase the percentage of United States workers (as defined in section 6(i) of the Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'' (48 U.S.C. 1806)) in the total workforce of the Commonwealth of the Northern Mariana Islands, while maintaining the minimum number of workers who are not United States workers to meet the changing demands of the Northern Mariana Islands' economy;

(2) to encourage the hiring of United States workers into such workforce; and

(3) to ensure that no United States worker—

(A) is at a competitive disadvantage for employment compared to a worker who is not a United States worker; or

(B) is displaced by a worker who is not a United States worker.

SEC. 3. TRANSITIONAL PROVISIONS.

(a) IN GENERAL.—Section 6 of the Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'' (48 U.S.C. 1806) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''2019'' and inserting ''2029''; and

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

''(6) FEES FOR TRAINING UNITED STATES WORKERS.—

''(A) SUPPLEMENTAL FEE.—

''(i) IN GENERAL.—In addition to fees imposed pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) to recover the full costs of adjudication services, the Secretary shall impose an annual supplemental fee of $200 per nonimmigrant worker on each prospective employer who is issued a permit under subsection (d)(3) during the transition program. A prospective employer that is issued a permit with a validity period of longer than 1 year shall pay the fee for each year of requested validity at the time the permit is requested.

''(ii) INFLATION ADJUSTMENT.—Beginning in fiscal year 2020, the Secretary, through notice in the Federal Register, may annually adjust the supplemental fee imposed under clause (i) by a percentage equal to the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

''(iii) USE OF FUNDS.—Amounts collected pursuant to clause (i) shall be deposited into the Treasury of the Commonwealth Government for the sole and exclusive purpose of funding vocational education, apprenticeships, or other training programs for United States workers.

''(iv) FRAUD PREVENTION AND DETECTION FEE.—In addition to the fees described in clause (i), the Secretary—

''(I) shall impose, on each prospective employer filing a petition under this subsection for 1 or more nonimmigrant workers, a $50 fraud prevention and detection fee; and

''(II) shall deposit and use the fees collected under subclause (I) in accordance with section 286(v)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(B)).

''(B) PLAN FOR THE EXPENDITURE OF FUNDS.—Not later than 120 days before the first day of fiscal year 2020, and annually thereafter, the Governor of the Commonwealth Government shall submit to the Secretary of Labor—

''(i) a plan for the expenditures of amounts deposited under subparagraph (A)(iii);

''(ii) a projection of the effectiveness of such expenditures in the placement of United States workers into jobs held by non-United States workers; and

''(iii) a report on the changes in employment of United States workers attributable to expenditures of such amounts during the previous year.

''(C) DETERMINATION AND REPORT.—Not later than 120 days after receiving each expenditure plan under subparagraph (B)(i), the Secretary of Labor shall—

''(i) issue a determination on the plan; and

''(ii) submit a report to Congress that describes the effectiveness of the Commonwealth Government at meeting the goals set forth in such plan.

''(D) PAYMENT RESTRICTION.—Payments may not be made in a fiscal year from amounts deposited under subparagraph (A)(iii) before the Secretary of Labor has approved the expenditure plan submitted under subparagraph (B)(i) for that fiscal year.'';

(2) in subsection (b), by adding at the end the following:

''(3) REPORT.—Not later than December 1, 2027, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate, the Committee on the Judiciary of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that—

''(A) projects the number of asylum claims the Secretary anticipates following the termination of the transition period; and

''(B) describes the efforts of the Secretary to ensure appropriate interdiction efforts, provide for appropriate treatment of asylum seekers, and prepare to accept and adjudicate asylum claims in the Commonwealth.'';

(3) in subsection (d)—

(A) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(B) by inserting after paragraph (1) the following:

''(2) PROTECTION FOR UNITED STATES WORKERS.—

''(A) TEMPORARY LABOR CERTIFICATION.—

''(i) IN GENERAL.—Beginning with petitions filed with employment start dates in fiscal year 2020, a petition to import a nonimmigrant worker under this subsection may not be approved by the Secretary unless the petitioner has applied to the Secretary of Labor for a temporary labor certification confirming that—

''(I) there are not sufficient United States workers in the Commonwealth who are able, willing, qualified, and available at the time and place needed to perform the services or labor involved in the petition; and

''(II) employment of the nonimmigrant worker will not adversely affect the wages and working conditions of similarly employed United States workers.

''(ii) PETITION.—After receiving a temporary labor certification under clause (i), a prospective employer may submit a petition to the Secretary for a Commonwealth Only Transitional Worker permit on behalf of the nonimmigrant worker.

''(B) PREVAILING WAGE SURVEY.—

''(i) IN GENERAL.—In order to effectuate the requirement for a temporary labor certification under subparagraph (A)(i), the Secretary of Labor shall use, or make available to employers, an occupational wage survey conducted by the Governor that the Secretary of Labor has determined meets the statistical standards for determining prevailing wages in the Commonwealth on an annual basis.

''(ii) ALTERNATIVE METHOD FOR DETERMINING THE PREVAILING WAGE.—In the absence of an occupational wage survey approved by the Secretary of Labor under clause (i), the prevailing wage for an occupation in the Commonwealth shall be the arithmetic mean of the wages of workers similarly employed in the territory of Guam according to the wage component of the Occupational Employment Statistics Survey conducted by the Bureau of Labor Statistics.

''(C) MINIMUM WAGE.—An employer shall pay each Commonwealth Only Transitional Worker a wage that is not less than the greater of—

''(i) the statutory minimum wage in the Commonwealth;

''(ii) the Federal minimum wage; or

''(iii) the prevailing wage in the Commonwealth for the occupation in which the worker is employed.'';

(C) by amending paragraph (3), as redesignated, to read as follows:

''(3) PERMITS.—

''(A) IN GENERAL.—The Secretary shall establish, administer, and enforce a system for allocating and determining terms and conditions of permits to be issued to prospective employers for each nonimmigrant worker described in this subsection who would not otherwise be eligible for admission under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

''(B) NUMERICAL CAP.—The number of permits issued under subparagraph (A) may not exceed—

''(i) 13,000 for fiscal year 2019;

''(ii) 12,500 for fiscal year 2020;

''(iii) 12,000 for fiscal year 2021;

''(iv) 11,500 for fiscal year 2022;

''(v) 11,000 for fiscal year 2023;

''(vi) 10,000 for fiscal year 2024;

''(vii) 9,000 for fiscal year 2025;

''(viii) 8,000 for fiscal year 2026;

''(ix) 7,000 for fiscal year 2027;

''(x) 6,000 for fiscal year 2028;

''(xi) 5,000 for fiscal year 2029; and

''(xii) 1,000 for the first quarter of fiscal year 2030.

''(C) REPORTS REGARDING THE PERCENTAGE OF UNITED STATES WORKERS.—

''(i) BY GOVERNOR.—Not later than 60 days before the end of each calendar year, the Governor shall submit a report to the Secretary that identifies the ratio between United States workers and other workers in the Commonwealth's workforce based on income tax filings with the Commonwealth for the tax year.

''(ii) BY GAO.—Not later than December 31, 2019, and biennially thereafter, the Comptroller General of the United States shall submit a report to the Chair and Ranking Member of the Committee on Energy and Natural Resources of the Senate, the Chair and Ranking Member of the Committee on Natural Resources of the House of Representatives, the Chair and Ranking Member of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chair and Ranking Member of the Committee on Education and the Workforce of the House of Representatives that identifies the ratio between United States workers and other workers in the Commonwealth's workforce during each of the previous 5 calendar years.

''(D) PETITION; ISSUANCE OF PERMITS.—

''(i) SUBMISSION.—A prospective employer may submit a petition for a permit under this paragraph not earlier than—

''(I) 120 days before the date on which the prospective employer needs the beneficiary's services; or

''(II) if the petition is for the renewal of an existing permit, not earlier than 180 days before the expiration of such permit.

''(ii) EMPLOYMENT VERIFICATION.—The Secretary shall establish a system for each employer of a Commonwealth Only Transitional Worker to submit a semiannual report to the Secretary and the Secretary of Labor that provides evidence to verify the continuing employment and payment of such worker under the terms and conditions set forth in the permit petition that the employer filed on behalf of such worker.

''(iii) REVOCATION.—

''(I) IN GENERAL.—The Secretary, in the Secretary's discretion, may revoke a permit approved under this paragraph for good cause, including if—

''(aa) the employer fails to maintain the continuous employment of the subject worker, fails to pay the subject worker, fails to timely file a semiannual report required under this paragraph, commits any other violation of the terms and conditions of employment, or otherwise ceases to operate as a legitimate business (as defined in clause (iv)(II));

''(bb) the beneficiary of such petition does not apply for admission to the Commonwealth by the date that is 10 days after the period of petition validity begins, if the employer has requested consular processing; or

''(cc) the employer fails to provide a former, current, or prospective Commonwealth Only Transitional Worker, not later than 21 business days after receiving a written request from such worker, with the original (or a certified copy of the original) of all petitions, notices, and other written communication related to the worker (other than sensitive financial or proprietary information of the employer, which may be redacted) that has been exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency or department.

''(II) REALLOCATION OF REVOKED PETITION.—Notwithstanding subparagraph (C), for each permit revoked under subclause (I) in a fiscal year, an additional permit shall be made available for use in the subsequent fiscal year.

''(iv) LEGITIMATE BUSINESS.—

''(I) IN GENERAL.—A permit may not be approved for a prospective employer that is not a legitimate business.

''(II) DEFINED TERM.—In this clause, the term 'legitimate business' means a real, active, and operating commercial or entrepreneurial undertaking that the Secretary, in the Secretary's sole discretion, determines—

''(aa) produces services or goods for profit, or is a governmental, charitable, or other validly recognized nonprofit entity;

''(bb) meets applicable legal requirements for doing business in the Commonwealth;

''(cc) has substantially complied with wage and hour laws, occupational safety and health requirements, and all other Federal, Commonwealth, and local requirements related to employment during the preceding 5 years;

''(dd) does not directly or indirectly engage in, or knowingly benefit from, prostitution, human trafficking, or any other activity that is illegal under Federal, Commonwealth, or local law; and

''(ee) is a participant in good standing in the E-Verify program;

''(ff) does not have, as an owner, investor, manager, operator, or person meaningfully involved with the undertaking, any individual who has been the owner, investor, manager, operator, or otherwise meaningfully involved with an undertaking that does not comply with item (cc) or (dd), or is the agent of such an individual; and

''(gg) is not a successor in interest to an undertaking that does not comply with item (cc) or (dd).

''(v) CONSTRUCTION OCCUPATIONS.—A permit for Construction and Extraction Occupations (as defined by the Department of Labor as Standard Occupational Classification Group 47–0000) may not be issued for any worker other than a worker described in paragraph (7)(B).'';

(D) in paragraph (4), as redesignated, by inserting ''or to Guam for the purpose of transit only'' after ''except admission to the Commonwealth'';

(E) in paragraph (5), as redesignated, by adding at the end the following: ''Approval of a petition filed by the new employer with a start date within the same fiscal year as the current permit shall not count against the numerical limitation for that period.''; and

(F) by adding at the end the following:

''(7) REQUIREMENT TO REMAIN OUTSIDE OF THE UNITED STATES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B)—

''(i) a permit for a Commonwealth Only Transitional Worker—

''(I) shall remain valid for a period that may not exceed 1 year; and

''(II) may be renewed for not more than 2 consecutive, 1-year periods; and

''(ii) at the expiration of the second renewal period, an alien may not again be eligible for such a permit until after the alien has remained outside of the United States for a continuous period of at least 30 days prior to the submission of a renewal petition on their behalf.

''(B) LONG-TERM WORKERS.—An alien who was admitted to the Commonwealth as a Commonwealth Only Transitional Worker during fiscal year 2015, and during every subsequent fiscal year beginning before the date of the enactment of the Northern Mariana Islands U.S. Workforce Act, may receive a permit for a Commonwealth Only Transitional Worker that is valid for a period that may not exceed 3 years and may be renewed for additional 3-year periods during the transition period. A permit issued under this subparagraph shall be counted toward the numerical cap for each fiscal year within the period of petition validity.''; and

(4) by adding at the end the following:

''(i) DEFINITIONS.—In this section:

''(1) COMMONWEALTH.—The term 'Commonwealth' means the Commonwealth of the Northern Mariana Islands.

''(2) COMMONWEALTH ONLY TRANSITION WORKER.—The term 'Commonwealth Only Transition Worker' means an alien who has been admitted into the Commonwealth under the transition program and is eligible for a permit under subsection (d)(3).

''(3) GOVERNOR.—The term 'Governor' means the Governor of the Commonwealth of the Northern Mariana Islands.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(5) TAX YEAR.—The term 'tax year' means the fiscal year immediately preceding the current fiscal year.

''(6) UNITED STATES WORKER.—The term 'United States worker' means any worker who is—

''(A) a citizen or national of the United States;

''(B) an alien who has been lawfully admitted for permanent residence; or

''(C) a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau (known collectively as the 'Freely Associated States') who has been lawfully admitted to the United States pursuant to—

''(i) section 141 of the Compact of Free Association between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia (48 U.S.C. 1921 note); or

''(ii) section 141 of the Compact of Free Association between the United States and the Government of Palau (48 U.S.C. 1931 note).''.

(b) RULEMAKING.—

(1) SECRETARY OF HOMELAND SECURITY.—Notwithstanding the requirements under section 553(b) of title 5, United States Code, the Secretary of Homeland Security shall publish in the Federal Register, not later than 180 days after the date of the enactment of this Act, an interim final rule that specifies how the Secretary intends to implement the amendments made by subsection (a) that relate to the responsibilities of the Secretary.

(2) SECRETARY OF LABOR.—Notwithstanding the requirements under section 553(b) of title 5, United States Code, the Secretary of Labor shall publish in the Federal Register, not later than 180 days after the date of the enactment of this Act, an interim final rule that specifies how the Secretary intends to implement the amendments made by subsection (a) that relate to the responsibilities of the Secretary.

(3) RECOMMENDATIONS OF THE GOVERNOR.—In developing the interim final rules under paragraphs (1) and (2), the Secretary of Homeland Security and the Secretary of Labor—

(A) shall each consider, in good faith, any written public recommendations regarding the implementation of this Act that are submitted by the Governor of the Commonwealth not later than 60 days after the date of the enactment of this Act; and

(B) may include provisions in such rule that are responsive to any recommendation of the Governor that is not inconsistent with this Act, including a recommendation to reserve a number of permits each year for occupational categories necessary to maintain public health or safety in the Commonwealth.

(c) DEPARTMENT OF THE INTERIOR TECHNICAL ASSISTANCE.—Not later than October 1, 2019, and biennially thereafter, the Secretary of the Interior shall submit a report to Congress that describes the fulfillment of the Department of the Interior's responsibilities to the Commonwealth of the Northern Mariana Islands—

(1) to identify opportunities for economic growth and diversification;

(2) to provide assistance in recruiting, training, and hiring United States workers; and

(3) to provide such other technical assistance and consultation as outlined in section 702(e) of the Consolidated Natural Resources Act of 2008 (48 U.S.C. 1807).

(d) OUTREACH AND TRAINING.—Not later than 120 days after the date on which the Secretary of Labor publishes an interim final rule in the Federal Register in accordance with subsection (b)(2), the Secretary shall conduct outreach and training in the Commonwealth of the Northern Mariana Islands for employers and workers on the foreign labor certification process set forth in section 6 of the Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'', as amended by subsection (b), including the minimum wage requirement set forth in subsection (d)(2)(C) of such section.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as specifically otherwise provided, this Act and the amendments made by this Act—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to petitions for Commonwealth Only Transitional Workers filed on or after such date.

(2) AUTHORITY OF SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security, in the Secretary's discretion, may delay the effective date of any provision of this Act relating to Commonwealth Only Transition Workers until the effective date of the interim final rule described in subsection (b), except for provisions providing annual numerical caps for such workers.

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

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

ADMIRAL LLOYD R. ''JOE'' VASEY PACIFIC WAR COMMEMORATIVE DISPLAY ESTABLISHMENT ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 360, H.R. 4300.

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

The bill clerk read as follows:

A bill (H.R. 4300) to authorize Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II, and for other purposes.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 4300) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR TUESDAY, APRIL 24, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, April 24; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed. I further ask that following leader remarks, the Senate proceed to executive session and resume consideration of the Duncan nomination; further, that all time during recess, adjournment, morning business, and leader remarks count postcloture on the Duncan nomination. Finally, I ask that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. 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, following the remarks of Senator DURBIN and Senator WHITEHOUSE.

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

The Senator from Illinois.

DARK MONEY

Mr. DURBIN. Mr. President, I thank the majority leader for allowing Senator WHITEHOUSE and myself to conclude today's session.

I want first to salute my colleague, Senator WHITEHOUSE, who will be on the floor momentarily. He has come to the floor many times to talk about issues relative to climate change and global warming. He has come on so many occasions that I have lost track, but it shows his dedication to this issue.

He has also been outspoken on the issue of campaign financing and what is happening in America today. We all know that it takes big money to run big campaigns, and we all know that many people are put off by politicians who are waiting on wealthy donors to give them the money to make it across the finish line. That is a fact.

I have always said that in this business of politics, there are two categories. There are multimillionaires and mere mortals, and I am in the second category, never having enough money to finance my own campaign, prevailing on my friends to help. It is too bad that politics has reached the level where campaigns are so long and so expensive.

Tonight Senator WHITEHOUSE and I will highlight one aspect of that issue that is particularly worrisome and really should be front and center; that is, the so-called secret contributions, the dark money—money that is being spent on political campaigns with no fingerprints. It is a growing phenomenon, and it is troublesome to think that our democracy has reached that point.

I am going to speak about one aspect of it, and Senator WHITEHOUSE will follow me on the topic. I thank him for initiating this opportunity this evening.

Let me tell my colleagues what my topic is about. It is one aspect of it. We know that the United States leads the world in medical research. Because of the U.S. scientific community, HIV/AIDS is no longer a death sentence, polio has been eradicated in this country, people survive cancer and heart attacks in record number, and a child born today will likely live to be 78 years of age—nearly three decades longer than a baby born in 1900.

Thanks to the U.S. scientific community, we know the true dangers of tobacco. Now we are learning about the dangers related to e-cigarettes. But it was not always the case that the dangers of cigarette smoking were commonly accepted knowledge. For years, the tobacco industry claimed to be interested in rigorous, independent science. They wanted to sell less harmful products, and they wanted to support scientific research. Evidence has now been disclosed which unequivocally demonstrates that tobacco companies, by funding alternate research and funneling money into front organizations to do their bidding, have literally corrupted the science on this issue. They produced products they knew were no less hazardous and sought to influence elections to ensure the friendliest voices supporting tobacco were elected to office at Federal, State, and local levels all across the country.

If this tactic sounds familiar, it should. It is exactly what the Koch brothers are currently doing with respect to sowing seeds of doubt about the causes of climate change and helping to elect Republicans who are climate change deniers.

I have said repeatedly on the floor of the Senate and I will repeat this evening: The Republican Party of the United States of America is the only major political party in the world today that denies climate change. I have said that repeatedly, expecting some Republican to come to the floor and say it is not true. One of them whispered to me in the elevator after I said this a few times: I think there is a party in Australia that also denies climate change. That is the best they could come up with.

How did this happen? There was a time when Republicans were the leaders when it came to environmental protection. If I am not mistaken, I say to my colleague, I think it was President Richard Nixon who created the Environmental Protection Agency.

When I look back on my own experience in Congress, there were Republicans who stood up and spoke up on the issue of climate change. I remember when JOHN MCCAIN and Joe Lieberman were the two lead sponsors on a bill dealing with global warming. It has been within my period of time serving in the Senate, but not anymore. It has changed dramatically. The Koch brothers, I think, are behind it. They didn't come up with this strategy on their own. They were able to look at Big Tobacco's playbook from years gone by.

The first thing Big Tobacco did was to question legitimate science. The Koch brothers got right in line. They have been questioning legitimate science when it comes to global warming, and they pioneered efforts to use dark money to influence America's public opinion and to sway elections without ever really revealing their true identities or motivations.

I look back on tobacco and cancer. I am one—probably, like most Americans—who has lost a dearly loved member of my family to tobacco and cancer. My father died when he was 53 years of age from lung cancer. I was 14 years old. He smoked two packs of Camels a day. It was a horrible death.

He lingered for 100 days in the hospital before he died. It is something you never forget. There is hardly a family in America who doesn't have a similar story to tell.

By the early 1950s, evidence linking smoking and lung cancer was growing. Tobacco companies could have responded by taking steps to protect American consumers. What they did was to launch a conspiracy to challenge the science behind tobacco. In 1953, tobacco companies hired the PR firm Hill+Knowlton to lead a pioneering effort to discredit emerging science and keep people smoking. At the heart of this strategy was an effort to manufacture a scientific controversy by insisting there were two sides to the debate about whether cigarette smoking caused cancer. Tobacco companies identified and paid scientists who had expressed skepticism about the health risk of cigarettes, who were critical of statistical methods, and who had offered alternative theories of what really was causing cancer among smokers.

They also formed an industry-sponsored research entity that claimed to support independent research. Instead, the organization's main purpose was to serve the industry's public relations interests—namely, to sow seeds of doubt about the health risks of smoking and not advance science. Does it sound familiar to the scientists sowing seeds of doubt about global warming?

As more and more independent research found an association between smoking and disease, tobacco companies used their so-called independent research organizations to insist that there was a great deal of uncertainty about whether smoking caused cancer. These entities supported scientists who showed a willingness to generate data and provide testimony that would support the industry. Meanwhile, tobacco-friendly elected officials were happy to accept this bogus, fake science while also receiving generous campaign contributions from Big Tobacco.

The tobacco industry efforts reached new highs—or lows, if you wish—when, in the early 1970s, there was growing concern about the impact of secondhand smoke. Arizona became the first State to restrict indoor smoking in some areas in 1973 after a Surgeon General report mentioned that secondhand smoke could be harmful to nonsmokers. By 1981, 8 years later, 36 States had some type of smoking restriction in place.

I know this issue, personally, because as a Member of the U.S. House of Representatives I decided to offer an amendment to ban smoking on airplanes. At the time, I was opposed by the leadership of both the Republicans and the Democrats in the House of Representatives. Of course, anyone from a tobacco-growing State or from the South opposed my efforts to ban smoking on airplanes. Well, it turned out we had a lucky break here and there in the House Rules Committee and got to bring the measure to the floor of the House for a vote, and I succeeded in passing the first restriction on smoking on airplanes.

It turned out the reason was obvious: The largest frequent flier club in America is the U.S. Congress. We spend half of our lives on airplanes, and we know better when people say: You are sitting in the nonsmoking section of an airplane. Everybody was in the smoking section in the back of the airplane was puffing away.

So that measure passed. I called my friend Frank Lautenberg of New Jersey, then a Senator, and said: Frank, can you take this up in the Senate? He said he would, and he did, and the two of us passed the basic prohibition of smoking on airplanes.

By the 1980s, evidence had accumulated about the health risks of secondhand smoke and, in 1986, the Surgeon General concluded that secondhand smoke causes lung cancer in nonsmokers and was associated with respiratory illness in children. Once again, tobacco companies didn't accept the obvious. They responded to the evidence of harm from secondhand smoke and restrictions on smokers by launching an effort to undermine the scientific evidence. They identified, trained, and subsidized friendly scientists and sponsored symposia all around the world to feature these scientists without revealing they were paying them to come up with these opinions.

In 1988, tobacco companies began funding the Center for Indoor Air Research. This is after we started banning the use of cigarettes on airplanes, for example. Like the other so-called independent research organizations funded by tobacco companies, CIAR—the Center for Indoor Air Research—allowed tobacco companies to fund and control the use of research favorable to their market position so they could continue to sell addictive, cancer-causing products to more and more people—especially to kids. To shift emphasis away from secondhand smoke, the so-called research institute supported studies to weaken the case for regulation of tobacco.

Why is it important to reflect on history of 30 years ago? It is happening all over again. Tobacco companies continue to provide funding to third-party organizations that advocate policies that align with the interests—such as e-cigarettes—without ever publicly disclosing their ties to these tobacco companies. In recent years, tobacco companies have sought to advance the idea that bringing to market so-called lower risk tobacco products will actually benefit public health. They warn that overregulations are going to hurt their business.

Tobacco companies have provided funding to an array of think tanks—the Heartland Institute, the R Street Institute, the National Center for Public Policy Research, just to name a few. These tobacco industry-funded groups have sent letters to policymakers, they publish op-eds, they write reports, and they issue press releases that mirror the tobacco industry's position, warning that any future FDA rules will burden the tobacco industry and undermine efforts to bring a so-called lower risk product to market. Many of these groups have historically been silent or opposed policies that have proven effective in reducing smoking rates. Do you know what reduces smoking more than anything else? Cost of the product. As we have seen States and the Federal Government raise the tobacco tax, we have seen use of the product diminish. They haven't supported that, of course, and they don't support smoke-free laws or mass media campaigns.

Last year, Philip Morris, notorious as a tobacco company, established the Foundation for a Smoke-Free World. Let me repeat that. Philip Morris, a tobacco company, established the Foundation for a Smoke-Free World. They are going to fund research to end cigarette smoking and provide $80 million a year for 12 years. Given their history and their continued opposition to proven policies to reduce cigarette use, excuse me if I am skeptical.

That is the problem, isn't it? Research from the Foundation for a Smoke-Free World or TV ads or op-eds from the Heartland Institute or the National Center for Public Policy Research just may seem harmless, but if the American public and elected officials knew that R.J. Reynolds, Altria, or Philip Morris—some of the biggest tobacco companies—were behind this research PR, they would be as skeptical as I am.

One more example: corporations and wealthy donors flooding cash into efforts to influence the American public and American political officials. In addition to funding bogus research, we know tobacco companies have poured millions of dollars into nonprofit, dark money organizations, which, in turn, spend millions of dollars to influence elections, never disclosing who they are or where the money is coming from. Dark money makes it nearly impossible to find the true sources behind the attack ads and political campaigns these organizations fund, but sometimes, thanks to the news media and transparency organizations, the donors are revealed.

In 2013, the Center for Public Integrity reported that the tobacco giant Reynolds American, Incorporated, funded several dark money groups during the 2012 election cycle, including conservative activist Grover Norquist's Americans for Tax Reform, the Koch brothers' Americans for Prosperity—a conservative political advocacy group—and the Partnership for Ohio's Future, an anti-union organization backed by the Ohio Chamber of Commerce.

The only reason we know Reynolds was the secret source is because it was disclosed at the behest of an unnamed

shareholder; otherwise, these donations and the involvement of tobacco companies would have remained a secret.

Whether they are quietly funding attack ads or the release of supposedly unbiased reports, corporations and wealthy donors are using anonymous, dark money contributions to influence America's public, casting doubt on legitimate science and trying to sway elections without ever revealing their true identities and motivations.

It is not just limited to Big Tobacco and their campaigns to turn public opinion against tobacco taxes and smoke-free laws; the Koch brothers have built on this model and expanded the Big Tobacco playbook. They are pushing faulty research in an attempt to obscure the reality of global warming and using dark money to influence our political system. Why would the Koch brothers care so much? They are in the oil business. It is so a rich few can benefit financially at the expense of everyone else if they vote the Koch brothers' line—and that is at the expense of our children and grandchildren.

It is time to put an end to dark money influence in elections.

I yield the floor to the leader on this issue in the Senate Democratic caucus, Senator WHITEHOUSE.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

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

Mr. WHITEHOUSE. Mr. President, I thank Senator DURBIN, who is a leader in our caucus, but also a very important leader on these issues.

We are here this evening because a group of us now embark on a series of speeches on the Senate floor to shine some light into a network of phony front groups—a web of deceit conceived and bankrolled by the Koch brothers and other self-interested billionaires to advocate for very selfish and unpatriotic policies.

This web of deceit has infiltrated and populated the Trump administration, and it is swamping the interests of everyday Americans. I will not dwell on its policies. The billionaires having to hide behind these front groups tells you all you need to know about their policies.

There are plenty of billionaires these days, and a bunch of them do pretty good stuff, but there is an extremist subset trying to quietly remake America to their ideology, and they are behind the web of deceit.

When an issue affects some hyperwealthy interest group, the web activates. In the Halls of Congress, on cable news, in opinion pages, on social media, the front groups will be everywhere, with fake news, bogus studies, and phony science.

This is a well-studied phenomenon. Two speeches ago, I had a stack of books about this high here on the desk with authors who had written about it. There is also excellent academic research by Robert Brulle, Riley Dunlap, Nancy MacLean, David Rosner, Gerald Markowitz, Michael Mann, and many others who deserve credit for shining light into these front groups.

The graphic behind us is actually a diagram from the work of Professor Brulle. To the uninitiated, it might appear that these are all actual, different groups and that they might actually represent—who knows—thousands, maybe even millions of real people across America. That is the scheme. These front groups are designed to provide a simulacrum, a manufactured, artificial appearance of public support for ideologies and policies that actually just benefit the richest of the rich or the ''pollutingest'' of the polluters.

Got a tax scam to sell? Call in the front groups who will parrot, falsely, that the middle class will benefit, when it is the billionaires and big corporations that actually make out like bandits.

Want to block action on climate change and let fossil fuel companies keep polluting for no charge? Quick, activate those front groups to spread climate denial, the original fake news: Climate change isn't happening; or, OK, maybe it is, but we don't really know how human activity is the cause; or, OK, maybe it is, but who knows how bad it will really get. OK, really bad, but it is too hard, so let's leave it to some other generation.

Never mind what the real scientists have to say. The web of deceit has fake scientists, and it doesn't matter to the web if their phony scientists are right or wrong. They couldn't care less. They just have to keep their fake scientists talking, make it seem like there may be a real question about the science—in essence, pollute the public's mind.

While these phony front groups are out working their PR magic, connected lobbyists and electioneering groups stalk the Halls of Congress, ready to kneecap Republicans who might—like Bob Inglis did—have the temerity to think about acting on climate. More generally, this web of deceit has infected the Republican Party with climate denial, all to help polluters pollute for free. That is part of the creepy billionaire ideology behind the web of deceit.

Of course, a web like this has its stooges and quislings, and in the Trump administration they can get to high places. Imagine if you have been building this web of deceit for decades, and one day you get to plant your phony minions into real, high-level government positions. Oh, what wonderful legitimacy, and what would you not then do to defend your stooges?

We just saw this web of deceit spring into action to defend fossil fuel stooge Scott Pruitt, our ethically challenged Environmental Protection Agency Administrator.

You may have seen the steady stream of news about Pruitt's ethical lapses: huge bills for taxpayers for first-class flights and 24/7 security, even on family trips; a $43,000 Maxwell Smart secret phone booth; a jaunt to Morocco for the natural gas industry; a condo deal from a lobbyist with business before the EPA; massive raises to cronies from Oklahoma through a loophole in, of all things, the Safe Drinking Water Act. He even was caught firing or reassigning people who told him he could not sign up for perks like a private jet service at taxpayer expense.

Talk about lights and sirens. This guy is a lights-and-sirens affront to any concept of decency in government service. As scandal after scandal piled up, pressure mounted to fire the scoundrel.

Never fear, the web of deceit is here. Nearly two dozen phony industry front groups rode to the rescue, urging the President to keep Pruitt on. Here is the letter. As you can see, all these groups' logos are on it. They praise Pruitt for his work to help fossil fuel polluters pollute. They rejoice that his rollback of fuel economy standards will raise drivers' fuel costs. They applaud his getting rid of independent scientists and putting industry insiders on EPA advisory committees.

It is actually the reporting of Pruitt's scandals, they write, that is the conspiracy. ''This whole ordeal is nothing more than an orchestrated political campaign,'' they write—''an orchestrated political campaign''—so says the polluters' orchestrated political campaign to save Pruitt's political hide. If you want to see something about orchestrated political campaigns, this is it.

The web also went to war in the press and on social media for Pruitt. The so-called Heartland Institute defended Pruitt as ''the single most effective appointment of the president of the United States,'' and went after Republican Representative CARLOS CURBELO on Twitter for breaking with Republican complicity by calling on Pruitt to resign.

Another tool of this web is a front group called the Media Research Center. They are also on this letter. The Media Research Center's job, when stooges are caught stooging, is to go on the attack and accuse the journalists of bias. This Media Research Center has a website called NewsBusters devoted to attacking honest reporting that it doesn't like. In articles and on Twitter, it attacked ABC News and other networks for reporting on Pruitt's expensive first-class travel.

Other groups on this letter also took to Twitter to defend their boy Pruitt, including the Energy and Environment Legal Institute, the American Energy Alliance, and the Conservative Partnership Institute. ''Orchestrated political campaign,'' indeed.

When I saw this orchestrated ''protect Pruitt'' letter, it reminded me of this one, which I received in the summer of 2016. Back then, a group of us delivered speeches exposing this web of

deceit's role in blocking action on climate change. We called it the web of denial because climate denial is the web's recipe for delay and inaction on carbon pollution.

More than 20 organizations in the Koch brothers' network, with lengthy records of climate change denial, objected to being called out as Koch-linked climate change deniers. To challenge our assertion that they were an orchestrated bunch of front groups, they responded with this orchestrated letter from all the front groups. They went on to say it was ''tyranny'' that we would call out who actually pays them and what interests they actually front for. I can't wait to hear the caterwauling from them now.

Why are these polluter-funded front groups so desperate to protect Pruitt? That question sort of answers itself, doesn't it? They do a good job of hiding. Unfortunately, our laws allow wealthy donors to funnel money through opaque brokers and anonymous shell companies. The dark money could be from the ultrawealthy, right-wing Mercer family, from the Koch brothers' empire, from ExxonMobil, from whomever—even a Russian oligarch. We get only occasional glimpses into these dark-money channels of influence in our political system, often through leaks or mistaken filings or extraordinary, painstaking research. It is not easy.

For the 22 front groups that signed this recent letter, we have figured out one common denominator: the Koch brothers' empire. Let's go down the list.

We will start with the Heartland Institute. We know that Heartland received at least $100,000 from foundations connected to the Koch brothers, and it received at least $7 million from DonorsTrust. But what is DonorsTrust? It has no business purpose. It is an identity-concealing device whose entire purpose is to launder donations to front groups so that you will not know their real backers. Journalists have learned, however, that the Koch brothers are among the largest, if not the largest, contributors to DonorsTrust.

Back to our list—ALEC: Koch-connected foundations gave ALEC at least $600,000. Koch Industries is also a donor, but we don't know how much it has given. More secrecy.

Committee for a Constructive Tomorrow: Wow, there is a good name. Who could possibly be against a constructive tomorrow? Certainly not the Kochs, whose foundations gave it at least $45,000. That will buy a signature on a letter, for sure.

American Energy Alliance: Koch-connected organizations gave the American Energy Alliance at least $1.7 million.

60 Plus: Koch-backed organizations have given 60 Plus more than $42 million. This is interesting because 60 Plus is actually a front group that supposedly advocates for senior citizens. So its presence on this Pruitt letter is weird and telling.

Idaho Freedom Foundation: It received at least $570,000 from the Koch-backed DonorsTrust.

That Media Research Center I talked about received at least $1 million from DonorsTrust.

Independence Institute: Koch-connected foundations gave the so-called Independence Institute more than $140,000 while Koch-backed DonorsTrust provided the group more than $2.5 million.

Conservative Partnership Institute: This is a relatively new group, and we don't yet know who is funding it, but we do know it is staffed by folks from other Koch-backed groups. This web of deceit shares not only common funding but common personnel.

American Commitment received at least $21 million from Koch-affiliated organizations.

The Center for Security Policy received at least $1.9 million from Koch-backed DonorsTrust. Like 60 Plus, this Center for Security Policy doesn't usually work on environment or energy issues. It lists its research areas as ''Shariah, Defense, Homeland Security, Israel & the Middle East, Sovereignty, and National Security & New Media.'' Its presence on the Pruitt letter is also weird and telling.

The Institute for Liberty received at least $1.8 million from Koch-affiliated organizations.

Americans for Limited Government received at least $5.6 million from Koch groups.

Tea Party Patriots Citizens Fund: We don't know how much money this group received directly from Koch-affiliated organizations, but we do know that Tea Party Patriots was created by yet another front group called Freedom Works. We are getting into front groups within front groups here, folks, and Freedom Works received at least $12 million from Koch-affiliated foundations.

Mountain States Legal Foundation received at least $90,000 from Koch-backed Donors Trust.

Energy & Environment Legal Institute received at least $16,000 from Koch-affiliated foundations and at least $500,000 from Koch-backed DonorsTrust. This, by the way—Energy & Environmental Legal Institute—is a particularly creepy group whose function—hold your breath—is actually to harass legitimate scientists. That is what they do.

Georgia Public Policy Foundation received at least $125,000 from Koch-backed DonorsTrust.

Mississippi Center for Public Policy received at least $500,000 from Koch-backed DonorsTrust.

Carbon Sense Coalition: We don't know yet how much money this group received from Koch-affiliated organizations, but we do know that it works in close concert with many of the other front groups in the Koch-funded web of deceit.

American Family Association received at least $50,000 from Koch-affiliated organizations. This beauty of an organization has been identified as an anti-LGBTQ hate group—hate group—by the Southern Poverty Law Center. But here it is, signing a letter boosting Trump's EPA Administrator. Weird, again—but telling.

ConservativeHQ.com: We don't know how much money this website received from Koch-affiliated organizations, but its job is to provide favorable online coverage of the Kochs and the web of front groups.

Climate Science Coalition of America: Its parent organization received at least $45,000 from Koch-affiliated organizations.

If you do the math, that is actually a grand total of at least $87,281,000 received by these 22 front groups from Koch-affiliated organizations, and that is only the part that has leaked out through the screens of secrecy. Who knows how much dark money remains hidden behind those screens?

Here is the point. This is a scam—so much money and so many front group tentacles. Once you see what is going on, you realize these front groups are just tentacles of the creepy billionaires, of giant polluting corporations, and of the other special interests that fund them. The tentacles don't represent America; they represent a bunch of polluters and billionaires.

The pollution angle keeps rearing its ugly head in all of this—and guess what. Koch Industries is a very big polluter. In 2014, Koch Industries dumped more than 6.6 million pounds of toxic pollution into our waterways. That same year, Koch Industries spent almost $14 million in lobbying the Federal Government. One of Koch Industries' biggest targets has been the EPA's clean water rule—6.6 million pounds of toxic pollution into our waterways, millions in lobbying to target the clean water rule. Since the clean water rule protects our rivers and streams—sources of drinking water for millions of Americans—when Pruitt promised to repeal the clean water rule, that could mean big bucks for polluters like Koch Industries.

Koch Industries has major holdings in the energy industry—refining gasoline and other petroleum products, operating pipelines, and manufacturing petrochemicals. So when Pruitt promised to repeal the Clean Power Plan and undo fuel economy standards, that could mean big bucks for Koch Industries. Protecting clean water, reducing carbon emissions, and saving consumers money at the pump may be good for the planet and may be good for the American people, but these things are not good for polluters. So queue the web of deceit for Scott Pruitt to write letters and bombard social media and the press with front group disinformation.

If the public could see it is just a couple of billionaires and oil companies and coal barons who are defending Pruitt, the jig would be up—Americans could see the special interest motive.

Yet add on this web of phony front groups and hide-the-special-interest funding in dark money channels, and it is money well spent if Koch Industries and companies like it can go right on polluting—polluted water, polluted air, climate change unchecked—some victory, but that is who they are.

Americans need to get a good look at these phony front groups, so we will explain who these groups are, where they get their money, and how they have installed operatives throughout the Trump administration.

Once upon a time, Donald Trump said he didn't want Koch money or anything else from them. It turns out dozens of Koch apparatchiks are running the Trump administration. The Kochs probably have more control in this administration than the Trumps. They are making the Trumps their chumps.

As we spotlight this web of deceit, keep in mind this one simple truth: This is not democracy. This is the corruption of democracy. It is the corruption of democracy to benefit narrow special interests at everyone else's expense. It is the enemy of our vision of America as a shining city on a hill.

We face a choice now in this country—to reclaim our destiny as that shining city on a hill that John Winthrop and Ronald Reagan spoke of or to sink into the corrupting ooze of special interest dark money, hidden influence, phony front groups, and fake news.

History is watching.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:21 p.m., adjourned until Tuesday, April 24, 2018, at 10 a.m.