The 47th Annual Floyd M. Riddick Model United States Senate

March 22-24, 2018

STETSON UNIVERSITY

FLOYD M. RIDDICK
MODEL UNITED STATES SENATE
at STETSON UNIVERSITY
DeLand, Florida

Forty-Seventh Model U.S. Senate, March 22–24, 2018

Model U.S. Senate Handbook

It has been the continued goal of the Model U.S. Senate to structure a program that will be educational, stimulating, and enjoyable. With these goals in mind, it is ***expected that Model U.S. Senators will portray the voting record and personality of their respective Senators.*** This handbook contains some of the basic guidelines and other aids to assist in these portrayals. Please read it and consult it as the need arises. Detailed Senate Procedure Manuals are also available on the U.S. Senate website as well as upon request with the Model U.S. Senate Parliamentarian.

On behalf of the organizers of the Floyd M. Riddick Model United States Senate, we thank you for your interest and participation in this most unique learning experience. We are confident that this will be a successful program in the spirit of the United States Senate.

Committee Descriptions

Committee on Armed Services:

The Committee on Armed Services handles legislation concerning and has jurisdiction over issues related to: Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations; the common defense; the Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force, generally; maintenance and operation of the Panama Canal, including administration, sanitation, and government of the Canal Zone; military research and development; national security aspects of nuclear energy; naval petroleum reserves, except those in Alaska; pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces, including overseas education of civilian and military dependents; selective service system; and strategic and critical materials necessary for the common defense.

The Committee also conducts comprehensive study and review of matters relating to the common defense policy of the United States.

Environment and Public Works:

The Committee on Environment and Public Works handles legislation concerning and has jurisdiction over issues related to: Air pollution; Construction and maintenance of highways; Environmental aspects of Outer Continental Shelf lands; Environmental effects of toxic substances, other than pesticides; Environmental policy; Environmental research and development; Fisheries and wildlife; Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports; Noise pollution; Nonmilitary environmental regulation and control of nuclear energy; Ocean dumping; Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia; Public works, bridges, and dams; Regional economic development; Solid waste disposal and recycling; Water pollution; Water resources.

The Committee also studies and reviews, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and reports thereon from time to time.

Foreign Relations:

The committee on Foreign Relations handles legislation concerning and has jurisdiction over issues related to: Acquisition of land and buildings for embassies and legations in foreign countries; Boundaries of the United States; Diplomatic service; Foreign economic, military, technical, and humanitarian assistance; Foreign loans; International activities of the American National Red Cross and the International Committee of the Red Cross; International aspects of nuclear energy, including nuclear transfer policy; International conferences and congresses; International law as it relates to foreign policy; Intervention abroad and declarations of war; Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad; National security and international aspects of trusteeships of the United States; Oceans and international environmental and scientific affairs as they relate to foreign policy; Protection of United States citizens abroad and expatriation; Relations of the United States with foreign nations generally; Treaties and executive agreements; United Nations and its affiliated organizations; World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee also studies and reviews, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and reports thereon from time to time.

Health, Education, Labor, and Pensions:

The Committee on Health, Education, Labor, and Pensions handles legislation concerning and has jurisdiction over issues related to: Measures relating to education, labor, health, and public welfare; Aging; Agricultural colleges; Arts and humanities; Biomedical research and development; Child labor; Convict labor and the entry of goods made by convicts into interstate commerce; Domestic activities of the American National Red Cross; Equal employment opportunity; Individuals with disabilities; Labor standards and labor statistics; Mediation and arbitration of labor disputes; Occupational safety and health, including the welfare of miners; Private pension plans; Public health; Railway labor and retirement; Regulation of foreign laborers; Student loans; Wages and hours of labor.

The Committee also studies and reviews, on a comprehensive basis, matters relating to health, education and training, and public welfare, and reports thereon from time to time.

Judiciary:

The Committee on the Judiciary handles legislation concerning and has jurisdiction over issues related to: Bankruptcy, mutiny, espionage, and counterfeiting; Civil liberties; Constitutional amendments; Federal courts and judges; Government information; Holidays and celebrations; Immigration and naturalization; Interstate compacts generally; Judicial proceedings, civil and criminal, generally; Local courts in the territories and possessions; Measures relating to claims against the United States; National penitentiaries; Patent Office; Patents, copyrights, and trademarks; Protection of trade and commerce against unlawful restraints and monopolies; Revision and codification of the statutes of the United States; State and territorial boundary lines.

Committee Meeting Procedure

1. The Chair of each committee has already been selected on the basis of role portrayal and experience in the F.M.R. Model U.S. Senate.
2. In the absence of a Model U.S. Senator, the Chairman or the Ranking Minority Member may cast a "proxy vote" on behalf of that Senator.
3. Bills should be read and ranked in order of priority, and that ranking should be followed for discussion.
4. As bills are discussed, revised and amended, they must be reported out of committee either favorably or unfavorably. An unfavorable report kills the bill, and it will not appear on the calendar. Bills, in the form they are to be introduced, are to be filed with the Clerk. The majority and minority leaders and the Clerk will then place each bill on the agenda for the Senate session.
5. The use of committee witnesses is an important facet of committee procedure. Experts in various fields will testify on specific proposed legislation. Question them carefully and completely, as they have been selected for their knowledge in the committee's area.
6. It is suggested that for efficiency and effectiveness the committee agree to use Senate Rules of Procedure throughout their meetings. However, that decision is solely the Chair's and the decision is final.

Useful Definitions

Act: Legislation that has passed both chambers of Congress in identical form, been signed into law by the President, or passed over his veto, thus becoming law. Technically, this term also refers to a bill that has been passed by one house and engrossed (prepared as an official copy).

Adjourn: A motion to adjourn in the Committee or Senate ends that day's session.

Adjournment Sine Die: The end of a legislative session "without day." These adjournments are used to indicate the final adjournment of an annual or two-year session of a Congress.

Adjournment to a Day and Time Certain: An adjournment of the Senate that fixes the day and time for its next session.

Amendment: A proposal to alter the text of a pending bill or other measure by striking out some of it, by inserting new language, or both. Before an amendment becomes part of the measure, the Senate must agree to it.

Bill: The principal vehicle employed by lawmakers for introducing their proposals (enacting or repealing laws, for example) in the Senate. They address either matters of general interest ("public bills") or narrow interest ("private bills"), such as immigration cases and individual claims against the Federal government.

Caucus: From the Algonquian Indian language, a caucus means "to meet together." A caucus is an informal organization of Members of the House or the Senate, or both, that exists to discuss issues of mutual concern and possibly to perform legislative research and policy planning for its members.

Christmas Tree Bill: Informal nomenclature for a bill on the Senate floor that attracts many, often unrelated, floor amendments. The amendments that adorn the bill may provide special benefits to various groups or interests.

Cloture: The only procedure by which the Senate can vote to place a time limit on consideration of a bill or other matter, and thereby overcome a filibuster. Under the cloture rule (Rule XXII), the Senate may limit consideration of a pending matter to 30 additional hours, but only by vote of three-fifths of the full Senate, normally 60 votes.

Companion Bill or Measure: Similar or identical legislation that is introduced in the Senate and House. House and Senate lawmakers who share similar views on legislation may introduce a companion bill in their respective chambers to promote simultaneous consideration of the measure.

Consideration: To "call up" or "lay down" a bill or other measure on the Senate floor is to place it before the full Senate for consideration, including debate, amendment, and voting. Measures normally come before the Senate for consideration by the Majority Leader requesting unanimous consent that the Senate take it up
Filibuster: Informal term for any attempt to block or delay Senate action on a bill or other matter by debating it at length, by offering numerous procedural motions, or by any other delaying or obstructive actions.

Floor Amendment: An amendment offered by an individual Senator from the floor during consideration of a bill or other measure, in contrast to a committee amendment.

Germane: On the subject of the pending bill or other business; a strict standard of relevance.

Motion to Proceed to Consider: A motion, usually offered by the Majority Leader to bring a bill or other measure up for consideration. This is the usual way of bringing a measure to the floor when unanimous consent cannot be obtained. For legislative business, the motion is debatable under most circumstances, and therefore may be subject to filibuster.

Point of Order: A claim made by a Senator from the floor that a rule of the Senate is being violated. If the Chair sustains the point of order, the action in violation of the rule is not permitted.

President Pro Tempore: A constitutionally recognized officer of the Senate who presides over the chamber in the absence of the Vice President. The President Pro Tempore (or, "president for a time") is elected by the Senate and is, by custom, the Senator of the majority party with the longest record of continuous service.

Quorum: The number of Senators that must be present for the Senate to do business. The Constitution requires a majority of Senators (51) for a quorum. Often, fewer Senators are actually present on the floor, but the Senate presumes that a quorum is present unless the contrary is shown by a roll call vote or quorum call.

Recess: A temporary interruption of the Senate's or Committee's business. Generally, the Senate recesses (rather than adjourns) at the end of each calendar day.

Rider: Informal term for a non-germane amendment to a bill or an amendment to an appropriation bill that changes the permanent law governing a program funded by the bill.

Table, Motion to: A Senator may move to table any pending question. The motion is not debatable, and agreement to the motion is equivalent to defeating the question tabled. The motion is used to dispose quickly of questions the Senate does not wish to consider further.

Unanimous Consent: A Senator may request unanimous consent on the floor to set aside a specified rule of procedure so as to expedite proceedings. If no Senator objects, the Senate permits the action; however, if any one Senator objects, the request is rejected. Unanimous consent requests with only immediate effects are routinely granted, but ones affecting the floor schedule, the conditions of considering a bill or other business, or the rights of other Senators, are normally not offered, or a floor leader will object to it, until all Senators concerned have had an opportunity to inform the leaders that they find it acceptable.

Unanimous Consent Agreement: A unanimous consent request setting terms for the consideration of a specified bill or other measure. These agreements are usually proposed by the Majority Leader or floor manager of the measure, and reflect negotiations among Senators interested in the measure. Many are "time agreements," which limit the time available for debate and specify who will control that time. Many also permit only a list of specified amendments, or require amendments to be to the measure. A unanimous consent agreement may also contain other provisions, such as empowering the Majority Leader to call up the measure at will or specifying when consideration will begin or end.

Vice President: Under the Constitution, the Vice President serves as President of the Senate. The Vice President may vote in the Senate in the case of a tie, but is not required to. The President Pro Tempore (and others designated by him) usually perform these duties during the Vice President's frequent absences from the Senate.

Yield: When a Senator who has been recognized to speak "yields" to another, he or she permits the other to speak while the first Senator retains the floor. Technically, a Senator may yield to another only for a question.

Yield the Floor: A Senator who has been recognized to speak yields the floor when he or she completes his or her remarks and terminates his or her recognition.

Standard Rules of the Model U.S. Senate

The following oath of affirmation required by the Constitution and prescribed by law shall be taken and subscribed to by each Senator in open Senate before entering upon his duties.

> "I,_____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter; so help me God."

A quorum shall consist of a majority of the Senators duly chosen and sworn in. If, at any time during the daily sessions, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

The Presiding Officer having taken the chair, and a quorum being present, the Journal of the preceding day shall be read and any errors corrected. The proceedings of the Senate shall be briefly and accurately stated in the Journal, including messages from the President, titles of bills and resolutions, every vote, and a brief statement of the contents of each petition, memorial or paper presented to the Senate.

A question of order may be raised at any stage if no Senator has the floor, Senate not divided. Unless submitted to the Senate, the Presiding Officer shall decide all such questions without debate, subject to an appeal to the Senate. The Presiding Officer may submit any question of order for the decision of the Senate. An affirmative majority vote is required for passage.

The Presiding Officer shall enforce order whenever demonstration or confusion in the chamber or gallery calls for it. He may do so on his own initiative, without any point of order being made by a Senator.

Cloture may be invoked upon any measure or matter by the presentation to the Clerk of the Senate of a motion with the signatures of 16 Senators. After a valid cloture petition has been filed, it must lay on the table for 15 minutes, after which the clerk will call the roll for a vote. An affirmative vote of 3/5 (60) of those Senators chosen and sworn is required for passage. If cloture has been agreed to, ten (10) minutes of debate time on the pending matter remain. All Senators who have not spoken on the question will be permitted one minute for debate.

To be recognized to speak, a Senator should stand and say "Mr. President." The chair will recognize the first senator to seek recognition, with the understanding that the Majority Leader will always be recognized first. No Senator shall interrupt another Senator without his/her consent.

> **Senator A:** "Mr. President, will the Senator yield?"
> **Chair:** "Will the Senator yield?"
> **Senator B:** "Yes."

Senator A then proceeds to speak if the Senator speaking yields. If Senator B refuses to yield with an answer of "no," Senator A must return to his seat.
A Senator may avoid interruptions by telling the Presiding Officer that he/she will yield to questions after he/she is finished speaking.

Except for the Majority and Minority Leaders, no Senator shall speak twice upon any new question in debate on the same day, except by permission of the Senate that shall be determined by a vote without debate.

All motions or resolutions may be withdrawn or modified by the mover at any time before the decision, amendment, or ordering of the yeas and nays. This does not apply to a motion to reconsider, which shall not be withdrawn without leave.

No Senator shall refer offensively to any State of the Union.

No Senator in debate shall, directly or indirectly, speak of another Senator or his conduct in a manner unworthy or unbecoming a Senator.

Any Senator who, in the opinion of the Presiding Officer, transgresses the rules of the Senate, shall be called to order by a motion of the Chair or another Senator. Any Senator called to order may appeal the ruling of the Chair, which shall be open to debate.

Awards

In order to judge the effectiveness and authenticity of your role portrayal in this simulation of the United States Senate, Stetson University has appointed a number of judges that will observe committee hearings and some of the Senate sessions. These judges will be asked to make recommendations for the awards listed below, and those selected will be recognized at the Awards Banquet on Saturday.

Outstanding Senator Award: Will be given to five Model U.S. Senators who (1) organize and speak in a rational, well-informed manner, (2) gain the respect of fellow Senators, (3) understand the correct procedures for passing legislation, (4) are able, to some extent, to influence others' opinions, and (5) maintain close uniformity with regards to the political and policy outlook of the portrayed Senator. This award will require a great deal of preparation and often a bit of acting.

Most Effective Committee: Judged on the basis of the manner in which the committee conducts itself in discussing bills; also the quality of legislation reported out of the committee and the effective use of witnesses and their testimony.

Best Committee Chair: Judged on the skill with which he or she guides discussion and keeps order. Chairs should see to it that everyone has a chance to speak and that the witnesses are effectively used.

FLOYD M. RIDDICK
MODEL UNITED STATES SENATE
at STETSON UNIVERSITY
DeLand, Florida

Basic Model U.S. Senate Parliamentary Procedure

Motion **(by order of precedence)**	**You Say:**	**Interruptible?**	**Second Needed?**	**Debatable?**	**Amendable?**	**Vote Required:**
Adjourn	"I move that we adjourn."	No	Yes	No	No	Majority
Recess	"I move to recess until"	No	Yes	Sometimes	Yes	Majority
Personal Privilege	"Point of Privilege"	Yes	No	No	No	Chair
Object to Improper Procedure	"Point of Order"	Yes	No	No	No	Chair
Procedural Question	"Point of Information"	Yes	No	No	No	Chair
Lay on the table	"I move that this matter be laid on the table"	No	Yes	No	No	Majority
Postpone to a certain time	"I move that this matter be postponed until"	No	Yes	Yes	Yes	Majority
Refer to committee	"I move that we refer this to the Committee on"	No	Yes	Yes	Yes	Majority
Amend	"I move that the motion be amended by"	No	Yes	If motion is	Yes	Majority
Postpone Indefinitely	"I move that we postpone this question indefinitely"	No	Yes	Yes	No	Majority
Main Motion	"I move that"	No	Yes	Yes	Yes	Majority
Reconsider	"I move that we reconsider our action on"	Yes	Yes	If motion is	No	Majority
Withdraw a motion	"I request permission to withdraw my motion"	No	No	No	No	Chair

Notes:

1. There are no such things as "friendly amendments." Any amendment to a motion must be offered as a motion to amend.
2. The motion to refer to a committee can be amended regarding which committee and notes to the committee.
3. The motion to lay on the table is only in order of there is other urgent business. Instead use move to postpone either indefinitely to until a certain time, or refer to a committee.
4. Typically a call for division is simply granted. If there is an objection, the majority decides.
5. Reconsideration may only be moved by someone who voted with the prevailing side, and is debatable if the original motion was debatable.
6. Usually, the maker of a motion may withdraw it by unanimous consent, but if there is an objection, there must be a vote.

Time Schedule:

- In the Senate there is typically no motion to "call the question" or "motion to vote."
- Instead, the majority and minority leaders typically agree upon a set amount of time for each side and then will delegate that time to senators to give speeches.
- Once all time has expired or if both sides yield the floor to the Chair, the question is automatically called and voting commences.

Senate Cloture Rules:

- A cloture motion is a motion to bring debate quickly to an end.
- The procedure for invoking cloture, or ending a filibuster, is as follows:

    1. A minimum of sixteen senators must sign a cloture petition (available from the Clerk) and present it to the Clerk.
    2. After a valid cloture petition has been filed, it must lay over for 15 minutes, after which the Clerk will read the cloture petition and call the roll for a vote on cloture.
    3. An affirmative vote of 3/5 (60) of those Senators chosen and sworn is required for passage.
    4. If cloture has been agreed to, ten (10) minutes of debate time on the pending matter will remain. All Senators who have not spoken on the question will be permitted one minute each for debate.

Committee on Armed Services

Chairman:
John McCain

Richard Shelby
Susan Collins
John Thune
Roger Wicker
Roy Blunt
Rob Portman
Dean Heller
Deb Fischer
Tom Cotton
Joni Ersnt
Dan Sullivan
Thom Tillis
John Neely Kennedy

Jack Reed, Ranking Member
Bill Nelson
Claire McCaskill
Jon Tester
Kirsten Gillibrand
Joe Manchin
Joe Donnelly
Martin Heinrich
Angus King
Tim Kaine
Gary Peters
Jeanne Shaheen
Tammy Duckworth

Legislation Summaries
Committee on Armed Services

Republicans:

Page	*Sponsor*	*Bill Number*	*Summary*
3	McCain	S. 1952	To improve oversight and accountability of the financial processes of the Department of Veterans Affairs, and for other purposes.
5	Shelby	S. 2094	To require the prompt reporting for national instant criminal background check system purposes of members of the Armed Forces convicted of domestic violence offenses under the Uniform Code of Military Justice, and for other purposes.
7	Collins	S. 2085	To amend title 37, United States Code, to require compliance with domestic source requirements for footwear furnished to enlisted members of the Armed Forces upon their initial entry into the Armed Forces.
8	Thune	S. 394	To amend chapter 44 of title 18, United States Code, to provide that a member of the Armed Forces and the spouse of that member shall have the same rights regarding the receipt of firearms at the location of any duty station of the member.
9	Wicker	S. 1414	To state the policy of the United States on the minimum number of available battle force ships.
10	Blunt	S. 1154	To amend title 37, United States Code, to provide for the housing treatment of members of the Armed Forces and their spouses and dependents undergoing a permanent change of station in the United States, and for other purposes.
13	Portman	S. 532	To prohibit the use of United States Government funds to provide assistance to Al Qaeda, Jabhat Fateh al-Sham, and the Islamic State of Iraq and the Levant (ISIL) and to countries supporting those organizations, and for other purposes.
15	Heller	S. 66	To amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.
16	Fischer	S. 409	To amend the Sex Offender Registration and Notification Act to require the Secretary of Defense to inform the Attorney General of persons required to register as sex offenders.
17	Cotton	S. 1197	To report the capacity and capability of the ballistic missile defense system of the United States, and for other purposes.
18	Ernst	S. 1461	To amend title 10, United States Code, to provide for the eligibility of certain former members of the Armed Forces who are medically retired and who are entitled to hospital insurance benefits under Medicare part A by reason of previous entitlement to social security disability insurance benefits to enroll in the TRICARE program regardless of whether such members decline enrollment under Medicare part B, and for other purposes.
20	Sullivan	S. 1196	To expand the capacity and capability of the ballistic missile defense system of the United States, and for other purposes.
22	Tillis	S. 1401	To provide for the annual designation of cities in the United States as an "American World War II City".
23	Kennedy	S. 2149	To make a technical correction to the provision of law authorizing a withdrawal and reservation of public land at Limestone Hills Training Area, Montana.

Legislation Summaries
Committee on Armed Services

Democrats:

Page	*Sponsor*	*Bill Number*	*Summary*
24	Reed	S. 1465	To authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships, and for other purposes.
26	Nelson	S. Res. 160	Honoring the service to United States Armed Forces provided by military working dogs and contract working dogs, also known as "war dogs".
27	McCaskill	S. 75	To provide for the reconsideration of claims for disability compensation for veterans who were the subjects of experiments by the Department of Defense during World War II that were conducted to assess the effects of mustard gas or lewisite on people, and for other purposes.
29	Tester	S. 832	To direct the Secretary of Defense to review the discharge characterization of former members of the Armed Forces who were discharged by reason of the sexual orientation of the member, and for other purposes.
32	Gillibrand	S. 1820	To provide for the retention and service of transgender members of the Armed Forces.
33	Manchin	S. 1611	To amend title 38, United States Code, to allow the Secretary of Veterans Affairs to enter into certain agreements with non-Department of Veterans Affairs health care providers if the Secretary is not feasibly able to provide health care in facilities of the Department or through contracts or sharing agreements, and for other purposes.
34	Donnelly	S. 2235	To establish a tiered hiring preference for members of the reserve components of the Armed Forces.
36	Heinrich	S. 1721	To amend titles 10 and 37, United States Code, to provide compensation and credit for retired pay purposes for maternity leave taken by members of the reserve components, and for other purposes.
38	King	S. 833	To amend title 38, United States Code, to expand health care and benefits from the Department of Veterans Affairs for military sexual trauma, and for other purposes.
41	Kaine	S. 957	To amend title 10, United States Code, to ensure that women members of the Armed Forces and their families have access to the contraception they need in order to promote the health and readiness of all members of the Armed Forces, and for other purposes.
44	Peters	S. 2129	To amend title 10, United States Code, to establish a punitive article in the Uniform Code of Military Justice on domestic violence, and for other purposes.
45	Shaheen	S. 136	To direct the Secretary of Defense to review the discharge characterization of former members of the Armed Forces who were discharged by reason of the sexual orientation of the member, and for other purposes.
48	Duckworth	S. 1727	To establish a naturalization office at every initial military training site.

115th CONGRESS
2nd Session
S. 1952

To improve oversight and accountability of the financial processes of the Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Tester (for himself, Mr. McCain, Mr. Manchin, and Mr. Kaine) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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A BILL

To improve oversight and accountability of the financial processes of the Department of Veterans Affairs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the normal budget process for the Department of Veterans Affairs should be grounded in sound actuarial analysis based on accurate demand forecasting;

(2) the regular budget process for the Department should be the norm; and

(3) supplemental requests for appropriations should be used sparingly and for unforeseen demand or natural occurrences.

SEC. 2. OVERSIGHT AND ACCOUNTABILITY OF FINANCIAL PROCESSES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) Independent Review Of Financial Processes.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract with an independent third party—

(A) to review and audit the financial processes, including reporting structures, and actuarial and estimation models of the Department of Veterans Affairs;

(B) to develop recommendations for improving such structures; and

(C) to complete such review and development not later than 180 days after the date on which the Secretary and the independent third party enter into the contract.

(2) IMPLEMENTATION PLAN.—Not later than 60 days after the completion of the review and development required by paragraph (1), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan to implement the recommendations developed under subparagraph (B) of such paragraph.

(b) Accountability For Implementation Of Recommendations From Third Parties.—The Secretary shall appoint one individual within the Office of the Secretary of Veterans Affairs to be responsible for monitoring the status and progress of implementation of recommendations submitted to the Secretary by third parties, including recommendations developed under subsection (a)(1)(B) and all such other recommendations as may be submitted

to the Secretary by the Comptroller General of the United States, the Special Counsel, and the Inspector General of the Department of Veterans Affairs.

(c) Plans For Use Of Supplemental Appropriations Required.—Whenever the Secretary submits to address a budgetary issue affecting the Department of Veterans Affairs to Congress a request for supplemental appropriations or any other appropriation when the request is submitted outside the standard budget process, the Secretary shall, not later than 45 days before the date on which such budgetary issue would start affecting a program or service, submit to Congress a justification for the request, including a plan that details how the Secretary intends to use the requested appropriation and how long the requested appropriation is expected to meet the needs of the Department and certification that the request was made using an updated and sound actuarial analysis.

(d) Annual Attestation Regarding Financial Projections.—Concurrent with the President's annual budget request submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2019 and each fiscal year thereafter, the Chief Financial Officer of the Department of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the following:

(1) A statement of assurance that financial projections included in such budget or the supporting materials submitted along with such budget for the Department of Veterans Affairs are sufficient to provide benefits and services under laws administered by the Secretary of Veterans Affairs.

(2) A certification of the Chief Financial Officer's responsibility for internal financial controls of the Department.

(3) An attestation that the Chief Financial Officer has collaborated sufficiently with the financial officers of the facilities and components of the Department to be confident in such financial projections.

115TH CONGRESS
2ND SESSION
S. 2094

To require the prompt reporting for national instant criminal background check system purposes of members of the Armed Forces convicted of domestic violence offenses under the Uniform Code of Military Justice, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SHELBY (for himself, Mr. HEINRICH, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To require the prompt reporting for national instant criminal background check system purposes of members of the Armed Forces convicted of domestic violence offenses under the Uniform Code of Military Justice, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROMPT REPORTING FOR NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM PURPOSES OF MEMBERS OF THE ARMED FORCES CONVICTED OF DOMESTIC VIOLENCE OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) REPORTING REQUIRED.—Under regulations and procedures prescribed by the Secretary of Defense, each Secretary concerned shall submit to the Attorney General for inclusion in the national instant criminal background check system the name and other appropriate information on each member of the Armed Forces under the jurisdiction of such Secretary who—

(1) has been convicted of an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), for conduct that would constitute an offense of domestic violence against a spouse, domestic partner, or dependent child under State law; or

(2) has entered into a plea agreement accepting liability for an offense described in paragraph (1).

(b) DEADLINE FOR REPORTING.—The name and other information on a member required to be submitted pursuant to subsection (a) shall be submitted not later than three days after the following (as applicable):

(1) The date of entry of judgment with respect to the member for the offense concerned in the case of a general court-martial or special court-martial.

(2) The date of judgment with respect to the member for the offense concerned in the case of a summary court-martial.

(3) The date of acceptance of the plea agreement of the member with respect to the offense concerned by the military judge.

(c) FAILURE TO SUBMIT.—If the Secretary concerned does not submit the name and other information on a member required by subsection (a) within the deadline provided by subsection (b), the Secretary shall, as soon as practicable after the deadline, submit to Congress in writing a notice on the lack of submittal within the deadline, including an explanation for the lack of submittal within the deadline and a statement when the name and other information will be so submitted.

(d) REGULATIONS AND PROCEDURES.—

(1) OFFENSES.—The regulations prescribed by the Secretary of Defense pursuant to subsection (a) shall set forth the offenses under chapter 47 of title 10, United States Code, that would constitute an offense of domestic violence against a spouse, domestic partner, or dependent child under State law for purposes of subsection (a). The offenses so prescribed shall be uniform throughout the United States.

(2) UNIFORMITY ACROSS ARMED FORCES.—The regulations and procedures prescribed pursuant to subsection (a) shall apply uniformly across the Armed Forces.

SEC. 2. CLARIFICATION OF APPLICABILITY OF PROHIBITION ON POSSESSION AND TRANSPORTATION OF FIREARMS AND AMMUNITION BY INDIVIDUALS CONVICTED OF MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE TO INDIVIDUALS CONVICTED OF SIMILAR OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

Section 922(g)(9) of title 18, United States Code, is amended by inserting before the comma at the end the following: ", or has been convicted by court-martial of an offense under chapter 47 of title 10 (the Uniform Code of Military Justice) for conduct that would constitute such a crime under State law".

115th Congress
2nd Session
S. 2825

IN THE SENATE OF THE UNITED STATES

Ms. COLLINS (for herself, Mr. KING, Ms. KLOBUCHAR, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To amend title 37, United States Code, to require compliance with domestic source requirements for footwear furnished to enlisted members of the Armed Forces upon their initial entry into the Armed Forces.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPLIANCE WITH DOMESTIC SOURCE REQUIREMENTS FOR FOOTWEAR FURNISHED TO ENLISTED MEMBERS OF THE ARMED FORCES UPON THEIR INITIAL ENTRY INTO THE ARMED FORCES.

Section 418 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(d) (1) In the case of athletic footwear needed by members of the Army, Navy, Air Force, or Marine Corps upon their initial entry into the armed forces, the Secretary of Defense shall furnish such footwear directly to the members instead of providing a cash allowance to the members for the purchase of such footwear.

"(2) In procuring athletic footwear to comply with paragraph (1), the Secretary of Defense shall comply with the requirements of section 2533a of title 10, without regard to the applicability of any simplified acquisition threshold under chapter 137 of title 10 (or any other provision of law).

"(3) This subsection does not prohibit the provision of a cash allowance to a member described in paragraph (1) for the purchase of athletic footwear if such footwear—

"(A) is medically required to meet unique physiological needs of the member; and

"(B) cannot be met with athletic footwear that complies with the requirements of this subsection.".

115th Congress
2nd Session
S. 394

IN THE SENATE OF THE UNITED STATES

Mr. THUNE (for himself, Mr. ROUNDS, Mr. INHOFE, Mr. CRAPO, Mr. LANKFORD, Mr. RUBIO, and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To amend chapter 44 of title 18, United States Code, to provide that a member of the Armed Forces and the spouse of that member shall have the same rights regarding the receipt of firearms at the location of any duty station of the member.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECEIPT OF FIREARM OR AMMUNITION BY SPOUSE OF MEMBER OF THE ARMED FORCES AT A DUTY STATION OF THE MEMBER OUTSIDE THE UNITED STATES.

Section 925(a)(3) of title 18, United States Code, is amended—

(1) by inserting ", or to the spouse of such a member," before "or to";

(2) by striking "members," and inserting "members and spouses,";

(3) by striking "members or" and inserting "members, spouses, or"; and

(4) by striking "member or" and inserting "member, spouse, or".

SEC. 2. RESIDENCY OF SPOUSES OF MEMBERS OF THE ARMED FORCES TO BE DETERMINED ON THE SAME BASIS AS THE RESIDENCY OF SUCH MEMBERS FOR PURPOSES OF FEDERAL FIREARMS LAWS.

Section 921(b) of title 18, United States Code, is amended to read as follows:

"(b) For purposes of this chapter, a member of the Armed Forces on active duty, or a spouse of such a member, is a resident of—

"(1) the State in which the member or spouse maintains legal residence;

"(2) the State in which the permanent duty station of the member is located; and

"(3) the State in which the member maintains a place of abode from which the member commutes each day to the permanent duty station of the member.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to conduct engaged in after the 6-month period that begins on the date of the enactment of this Act.

115TH CONGRESS
2ND SESSION
S. 1414

To state the policy of the United States on the minimum number of available battle force ships.

IN THE SENATE OF THE UNITED STATES

Mr. WICKER (for himself, Mrs. SHAHEEN, Mr. KAINE, Mr. KING, Mr. BLUMENTHAL, Mr. TILLIS, Mr. COCHRAN, Mr. STRANGE, Ms. COLLINS, Mr. INHOFE, Mr. PERDUE, Mr. COTTON, Mr. ROUNDS, Mr. SULLIVAN, Ms. HIRONO, Mr. ROBERTS, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To state the policy of the United States on the minimum number of available battle force ships.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. POLICY OF THE UNITED STATES ON MINIMUM NUMBER OF BATTLE FORCE SHIPS.

It shall be the policy of the United States to have available, as soon as practicable, not fewer than 355 battle force ships, comprised of the optimal mix of platforms, with funding subject to the annual authorization of appropriation and the annual appropriation of funds.

115TH CONGRESS
2ND SESSION
S. 1154

IN THE SENATE OF THE UNITED STATES

Mr. BLUNT (for himself and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To amend title 37, United States Code, to provide for the housing treatment of members of the Armed Forces and their spouses and dependents undergoing a permanent change of station in the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HOUSING TREATMENT FOR CERTAIN MEMBERS OF THE ARMED FORCES, AND THEIR SPOUSES AND OTHER DEPENDENTS, UNDERGOING A PERMANENT CHANGE OF STATION WITHIN THE UNITED STATES.

(a) HOUSING TREATMENT.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 403 the following new section:

"§ 403a. Housing treatment for certain members of the Armed Forces, and their spouses and other dependents, undergoing a permanent change of station within the United States

"(a) HOUSING TREATMENT FOR CERTAIN MEMBERS WHO HAVE A SPOUSE OR OTHER DEPENDENTS.—

"(1) HOUSING TREATMENT REGULATIONS.—The Secretary of Defense shall prescribe regulations that permit a member of the armed forces described in paragraph (2) who is undergoing a permanent change of station within the United States to request the housing treatment described in subsection (b) during the covered relocation period of the member.

"(2) ELIGIBLE MEMBERS.—A member described in this paragraph is any member who—

"(A) has a spouse who is gainfully employed or enrolled in a degree, certificate or license granting program at the beginning of the covered relocation period;

"(B) has one or more dependents attending an elementary or secondary school at the beginning of the covered relocation period;

"(C) has one or more dependents enrolled in the Exceptional Family Member Program; or

"(D) is caring for an immediate family member with a chronic or long-term illness at the beginning of the covered relocation period.

"(b) HOUSING TREATMENT.—

"(1) CONTINUATION OF HOUSING FOR THE SPOUSE AND OTHER DEPENDENTS.—If a spouse or other dependent of a member whose request under subsection (a) is approved resides in Government-owned or Government-leased housing at the beginning of the covered relocation period, the spouse or other dependent may continue to reside in such housing during a period determined in accordance with the regulations prescribed pursuant to this section.

"(2) EARLY HOUSING ELIGIBILITY.—If a spouse or other dependent of a member whose request under subsection (a) is approved is eligible to reside in Government-owned or Government-leased housing following the member's permanent change of station within the United States, the spouse or other dependent may commence residing in such housing at any time during the covered relocation period.

"(3) TEMPORARY USE OF GOVERNMENT-OWNED OR GOVERNMENT-LEASED HOUSING INTENDED FOR MEMBERS WITHOUT A SPOUSE OR DEPENDENT.—If a spouse or other dependent of a member relocates at a time different from the member in accordance with a request approved under subsection (a), the member may be assigned to Government-owned or Government-leased housing intended for the permanent housing of members without a spouse or dependent until the member's detachment date or the spouse or other dependent's arrival date, but only if such Government-owned or Government-leased housing is available without displacing a member without a spouse or dependent at such housing.

"(4) EQUITABLE BASIC ALLOWANCE FOR HOUSING.—If a spouse or other dependent of a member relocates at a time different from the member in accordance with a request approved under subsection (a), the amount of basic allowance for housing payable

may be based on whichever of the following areas the Secretary concerned determines to be the most equitable:

"(A) The area of the duty station to which the member is reassigned.

"(B) The area in which the spouse or other dependent resides, but only if the spouse or other dependent resides in that area when the member departs for the duty station to which the member is reassigned, and only for the period during which the spouse or other dependent resides in that area.

"(C) The area of the former duty station of the member, but only if that area is different from the area in which the spouse or other dependent resides.

"(c) RULE OF CONSTRUCTION RELATED TO CERTAIN BASIC ALLOWANCE FOR HOUSING PAYMENTS.—Nothing in this section shall be construed to limit the payment or the amount of basic allowance for housing payable under section 403(d)(3)(A) of this title to a member whose request under subsection (a) is approved.

"(d) HOUSING TREATMENT EDUCATION.—The regulations prescribed pursuant to this section shall ensure the relocation assistance programs under section 1056 of title 10 include, as part of the assistance normally provided under such section, education about the housing treatment available under this section.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to permanent changes of station of members of the Armed Forces that occur on or after October 1 of the fiscal year that begins after such date of enactment.

115th CONGRESS
2nd Session

S. 532

To prohibit the use of United States Government funds to provide assistance to Al Qaeda, Jabhat Fateh al-Sham, and the Islamic State of Iraq and the Levant (ISIL) and to countries supporting those organizations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Portman introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To prohibit the use of United States Government funds to provide assistance to Al Qaeda, Jabhat Fateh al-Sham, and the Islamic State of Iraq and the Levant (ISIL) and to countries supporting those organizations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

".

SEC. 1. PROHIBITION ON USE OF FUNDS TO PROVIDE COVERED ASSISTANCE TO AL QAEDA, JABHAT FATEH AL-SHAM, AND ISIL, AND TO COUNTRIES SUPPORTING THOSE ORGANIZATIONS.

(a) Prohibition With Respect To Al Qaeda, Jabhat Fateh Al-Sham, And ISIL.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no funds made available to any Federal department or agency may be used to provide covered assistance to Al Qaeda, Jabhat Fateh al-Sham, and ISIL, and any individual or group that is affiliated with, associated with, cooperating with, or adherents to such groups.

(2) DUTIES OF DNI.—The Director of National Intelligence—

(A) shall make initial determinations with respect to whether or not an individual or group is, or has been within the most recent 12 months prior to such determination, affiliated with, associated with, cooperating with, or is an adherent to Al Qaeda, Jabhat Fateh al-Sham, or ISIL, under paragraph (1) not later than 90 days after the date of the enactment of this Act;

(B) shall, in consultation with the appropriate congressional committees, review and make subsequent determinations with respect to groups or individuals under paragraph (1) every 6 months thereafter; and

(C) shall brief the appropriate congressional committees on each determination with respect to a group or individual under subparagraph (A) and the justification for the determination, including by providing—

(i) the geographic location of such group or individual;

(ii) a detailed intelligence assessment of such group or individual;

(iii) a detailed description of the alignment and interaction of such group or individual with Al Qaeda, Jabhat Fateh al-Sham, or ISIL; and

(iv) a description of the ideological beliefs of such group or individual.

(b) Prohibition With Respect To Supporting Countries.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no funds made available to any Federal department or agency may be used to provide covered assistance directly or indirectly to the government of any country that the Director of National Intelligence determines has within the most recent 12 months prior to such determination provided covered assistance to Al Qaeda, Jabhat Fateh al-Sham, or the Islamic State of Iraq and the Levant (ISIL), or any individual or group that is affiliated with, associated with, cooperating with, or is an adherent to those organizations, as determined under subsection (a)(2)(A).

(2) DUTIES OF DNI.—The Director of National Intelligence—

(A) shall make initial determinations with respect to countries under paragraph (1) not later than 90 days after the date of the enactment of this Act;

(B) shall, in consultation with the appropriate congressional committees, review and make subsequent determinations with respect to countries under paragraph (1) every 6 months thereafter; and

(C) shall brief the appropriate congressional committees on each determination with respect to a country under paragraph (1) and the justification for the determination that Al Qaeda, Jabhat Fateh al-Sham, or the Islamic State of Iraq and the Levant (ISIL), or any individual or group that is affiliated with, associated with, cooperating with, or is an adherent to those organizations, is determined to be receiving covered assistance from the government of the country—

(i) the geographic location of such organization, group, or individual;

(ii) a detailed intelligence assessment of such organization, group, or individual; and

(iii) a detailed description of the covered assistance, the method of transfer of the covered assistance, and use of covered assistance.

(c) Additional Briefing Requirements.—The Director of National Intelligence shall—

(1) in addition to carrying out subsection (a)(2)(C), brief the appropriate congressional committees on—

(A) any other individual or group that the Director considered in carrying out such subsection but did not make a determination that the group or individual is affiliated with, associated with, cooperating with, or is an adherent to Al Qaeda, Jabhat Fateh al-Sham, or ISIL; and

(B) the justification for not making the determination; and

(2) in addition to carrying out subsection (b)(2)(C), brief the appropriate congressional committees on—

(A) any other country that the Director considered in carrying out such subsection but did not make a determination that the country provided covered assistance to Al Qaeda, Jabhat Fateh al-Sham, or the Islamic State of Iraq and the Levant (ISIL), or any individual or group that is affiliated with, associated with, cooperating with, or adherents to those organizations; and

(B) the justification for not making the determination.

115th CONGRESS
2nd Session

S. 66

To amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Heller (for himself and Mr. Tester) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) Extension Of Concurrent Receipt Authority To Retirees With Service-Connected Disabilities Rated Less Than 50 Percent.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(b) Clerical Amendments.—

(1) The heading of section 1414 of such title is amended to read as follows:

"§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: Concurrent payment of retired pay and disability compensation".

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

"1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: Concurrent payment of retired pay and disability compensation.".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2018, and shall apply to payments for months beginning on or after that date.

SEC. 2. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) Amendments To Standardize Similar Provisions.—

(1) QUALIFIED RETIREES.—Subsection (a) of section 1414 of title 10, United States Code, as amended by section 2(a), is amended—

115th CONGRESS
2nd Session
S. 409

To amend the Sex Offender Registration and Notification Act to require the Secretary of Defense to inform the Attorney General of persons required to register as sex offenders.

IN THE SENATE OF THE UNITED STATES

Mrs. Fischer (for herself and Mrs. McCaskill) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To amend the Sex Offender Registration and Notification Act to require the Secretary of Defense to inform the Attorney General of persons required to register as sex offenders.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. REGISTRATION OF SEX OFFENDERS RELEASED FROM MILITARY CORRECTIONS FACILITIES OR UPON CONVICTION.

(a) In General.—The Sex Offender Registration and Notification Act is amended by inserting after section 128 (42 U.S.C. 16928) the following:

"SEC. 128A. REGISTRATION OF SEX OFFENDERS RELEASED FROM MILITARY CORRECTIONS FACILITIES OR UPON CONVICTION.

"The Secretary of Defense shall provide to the Attorney General the information described in section 114 to be included in the National Sex Offender Registry regarding persons—

"(1) (A) released from military corrections facilities; or

"(B) convicted if the sentences adjudged by courts-martial under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), do not include confinement; and

"(2) required to register under this title.".

115TH CONGRESS
2ND SESSION

S. 1197

To report the capacity and capability of the ballistic missile defense system of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. COTTON (for himself, Mr. CRUZ, Mr. SCHATZ, Mr. PETERS, Mr. SULLIVAN, Mr. MANCHIN, Mrs. CAPITO, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To report the capacity and capability of the ballistic missile defense system of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MISSILE DEFENSE AGENCY REPORT ON INCREASING NUMBER OF GROUND-BASED INTERCEPTORS UP TO 100.

(a) FINDINGS.—Congress makes the following findings:

(1) In six years of being in power, Kim Jong-un has conducted more missile tests, and more than twice as many nuclear tests, as both his father and grandfather conducted in their 60 total years of being in power.

(2) According to senior Department of Defense officials, Iran, which has the most active and diverse ballistic missile development program in the Middle East, may be able to deploy an operational intercontinental ballistic missile by 2020.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on increasing the capacity of the ground-based midcourse defense element of the American ballistic missile defense system.

(2) FORM.—The report required shall be submitted in unclassified form, but may include a classified annex.

115th CONGRESS
2nd Session
S.1461

IN THE SENATE OF THE UNITED STATES
Mrs. Ernst introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide for the eligibility of certain former members of the Armed Forces who are medically retired and who are entitled to hospital insurance benefits under Medicare part A by reason of previous entitlement to social security disability insurance benefits to enroll in the TRICARE program regardless of whether such members decline enrollment under Medicare part B, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. MODIFICATION OF REQUIREMENT FOR CERTAIN FORMER MEMBERS OF THE ARMED FORCES TO ENROLL IN MEDICARE PART B TO BE ELIGIBLE FOR TRICARE FOR LIFE.

(a) TRICARE Eligibility.—

(1) IN GENERAL.—Subsection (d) of section 1086 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) (A) The requirement in paragraph (2)(A) to enroll in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) shall not apply to a person described in subparagraph (B) during any month in which such person is not entitled to a benefit described in subparagraph (A) of section 226(b)(2) of the Social Security Act (42 U.S.C. 426(b)(2)) if such person has received the counseling and information under subparagraph (C).

"(B) A person described in this subparagraph is a person—

"(i) who is under 65 years of age;

"(ii) who is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2));

"(iii) whose entitlement to a benefit described in subparagraph (A) of such section has terminated due to performance of substantial gainful activity; and

"(iv) who is retired under chapter 61 of this title.

"(C) The Secretary of Defense shall coordinate with the Secretary of Health and Human Services to notify persons described in subparagraph (B) of, and provide information and counseling regarding, the effects of not enrolling in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.), as described in subparagraph (A).".

(2) CONFORMING AMENDMENT.—Paragraph (2)(A) of such subsection is amended by striking "is enrolled" and inserting "except as provided by paragraph (6), is enrolled".

(3) IDENTIFICATION OF PERSONS.—Section 1110a of such title is amended by adding at the end the following new subsection:

"(c) Certain Individuals Not Required To Enroll In Medicare Part B.—In carrying out subsection (a), the Secretary of Defense shall coordinate with the Secretary of Health and Human Services and the Commissioner of Social Security to—

"(1) identify persons described in subparagraph (B) of section 1086(d)(6) of this title; and

"(2) provide information and counseling pursuant to subparagraph (C) of such section.".

(b) Non-Application Of Medicare Part B Late Enrollment Penalty.—Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended, in the second sentence, by inserting "or months for which the individual can demonstrate that the individual is an individual described in paragraph (6)(B) of section 1086(d) of title 10, United States Code, who is enrolled in the TRICARE program pursuant to such section" after "an individual described in section 1837(k)(3)".

(c) Report.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Health and Human Services, and the Commissioner of Social Security shall jointly submit to the Committee on Armed Services and the Committee on Finance of the Senate and the Committee on Armed Services and the Committee on Ways and Means of the House of Representatives a report on the implementation of section 1086(d)(6) of title 10, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include, with respect to the period covered by the report—

(A) the number of individuals enrolled in TRICARE for Life (as defined in section 1072 of title 10, United States Code) who are not enrolled in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395jet seq.) by reason of section 1086(d)(6) of title 10, United States Code; and

(B) the number of individuals who—

(i) are retired from the Armed Forces under chapter 61 of such title;

(ii) are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to receiving benefits for 24 months as described in subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)); and

(iii) because of such entitlement, are no longer enrolled in TRICARE Standard, TRICARE Prime, TRICARE Extra, or TRICARE Select (as those terms are defined in section 1072 of title 10, United States Code) under chapter 55 of title 10, United States Code.

(d) Application.—The amendments made by this section shall apply with respect to a person who, on or after the date of the enactment of this Act, is a person described in section 1086(d)(6)(B) of title 10, United States Code, as added by subsection (a).

115th CONGRESS
2nd Session

S. 1196

To expand the capacity and capability of the ballistic missile defense system of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Sullivan (for himself, Mr. Cruz, Mr. Schatz, Mr. Peters, Mr. Cotton, Mr. Manchin, Mrs. Capito, and Mr. Rubio) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To expand the capacity and capability of the ballistic missile defense system of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SENSE OF CONGRESS ON CURRENT STATE OF UNITED STATES MISSILE DEFENSE, FUTURE INVESTMENT, AND ACCELERATING CAPABILITIES TO OUTPACE CURRENT THREATS.

(1) According to the Commander of United States Northern Command, General Lori Robinson, the ground-based midcourse defense (GMD) element of the ballistic missile defense system "defend[s] the homeland against a limited long-range ballistic missile attack" and "is designed to intercept incoming threats in the midcourse phase of flight.".

(2) Terminal High Altitude Area Defense (THAAD) is a United States Army weapon system that is transportable, globally deployable, and capable of defeating ballistic missiles inside or outside the atmosphere during a missile's terminal phase of flight.

(3) In response to the aggressive behavior of North Korea, the United States initially deployed a Terminal High Altitude Area Defense battery to the United States territory of Guam in April of 2013, made that deployment permanent in July of 2015, and began to deploy a Terminal High Altitude Area Defense battery to South Korea in March of 2017.

(4) Aegis Ballistic Missile Defense is the naval component of the ballistic missile defense system capable of defeating short-to-intermediate-range, midcourse-phase, ballistic missile threats and short-range ballistic missiles in the terminal phase.

(5) The Navy currently has 33 Aegis Ballistic Missile Defense combatants, 5 cruisers (CGs) and 28 destroyers (DDGs), and will add an additional ballistic missile defense-capable destroyer by the end of fiscal year 2017.

(6) Aegis Ashore is the land-based component of the Aegis Ballistic Missile Defense system and is currently capable of defeating short- to intermediate-range ballistic missile threats.

(7) In 2015, the United States deployed the first Aegis Ashore unit to Romania, and in 2018, the United States plans to deploy an Aegis Ashore unit to Poland.

(8) The current leader of North Korea, Kim Jong-un, has threatened a "preemptive nuclear strike" against the United States and has publicly stated that North Korea "can tip

new-type intercontinental ballistic rockets with more powerful nuclear warheads" capable of ranging the United States mainland.

(9) Kim Jong-un has rapidly increased the cadence of nuclear and ballistic missile testing.

(10) North Korea's testing is steadily progressing toward their stated goal and has achieved some notable successes, including its first submarine-launched ballistic missile in 2016 and its first solid-fueled, medium-range ballistic missile in early 2017.

(11) According to General John E. Hyten, Commander of United States Strategic Command, during a hearing of the Committee on Armed Services of the Senate on February 11, 2017, "the North Koreans launched a new solid, medium-range ballistic missile … A solid rocket [that] can be rolled out and launched at a moment's notice.".

(12) General Hyten further testified that the February 11th test also "showed a new technology [and] a new North Korean capability … [The North Koreans] moved what was demonstrated at sea onto land, onto a new launcher, and did it in a very quick way.".

(13) On May 14, 2017, North Korea launched a new missile, reported as a Hwasong-12, that reportedly flew a highly lofted trajectory reaching an altitude of over 2,000 kilometers and traveling more than 700 kilometers in distance before falling into the East Sea.

(14) Several senior officials at the Department of Defense have publicly stated their belief that, due to the new pace of North Korean missile testing, it is no longer a matter of if North Korea gets the capability to threaten the contiguous United States with a nuclear intercontinental ballistic missile, but when North Korea will achieve that capability.

(15) During the past six years, under the regime of Kim Jong-un, North Korea has conducted approximately 80 ballistic missile and three nuclear tests.

(16) Meanwhile, Iran continues to develop ballistic missiles in violation of United Nations Security Council Resolution 2231 (2015), has developed medium-range ballistic missiles to target Israel and other allies of the United States, and is working towards an intercontinental ballistic missile capability.

(17) In March 2013, in response to a nuclear detonation by North Korea, Secretary of Defense Chuck Hagel, citing "irresponsible and reckless provocations", announced plans to restore the number of deployed ground-based interceptors from 30 to 44 by the end of 2017.

(18) The Department of Defense and the Missile Defense Agency are continuing to deploy Aegis Ballistic Missile Defense, Aegis Ashore, and Terminal High Altitude Area Defense systems to more robustly defend members of the Armed Forces, allies and partners of the United States, cities and populations centers in the United States, and critical infrastructure of the United States.

(19) The current United States missile defense architecture, including the ground-based midcourse defense and terminal segment defenses like the Terminal High Altitude Area Defense, Aegis Ballistic Missile Defense, Aegis Ashore, and Patriot Air and Missile Defense System, are presently capable of defending deployed Armed Forces of the United States, as well as allies and partners of the United States.

115th CONGRESS
2nd Session
S. 1401

IN THE SENATE OF THE UNITED STATES

Mr. Tillis (for himself and Mr. Burr) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To provide for the annual designation of cities in the United States as an "American World War II City".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ANNUAL DESIGNATION OF CITIES IN UNITED STATES AS AN "AMERICAN WORLD WAR II CITY".

(a) Annual Designation.—The Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, designate each year at least one city in the United States as an "American World War II City".

(b) Criteria For Designation.—The criteria used for designations under subsection (a) shall include the following:

(1) Contributions by a city to the war effort during World War II, including defense manufacturing carried out in the city, bond drives conducted or supported by the city, service of the population of the city in the Armed Forces, and the presence of military facilities in the city.

(2) Efforts by a city to preserve the history of the contributions of the city to the war effort during World War II, including through the establishment of preservation organizations or museums, the restoration of facilities that contributed to the war effort, and the recognition of veterans of World War II.

(c) First Designation.—The first city designated as an American World War II City pursuant to subsection (a) shall be the City of Wilmington, North Carolina.

115th CONGRESS
2nd Session
S. 2149

To make a technical correction to the provision of law authorizing a withdrawal and reservation of public land at Limestone Hills Training Area, Montana.

IN THE SENATE OF THE UNITED STATES

Mr. Kennedy (for himself and Mr. Tester) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To make a technical correction to the provision of law authorizing a withdrawal and reservation of public land at Limestone Hills Training Area, Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTION TO WITHDRAWAL AND RESERVATION OF PUBLIC LAND AUTHORITY, LIMESTONE HILLS TRAINING AREA, MONTANA.

Section 2931(b) of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 113–66; 127 Stat. 1031) is amended by striking "18,644 acres in Broadwater County, Montana, generally depicted as 'Proposed Land Withdrawal' on the map entitled 'Limestone Hills Training Area Land Withdrawal', dated April 10, 2013" and inserting "18,964 acres in Broadwater County, Montana, generally depicted as 'Limestone Hills Training Area Land Withdrawal' on the map entitled 'Limestone Hills Training Area Land Withdrawal', dated March 2018".

115th CONGRESS
2nd Session

S. 1465

IN THE SENATE OF THE UNITED STATES

Mr. Reed (for himself, Ms. Ayotte, Mr. Kerry, Mrs. Shaheen, Mr. Whitehouse, Mr. Brown of Massachusetts, Mr. Leahy, and Mr. Blumenthal) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. PILOT PROGRAM ON ENHANCEMENTS OF DEPARTMENT OF DEFENSE EFFORTS ON MENTAL HEALTH IN THE NATIONAL GUARD AND RESERVES THROUGH COMMUNITY PARTNERSHIPS.

(a) Pilot Program Authorized.—

(1) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of enhancing the efforts of the Department of Defense in research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury (TBI) in members of the National Guard and Reserves, their family members, and their caregivers through community partners described in subsection (c).

(2) DURATION.—The duration of the pilot program may not exceed three years.

(b) Grants.—In carrying out the pilot program, the Secretary may award not more than five grants to community partners described in subsection (c). Any grant so awarded shall be awarded using a competitive and merit-based award process.

(c) Community Partners.—A community partner described in this subsection is a private non-profit organization or institution (or multiple organizations and institutions) that—

(1) engages in each of the research, treatment, education, and outreach activities described in subsection (d); and

(2) meets such qualifications for treatment as a community partner as the Secretary shall establish for purposes of the pilot program.

(d) Activities.—Amounts awarded under a grant under the pilot program shall be utilized by the community partner awarded the grant for one or more of the following:

(1) To engage in research on the causes, development, and innovative treatment of mental health and substance use disorders and Traumatic Brain Injury in members of the National Guard and Reserves, their family members, and their caregivers.

(2) To provide treatment to such members and their families for such mental health and substance use disorders and Traumatic Brain Injury.

(3) To identify and disseminate evidence-based treatments of mental health and substance use disorders and Traumatic Brain Injury described in paragraph (1).

(4) To provide outreach and education to such members, their families and caregivers, and the public about mental health and substance use disorders and Traumatic Brain Injury described in paragraph (1).

(e) Requirement For Matching Funds.—

(1) REQUIREMENT.—The Secretary may award a grant under this section to an organization or institution (or organizations and institutions) only if the awardee agrees to make contributions toward the costs of activities carried out with the grant, from non-Federal sources (whether public or private), an amount equal to not less than $3 for each $1 of funds provided under the grant.

(2) NATURE OF NON-FEDERAL CONTRIBUTIONS.—Contributions from non-Federal sources for purposes of paragraph (1) may be in cash or in-kind, fairly evaluated. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of contributions from non-Federal sources for such purposes.

(f) Application.—An organization or institution (or organizations and institutions) seeking a grant under this section shall submit to the Secretary an application therefore in such a form and containing such information as the Secretary considers appropriate, including the following:

(g) Exchange Of Medical And Clinical Information.—A community partner awarded a grant under the pilot program shall agree to any requirements for the sharing of medical or clinical information obtained pursuant to the grant that the Secretary shall establish for purposes of the pilot program. The exchange of medical or clinical information pursuant to this subsection shall comply with applicable privacy and confidentiality laws.

(h) Dissemination Of Information.—The Secretary of Defense shall share with the Secretary of Veterans Affairs information on best practices in research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury identified by the Secretary of Defense as a result of the pilot program.

Available Funds.—Funds for the pilot program shall be derived from amounts authorized to be appropriated for the Department of Defense for Defense Health Program and otherwise available for obligation and expenditure.

115th CONGRESS

2nd Sessions

S. Res. 160

IN THE SENATE OF THE UNITED STATES

Mr. Nelson (for himself and Mr. Cornyn) submitted the following resolution; which was referred to the Committee on Armed Services

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RESOLUTION

Honoring the service to United States Armed Forces provided by military working dogs and contract working dogs, also known as "war dogs".

Whereas war dogs have provided service to each branch of the United States Armed Forces and in each conflict involving the United States since and including the Revolutionary War;

Whereas war dogs are credited with saving countless lives, while alerting servicemembers to danger on patrol, detecting improvised explosive devices, identifying weapons caches, performing search and rescue, and providing other specialized mission functions;

Whereas in conflicts before and including the Vietnam conflict, some war dogs were left behind in conflict areas, but war dogs are no longer considered merely equipment and are now required to be retired in the United States;

Whereas, in recognition of the unique bond between a war dog and its handler team, handlers are given preference in adopting their war dog teammate after the war dog's retirement;

Whereas numerous war dogs have given their lives in service to the United States Armed Forces, both in active conflict and in retirement, while providing companionship and comfort to veterans and wounded warriors: Now, therefore, be it

Resolved, That on the occasion of the 75th anniversary of the establishment of the United States Army military working dog program, the Senate—

(1) recognizes the service that military working dogs and contract working dogs (referred to in this resolution as "war dogs") have provided to the United States Armed Forces;

(2) acknowledges that not all war dogs were given due recognition by being allowed to honorably retire from their service in the United States;

(3) assures the members of the United States Armed Forces that war dogs will continue to be treated with the deference commensurate with their service and rank; and

(4) honors the sacrifices made by war dogs in combat and the services war dogs provide in retirement to members of the United States Armed Forces.

115th CONGRESS
2nd Session
S. 75

IN THE SENATE OF THE UNITED STATES

Mrs. McCaskill (for herself and Mr. Blunt) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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A BILL

To provide for the reconsideration of claims for disability compensation for veterans who were the subjects of experiments by the Department of Defense during World War II that were conducted to assess the effects of mustard gas or lewisite on people, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECONSIDERATION OF CLAIMS FOR DISABILITY COMPENSATION FOR VETERANS WHO WERE THE SUBJECTS OF MUSTARD GAS OR LEWISITE EXPERIMENTS DURING WORLD WAR II.

(a) Reconsideration Of Claims For Disability Compensation In Connection With Exposure To Mustard Gas Or Lewisite.—

(1) IN GENERAL.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall reconsider all claims for compensation described in paragraph (2) and make a new determination regarding each such claim.

(2) CLAIMS FOR COMPENSATION DESCRIBED.—Claims for compensation described in this paragraph are claims for compensation under chapter 11 of title 38, United States Code, that the Secretary of Veterans Affairs determines are in connection with exposure to mustard gas or lewisite during active military, naval, or air service during World War II and that were denied before the date of the enactment of this Act.

(3) PRESUMPTION OF EXPOSURE.—In carrying out paragraph (1), if the Secretary of Veterans Affairs or the Secretary of Defense makes a determination regarding whether a veteran experienced full-body exposure to mustard gas or lewisite, such Secretary—

(A) shall presume that the veteran experienced full-body exposure to mustard gas or lewisite, as the case may be, unless proven otherwise; and

(b) Development Of Policy.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly establish a policy for processing future claims for compensation under chapter 11 of title 38, United States Code, that the Secretary of Veterans Affairs determines are in connection with exposure to mustard gas or lewisite during active military, naval, or air service during World War II.

(c) Investigation And Report By Secretary Of Defense.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) for purposes of determining whether a site should be added to the list of the Department of Defense of sites where mustard gas or lewisite testing occurred, investigate and assess sites where—

(A) the Army Corps of Engineers has uncovered evidence of mustard gas or lewisite testing; or

(B) more than two veterans have submitted claims for compensation under chapter 11 of title 38, United States Code, in connection with exposure to mustard gas or lewisite at such site and such claims were denied; and

(2) submit to the appropriate committees of Congress a report on experiments conducted by the Department of Defense during World War II to assess the effects of mustard gas and lewisite on people, which shall include—

(A) a list of each location where such an experiment occurred, including locations investigated and assessed under paragraph (1);

(B) the dates of each such experiment; and

(C) the number of members of the Armed Forces who were exposed to mustard gas or lewisite in each such experiment.

(d) Investigation And Report By Secretary Of Veterans Affairs.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) investigate and assess—

(A) the actions taken by the Secretary to reach out to individuals who had been exposed to mustard gas or lewisite in the experiments described in subsection (c)(2)(A); and

(B) the claims for disability compensation under laws administered by the Secretary that were filed with the Secretary and the percentage of such claims that were denied by the Secretary; and

(2) submit to the appropriate committees of Congress—

(A) a report on the findings of the Secretary with respect to the investigations and assessments carried out under paragraph (1); and

(B) a comprehensive list of each location where an experiment described in subsection (c)(2)(A) was conducted.

115th CONGRESS
2nd Session
S. 832

IN THE SENATE OF THE UNITED STATES

Mr. Tester (for himself, Ms. Baldwin, Mr. Bennet, Mr. Blumenthal, Mr. Booker, Mr. Brown, Mr. Cardin, Mr. Carper, Mr. Casey, Mr. Coons, Mr. Durbin, Mrs. Feinstein, Mr. Franken, Mrs. Gillibrand, Mr. Heinrich, Ms. Hirono, Mr. Markey, Mr. Menendez, Mr. Merkley, Mr. Murphy, Mr. Peters, Mr. Sanders, Ms. Stabenow, Mr. Tester, Mr. Udall, Ms. Warren, Mr. Whitehouse, Mr. Wyden, Mr. Kaine, and Mrs. Shaheen) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To direct the Secretary of Defense to review the discharge characterization of former members of the Armed Forces who were discharged by reason of the sexual orientation of the member, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. REVIEW OF DISCHARGE CHARACTERIZATION.

(a) In General.—In accordance with this section, the appropriate discharge boards—

(1) shall review the discharge characterization of covered members at the request of the covered member; and

(2) if such characterization is any characterization except honorable, may change such characterization to honorable.

(b) Criteria.—In changing the discharge characterization of a covered member to honorable under subsection (a)(2), the Secretary of Defense shall ensure that such changes are carried out consistently and uniformly across the military departments using the following criteria:

(1) The original discharge must be based on Don't Ask Don't Tell (in this Act referred to as "DADT") or a similar policy in place prior to the enactment of DADT.

(2) Such discharge characterization shall be so changed if, with respect to the original discharge, there were no aggravating circumstances, such as misconduct, that would have independently led to a discharge characterization that was any characterization except honorable. For purposes of this paragraph, such aggravating circumstances may not include—

(A) an offense under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice), committed by a covered member against a person of the same sex with the consent of such person; or

(B) statements, consensual sexual conduct, or consensual acts relating to sexual orientation or identity, or the disclosure of such statements, conduct, or acts, that were

prohibited at the time of discharge but after the date of such discharge became permitted.

(3) When requesting a review, a covered member, or the member's representative, shall be required to provide either—

(A) documents consisting of—

(i) a copy of the DD–214 form of the member;

(ii) a personal affidavit of the circumstances surrounding the discharge; and

(iii) any relevant records pertaining to the discharge; or

(B) an affidavit certifying that the member, or the member's representative, does not have the documents specified in subparagraph (A).

(4) If a covered member provides an affidavit described in subparagraph (B) of paragraph (3)—

(A) the appropriate discharge board shall make every effort to locate the documents specified in subparagraph (A) of such paragraph within the records of the Department of Defense; and

(B) the absence of such documents may not be considered a reason to deny a change of the discharge characterization under subsection (a)(2).

(c) Request For Review.—The appropriate discharge board shall ensure the mechanism by which covered members, or their representative, may request to have the discharge characterization of the covered member reviewed under this section is simple and straightforward.

(d) Review.—

(1) IN GENERAL.—After a request described in subsection (c) has been made, the appropriate discharge board shall review all relevant laws, records of oral testimony previously taken, service records, or any other relevant information regarding the discharge characterization of the covered member.

(2) ADDITIONAL MATERIALS.—If additional materials are necessary for the review, the appropriate discharge board—

(A) may request additional information from the covered member or the member's representative, in writing, and specifically detailing what is being requested; and

(B) shall be responsible for obtaining a copy of the necessary files of the covered member from the member, or when applicable, from the Department of Defense.

(e) Change Of Characterization.—The appropriate discharge board shall change the discharge characterization of a covered member to honorable if such change is determined to be appropriate after a review is conducted under subsection (d) pursuant to the criteria under subsection (b). A covered member, or the member's representative, may appeal a decision by the appropriate discharge board to not change the discharge characterization by using the regular appeals process of the board.

(f) Change Of Records.—For each covered member whose discharge characterization is changed under subsection (e), or for each covered member who was honorably discharged but whose DD–214 form reflects the sexual orientation of the member, the Secretary of Defense shall reissue to the member or the member's representative a revised DD–214 form that reflects the following:

(1) For each covered member discharged, the Separation Code, Reentry Code, Narrative Code, and Separation Authority shall not reflect the sexual orientation of the member and shall be placed under secretarial authority. Any other similar indication of the sexual orientation or reason for discharge shall be removed or changed accordingly to be consistent with this paragraph.

(2) For each covered member whose discharge occurred prior to the creation of general secretarial authority, the sections of the DD–214 form referred to paragraph (1) shall be changed to similarly reflect a universal authority with codes, authorities, and language applicable at the time of discharge.

(g) Status.—

(1) IN GENERAL.—Each covered member whose discharge characterization is changed under subsection (e) shall be treated without regard to the original discharge characterization of the member, including for purposes of—

(A) benefits provided by the Federal Government to an individual by reason of service in the Armed Forces; and

(B) all recognitions and honors that the Secretary of Defense provides to members of the Armed Forces.

(2) REINSTATEMENT.—In carrying out paragraph (1)(B), the Secretary shall reinstate all recognitions and honors of a covered member whose discharge characterization is changed under subsection (e) that the Secretary withheld because of the original discharge characterization of the member.

(5) The term “representative” means the surviving spouse, next of kin, or legal representative of a covered member.

SEC. 2. REPORTS.

(a) Review.—The Secretary of Defense shall conduct a review of the consistency and uniformity of the reviews conducted under section 2.

(b) Reports.—Not later than 270 days after the date of the enactment of this Act, and each year thereafter for a four-year period, the Secretary shall submit to Congress a report on the reviews under subsection (a). Such reports shall include any comments or recommendations for continued actions.

115TH CONGRESS
2ND SESSION

S. 1820

To provide for the retention and service of transgender members of the Armed Forces.

IN THE SENATE OF THE UNITED STATES

Mrs. GILLIBRAND (for herself, Mr. MCCAIN, Ms. COLLINS, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To provide for the retention and service of transgender members of the Armed Forces.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RETENTION AND SERVICE OF TRANSGENDER MEMBERS OF THE ARMED FORCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that individuals who are qualified and can meet the standards to serve in the military should be eligible to serve.

(b) CERTAIN ACTIONS RELATING TO CURRENTLY SERVING MEMBERS OF THE ARMED FORCES.—A currently serving member of the Armed Forces may not be involuntarily separated from the Armed Forces, or denied reenlistment or continuation in service in the Armed Forces, solely on the basis of the member's gender identity. Nothing in this subsection relieves a member from meeting applicable military and medical standards, including deployability, or requires retention of the member in service if the member fails to meet such standards.

(c) REVIEW OF ACCESSION OF TRANSGENDER INDIVIDUALS INTO THE ARMED FORCES.—

(1) DEADLINE FOR COMPLETION OF REVIEW.—The Secretary of Defense shall complete the review of policy on the accession of transgender individuals into the Armed Forces announced by the Secretary on June 30, 2017, by not later than December 31, 2017.

(2) REPORT.—Not later than February 21, 2018, the Secretary shall submit to Congress a comprehensive report on the results of the review of policy described in paragraph (1).

115th CONGRESS
2nd Session
S. 1611

IN THE SENATE OF THE UNITED STATES

Mr. Manchin (for himself and Mr. Hoeven) introduced the following bill; which was read twice and referred to the Committee on Armed Services.

A BILL

To amend title 38, United States Code, to allow the Secretary of Veterans Affairs to enter into certain agreements with non-Department of Veterans Affairs health care providers if the Secretary is not feasibly able to provide health care in facilities of the Department or through contracts or sharing agreements, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. AUTHORIZATION OF AGREEMENTS BETWEEN THE DEPARTMENT OF VETERANS AFFAIRS AND NON-DEPARTMENT HEALTH CARE PROVIDERS.

(a) In General.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding after section 1703 the following new section:

"§ 1703A. Veterans Care Agreements with certain health care providers

"(a) Agreements To Furnish Care.— (1) If the Secretary is not feasibly able to furnish hospital care, medical services, or extended care under this chapter at facilities of the Department or under contracts or sharing agreements entered into under authorities other than this section, the Secretary may furnish such care and services by entering into agreements under this section with eligible providers that are certified under subsection (c). An agreement entered into under this section may be referred to as a 'Veterans Care Agreement'.

"(2) The Secretary is not feasibly able to furnish care or services as described in paragraph (1) if the Secretary determines that the medical condition of the veteran, the travel involved, the nature of the care or services required, or a combination of those factors make the use of facilities of the Department, contracts, or sharing agreements impracticable or inadvisable.

"(3) Eligibility of a veteran under this section for the care or services described in paragraph (1) shall be determined as if such care or services were furnished in a facility of the Department and provisions of this title applicable to veterans receiving such care or services in a facility of the Department shall apply to veterans receiving such care or services under this section.

"(A) A Veterans Care Agreement entered into after September 30, 2018, for the purchase of extended care services is of material size if the purchase of such services under the agreement exceeds $1,000,000 annually. The Secretary may adjust such amount to account for changes in the cost of health care based upon recognized health care market surveys and other available data and shall publish any such adjustments in the Federal Register.

115TH CONGRESS
2ST SESSION

S. 2235

IN THE SENATE OF THE UNITED STATES

Mr. DONNELLY (for himself and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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A BILL

To establish a tiered hiring preference for members of the reserve components of the Armed Forces.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TIERED PREFERENCE ELIGIBILITY FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.

(a) PREFERENCE ELIGIBILITY FOR MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES.—Section 2108 of title 5, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G)(ii), by striking "and" at the end;

(B) in subparagraph (H), by adding "and" at the end; and

(C) by inserting after subparagraph (H) the following:

"(I) a qualified reservist;";

(2) in paragraph (4), by striking "and" at the end;

(3) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(6) 'qualified reservist' means an individual who is a member of a reserve component of the Armed Forces on the date of the applicable determination—

"(A) who—

"(i) has completed at least 6 years of service in a reserve component of the Armed Forces; and

"(ii) in each year of service in a reserve component of the Armed Forces, was credited with at least 50 points under section 12732 of title 10; or

"(B) who—

"(i) has completed at least 10 years of service in a reserve component of the Armed Forces; and

"(ii) in each year of service in a reserve component of the Armed Forces, was credited with at least 50 points under section 12732 of title 10; and

"(7) 'reserve component of the Armed Forces' means a reserve component specified in section 101(27) of title 38.".

(c) GAO REVIEW.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) assesses Federal employment opportunities for members of a reserve component of the Armed Forces;

(2) evaluates the impact of the amendments made by this section on the hiring of reservists and veterans by the Federal Government; and

(3) provides recommendations, if any, for strengthening Federal employment opportunities for members of a reserve component of the Armed Forces.

115TH CONGRESS
2ND SESSION

S. 1721

To amend titles 10 and 37, United States Code, to provide compensation and credit for retired pay purposes for maternity leave taken by members of the reserve components, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. HEINRICH (for himself, Mr. ROUNDS, Mr. BOOZMAN, Mrs. MURRAY, and Mr. UDALL) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To amend titles 10 and 37, United States Code, to provide compensation and credit for retired pay purposes for maternity leave taken by members of the reserve components, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATION AND CREDIT FOR RETIRED PAY PURPOSES FOR MATERNITY LEAVE TAKEN BY MEMBERS OF THE RESERVE COMPONENTS.

(a) COMPENSATION.—Section 206(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding the end the following new paragraph:

"(4) for each of 6 days in connection with the taking by the member of a period of maternity leave.".

(b) CREDIT FOR RETIRED PAY PURPOSES.—

(1) IN GENERAL.—The period of maternity leave taken by a member of the reserve components of the Armed Forces in connection with the birth of a child shall count toward the member's entitlement to retired pay, and in connection with the years of service used in computing retired pay, under chapter 1223 of title 10, United States Code, as 12 points.

(2) SEPARATE CREDIT FOR EACH PERIOD OF LEAVE.—Separate crediting of points shall accrue to a member pursuant to this subsection for each period of maternity leave taken by the member in connection with a childbirth event.

(3) WHEN CREDITED.—Points credited a member for a period of maternity leave pursuant to this subsection shall be credited in the year in which the period of maternity leave concerned commences.

(4) CONTRIBUTION OF LEAVE TOWARD ENTITLEMENT TO RETIRED PAY.—Section 12732(a)(2) of title 10, United States Code, is amended by inserting after subparagraph (E) the following new subparagraph:

"(F) Points at the rate of 12 a year for the taking of maternity leave.".

(5) COMPUTATION OF YEARS OF SERVICE FOR RETIRED PAY.—Section 12733 of such title is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph (5):

"(5) One day for each point credited to the person under subparagraph (F) of section 12732(a)(2) of this title.".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to periods of maternity leave that commence on or after that date.

115TH CONGRESS
2ND SESSION

S. 833

To amend title 38, United States Code, to expand health care and benefits from the Department of Veterans Affairs for military sexual trauma, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. KING (for himself, Ms. MURKOWSKI, Ms. HARRIS, Ms. KLOBUCHAR, Mrs. MCCASKILL, Mrs. MURRAY, Mr. TESTER, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To amend title 38, United States Code, to expand health care and benefits from the Department of Veterans Affairs for military sexual trauma, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF COVERAGE BY THE DEPARTMENT OF VETERANS AFFAIRS OF COUNSELING AND TREATMENT FOR SEXUAL TRAUMA.

(a) COVERAGE OF CYBER HARASSMENT OF A SEXUAL NATURE.—Paragraph (1) of section 1720D(a) of title 38, United States Code, is amended by inserting "cyber harassment of a sexual nature," after "battery of a sexual nature,".

(b) EXPANSION OF AVAILABILITY FOR MEMBERS OF THE ARMED FORCES.—Paragraph (2)(A) of such section is amended—

(1) by striking "on active duty"; and

(2) by inserting "that was suffered by the member while serving on active duty, active duty for training, or inactive duty training" before the period at the end.

SEC. 3. STANDARD OF PROOF FOR SERVICE-CONNECTION OF MENTAL HEALTH CONDITIONS RELATED TO MILITARY SEXUAL TRAUMA.

(a) STANDARD OF PROOF.—Section 1154 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c) (1) In the case of any veteran who claims that a covered mental health condition was incurred in or aggravated by military sexual trauma during active military, naval, or air service, the Secretary shall accept as sufficient proof of service-connection a diagnosis of such mental health condition by a mental health professional together with satisfactory lay or other evidence of such trauma and an opinion by the mental health professional that such covered mental health condition is related to such military sexual trauma, if consistent with the circumstances, conditions, or hardships of such service, notwithstanding the fact that there is no official record of such incurrence or aggravation in such service, and, to that end, shall resolve every reasonable doubt in favor of the veteran. Service-connection of such covered mental health condition may

be rebutted by clear and convincing evidence to the contrary. The reasons for granting or denying service-connection in each case shall be recorded in full.

(b) USE OF EVIDENCE IN EVALUATING DISABILITY CLAIMS INVOLVING MILITARY SEXUAL TRAUMA.—

(1) IN GENERAL.—Subchapter VI of chapter 11 of such title is amended by adding at the end the following new section:

"§ 1164. Evaluation of claims involving military sexual trauma

"(a) NONMILITARY SOURCES OF EVIDENCE.— (1) In carrying out section 1154(c) of this title, the Secretary shall ensure that if a claim for compensation under this chapter is received by the Secretary for post-traumatic stress disorder based on a physical assault of a sexual nature, battery of a sexual nature, cyber harassment of a sexual nature, or sexual harassment experienced by a veteran during active military, naval, or air service, evidence from sources other than official records of the Department of Defense regarding the veteran's service may corroborate the veteran's account of the assault, battery, or harassment.

"(2) Examples of evidence described in paragraph (1) include the following:

"(A) Records from law enforcement authorities, rape crisis centers, mental health counseling centers, hospitals, and physicians.

"(B) Pregnancy tests and tests for sexually transmitted diseases.

"(C) Statements from family members, roommates, other members of the Armed Forces or veterans, and clergy.

"(b) BEHAVIOR CHANGES CORROBORATING EVIDENCE.— (1) In carrying out section 1154(c) of this title, the Secretary shall ensure that evidence of a behavior change following an assault, battery, or harassment described in subsection (a)(1) is one type of relevant evidence that may be found in sources described in such subsection.

"(2) Examples of behavior changes that may be relevant evidence of an assault, battery, or harassment described in subsection (a)(1) include the following:

"(A) A request for a transfer to another military duty assignment.

"(B) Deterioration in work performance.

"(C) Substance abuse.

"(D) Episodes of depression, panic attacks, or anxiety without an identifiable cause.

"(E) Unexplained economic or social behavior changes.

"(c) NOTICE AND OPPORTUNITY TO SUPPLY EVIDENCE.—The Secretary may not deny a claim of a veteran for compensation under this chapter for a post-traumatic stress disorder that is based on an assault, battery, or harassment described in subsection (a)(1) without first—

"(1) advising the veteran that evidence described in subsections (a) and (b) may constitute credible corroborating evidence of the assault, battery, or harassment; and

"(2) allowing the veteran an opportunity to furnish such corroborating evidence or advise the Secretary of potential sources of such evidence.

"(d) REVIEW OF EVIDENCE.—In reviewing a claim for compensation described in subsection (a)(1), for any evidence received with such claim that is described in subsection (a) or (b), the Secretary may submit such evidence to such medical or mental health professional as the Secretary considers appropriate, including clinical and counseling experts employed by the Department, to obtain a credible opinion as to whether the evidence indicates that an assault, battery, or harassment described in subsection (a)(1) occurred.

"(e) POINT OF CONTACT.—The Secretary shall ensure that each document provided to a veteran relating to a claim for compensation described in subsection (a)(1) includes contact information for an appropriate point of contact with the Department.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1164. Evaluation of claims involving military sexual trauma.".

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Subchapter VI of chapter 11 of title 38, United States Code, as amended by subsection (b), is further amended by adding at the end the following new section:

"§ 1165. Reports on claims for disabilities incurred or aggravated by military sexual trauma

"(a) REPORTS.—Not later than March 1, 2018, and not less frequently than once each year thereafter through 2027, the Secretary shall submit to Congress a report on covered claims submitted during the previous fiscal year to identify and track the consistency of decisions across regional offices.

"(b) ELEMENTS.—Each report under subsection (a) shall include the following:

"(1) The number of covered claims submitted to or considered by the Secretary during the fiscal year covered by the report.

SEC. 4. INFORMATION FOR MEMBERS OF THE ARMED FORCES REGARDING AVAILABILITY OF SERVICES AT VET CENTERS.

(a) IN GENERAL.—The Secretary of Defense shall inform members of the Armed Forces, using mechanisms available to the Secretary, of the eligibility of such members for services at Vet Centers.

(b) INFORMATION FROM SEXUAL ASSAULT RESPONSE COORDINATORS.—The Secretary shall ensure that Sexual Assault Response Coordinators of the Department of Defense advise members of the Armed Forces who report instances of military sexual trauma regarding the eligibility of such members for services at Vet Centers.

(c) DEFINITIONS.—In this section:

(1) MILITARY SEXUAL TRAUMA.—The term "military sexual trauma" means psychological trauma described in section 1720D(a)(1) of title 38, United States Code.

(2) VET CENTER.—The term "Vet Center" has the meaning given that term in section 1712A(h) of such title.

115TH CONGRESS
2ND SESSION

S. 957

To amend title 10, United States Code, to ensure that women members of the Armed Forces and their families have access to the contraception they need in order to promote the health and readiness of all members of the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. KAINE (for himself, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. COONS, Ms. CORTEZ MASTO, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. HARRIS, Ms. HASSAN, Mr. HEINRICH, Ms. HIRONO, Ms. KLOBUCHAR, Mr.MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. REED, Mr. SANDERS, Ms. STABENOW, Mr. TESTER, Mr. VAN HOLLEN, Ms.WARREN, Mr. WHITEHOUSE, Mr. WYDEN, Mrs. SHAHEEN , and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To amend title 10, United States Code, to ensure that women members of the Armed Forces and their families have access to the contraception they need in order to promote the health and readiness of all members of the Armed Forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 2. EDUCATION ON FAMILY PLANNING FOR MEMBERS OF THE ARMED FORCES.

(a) EDUCATION PROGRAMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish a uniform standard curriculum that will be used in education programs on family planning for all members of the Armed Forces, including both men and women members.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the education programs described in paragraph (1) should use the latest technology available to efficiently and effectively deliver information to members of the Armed Forces.

(b) ELEMENTS.—The uniform standard curriculum established under subsection (a) shall include the following:

(1) Information for members of the Armed Forces on active duty to make informed decisions regarding family planning.

(2) Information about the prevention of unintended pregnancy and sexually transmitted infections, including human immunodeficiency virus.

(3) Information on the importance of providing comprehensive family planning for members of the Armed Forces and their commanding officers and on the positive impact family planning can have on the health and readiness of the Armed Forces.

(4) Current, medically accurate information.

(5) Clear, user-friendly information on the full range of methods of contraception and where members of the Armed Forces can access their chosen method of contraception.

(6) Information on all applicable laws and policies so that members of the Armed Forces are informed of their rights and obligations.

(7) Information on patients' rights to confidentiality.

(8) Information on the unique circumstances encountered by members of the Armed Forces, and the effects of such circumstances on the use of contraception.

SEC. 3. PREGNANCY PREVENTION ASSISTANCE AT MILITARY TREATMENT FACILITIES FOR WOMEN WHO ARE SEXUAL ASSAULT SURVIVORS.

(a) PURPOSE.—The purpose of this section is to provide in statute, and to enhance, existing regulations that require health care providers at military treatment facilities to consult with survivors of sexual assault once clinically stable regarding options for emergency contraception and any necessary follow-up care, including the provision of emergency contraception.

(b) IN GENERAL.—The assistance specified in subsection (c) shall be provided at every military treatment facility to the following:

(1) Any woman who presents at a military treatment facility and states to personnel of the facility that she is a victim of sexual assault or is accompanied by another individual who states that the woman is a victim of sexual assault.

(2) Any woman who presents at a military treatment facility and is reasonably believed by personnel of such facility to be a survivor of sexual assault.

(c) ASSISTANCE.—

(1) IN GENERAL.—The assistance specified in this subsection shall include the following:

(A) The prompt provision by appropriate staff of the military treatment facility of comprehensive, medically and factually accurate, and unbiased written and oral information about all methods of emergency contraception approved by the Food and Drug Administration.

(B) The prompt provision by such staff of emergency contraception to a woman upon her request.

(C) Notification to the woman of her right to confidentiality in the receipt of care and services pursuant to this section.

(2) NATURE OF INFORMATION.—The information provided pursuant to paragraph (1)(A) shall be provided in language that is clear and concise, is readily comprehensible, and meets such conditions (including conditions regarding the provision of information in languages other than English) as the Secretary may provide in regulations prescribed pursuant to this section.

115th CONGRESS
2nd Session
S. 2129

IN THE SENATE OF THE UNITED STATES

Mr. Peters (for himself, Ms. Baldwin, Mr. Booker, Mr. Brown, Ms. Hirono, Mr. Franken, Mrs. Gillibrand, Ms. Harris, Ms. Hassan, Mr. Kaine, Ms. Klobuchar, Mr. Markey, Mrs. Murray, Ms. Cortez-Masto, Mr. Sanders, Mrs. Shaheen, Mr. Van Hollen, and Mr. Warner) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To amend title 10, United States Code, to establish a punitive article in the Uniform Code of Military Justice on domestic violence, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PUNITIVE ARTICLE IN THE UNIFORM CODE OF MILITARY JUSTICE ON DOMESTIC VIOLENCE.

(a) Punitive Article.--

(1) In general.--Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after the item relating to section 928 (article 128) the following new section (article): ``Sec. 928a. Art. 128a. Domestic violence"

(2) Prompt Reporting of Convictions.--

(a) In general.--Under regulations and procedures prescribed by the Secretary of Defense, each Secretary concerned shall submit to the Attorney General for inclusion in the national instant criminal background check system and other appropriate systems or databases the name and other appropriate information on each member of the Armed Forces under the jurisdiction of such Secretary who has been convicted of an offense under section 928a title 10, United States Code (article 128a of the Uniform Code of Military Justice), as added by subsection (a).

(b) Deadline for reporting.--The name and other information on a member required to be submitted pursuant to paragraph (1) shall be submitted not later than three days after the date of entry of judgment with respect to the member for the offense concerned.

115TH CONGRESS
2ND SESSION
S. 136

To direct the Secretary of Defense to review the discharge characterization of former members of the Armed Forces who were discharged by reason of the sexual orientation of the member, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. SHAHEEN (for herself, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr.DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HIRONO, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mr.PETERS, Mr. SANDERS, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. KAINE, and) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To direct the Secretary of Defense to review the discharge characterization of former members of the Armed Forces who were discharged by reason of the sexual orientation of the member, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. REVIEW OF DISCHARGE CHARACTERIZATION.

(a) IN GENERAL.—In accordance with this section, the appropriate discharge boards—

(1) shall review the discharge characterization of covered members at the request of the covered member; and

(2) if such characterization is any characterization except honorable, may change such characterization to honorable.

(b) CRITERIA.—In changing the discharge characterization of a covered member to honorable under subsection (a)(2), the Secretary of Defense shall ensure that such changes are carried out consistently and uniformly across the military departments using the following criteria:

(1) The original discharge must be based on Don't Ask Don't Tell (in this Act referred to as "DADT") or a similar policy in place prior to the enactment of DADT.

(2) Such discharge characterization shall be so changed if, with respect to the original discharge, there were no aggravating circumstances, such as misconduct, that would have independently led to a discharge characterization that was any characterization except honorable. For purposes of this paragraph, such aggravating circumstances may not include—

(A) an offense under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice), committed by a covered member against a person of the same sex with the consent of such person; or

(B) statements, consensual sexual conduct, or consensual acts relating to sexual orientation or identity, or the disclosure of such statements, conduct, or acts, that were

prohibited at the time of discharge but after the date of such discharge became permitted.

(3) When requesting a review, a covered member, or the member's representative, shall be required to provide either—

(A) documents consisting of—

(i) a copy of the DD–214 form of the member;

(ii) a personal affidavit of the circumstances surrounding the discharge; and

(iii) any relevant records pertaining to the discharge; or

(B) an affidavit certifying that the member, or the member's representative, does not have the documents specified in subparagraph (A).

(4) If a covered member provides an affidavit described in subparagraph (B) of paragraph (3)—

(A) the appropriate discharge board shall make every effort to locate the documents specified in subparagraph (A) of such paragraph within the records of the Department of Defense; and

(B) the absence of such documents may not be considered a reason to deny a change of the discharge characterization under subsection (a)(2).

(c) REQUEST FOR REVIEW.—The appropriate discharge board shall ensure the mechanism by which covered members, or their representative, may request to have the discharge characterization of the covered member reviewed under this section is simple and straightforward.

(d) REVIEW.—

(1) IN GENERAL.—After a request described in subsection (c) has been made, the appropriate discharge board shall review all relevant laws, records of oral testimony previously taken, service records, or any other relevant information regarding the discharge characterization of the covered member.

(2) ADDITIONAL MATERIALS.—If additional materials are necessary for the review, the appropriate discharge board—

(A) may request additional information from the covered member or the member's representative, in writing, and specifically detailing what is being requested; and

(B) shall be responsible for obtaining a copy of the necessary files of the covered member from the member, or when applicable, from the Department of Defense.

(e) CHANGE OF CHARACTERIZATION.—The appropriate discharge board shall change the discharge characterization of a covered member to honorable if such change is determined to be appropriate after a review is conducted under subsection (d) pursuant to the criteria under subsection (b). A covered member, or the member's representative, may appeal a decision by the appropriate discharge board to not change the discharge characterization by using the regular appeals process of the board.

(f) CHANGE OF RECORDS.—For each covered member whose discharge characterization is changed under subsection (e), or for each covered member who was honorably discharged but whose DD–214 form reflects the sexual orientation of the member, the Secretary of Defense shall reissue to the member or the member's representative a revised DD–214 form.

(g) STATUS.—

(1) IN GENERAL.—Each covered member whose discharge characterization is changed under subsection (e) shall be treated without regard to the original discharge characterization of the member, including for purposes of—

(A) benefits provided by the Federal Government to an individual by reason of service in the Armed Forces; and

(B) all recognitions and honors that the Secretary of Defense provides to members of the Armed Forces.

(2) REINSTATEMENT.—In carrying out paragraph (1)(B), the Secretary shall reinstate all recognitions and honors of a covered member whose discharge characterization is changed under subsection (e) that the Secretary withheld because of the original discharge characterization of the member.

(h) DEFINITIONS.—In this section:

(1) The term "appropriate discharge board" means the boards for correction of military records under section 1552 of title 10, United States Code, or the discharge review boards under section 1553 of such title, as the case may be.

(2) The term "covered member" means any former member of the Armed Forces who was discharged from the Armed Forces because of the sexual orientation of the member.

(3) The term "discharge characterization" means the characterization under which a member of the Armed Forces is discharged or released, including "dishonorable", "general", "other than honorable", and "honorable".

(4) The term "Don't Ask Don't Tell" means section 654 of title 10, United States Code, as in effect before such section was repealed pursuant to the Don't Ask, Don't Tell Repeal Act of 2010 (Public Law 111–321).

(5) The term "representative" means the surviving spouse, next of kin, or legal representative of a covered member.

SEC. 3. REPORTS.

(a) REVIEW.—The Secretary of Defense shall conduct a review of the consistency and uniformity of the reviews conducted under section 2.

(b) REPORTS.—Not later than 270 days after the date of the enactment of this Act, and each year thereafter for a four-year period, the Secretary shall submit to Congress a report on the reviews under subsection (a). Such reports shall include any comments or recommendations for continued actions.

SEC. 4. HISTORICAL REVIEW.

The Secretary of each military department shall ensure that oral historians of the department—

(1) review the facts and circumstances surrounding the estimated 100,000 members of the Armed Forces discharged from the Armed Forces between World War II and September 2011 because of the sexual orientation of the member; and

(2) receive oral testimony of individuals who personally experienced discrimination and discharge because of the actual or perceived sexual orientation of the individual so that such testimony may serve as an official record of these discriminatory policies and their impact on American lives.

115th CONGRESS
2nd Session
S. 1727

To establish a naturalization office at every initial military training site.

IN THE SENATE OF THE UNITED STATES

Ms. Duckworth (for herself and Ms. Cortez Masto) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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A BILL

To establish a naturalization office at every initial military training site.

SEC. 1. ESTABLISHMENT AND USE OF NATURALIZATION OFFICES AT INITIAL MILITARY TRAINING SITES.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard, shall establish a naturalization office at each initial military training site of the Armed Forces under the jurisdiction of the respective Secretary.

(b) Outreach.—In coordination with the Under Secretary of Defense for Personnel and Readiness and the Director of U.S. Citizenship and Immigration Services, each Secretary concerned shall, to the maximum extent practicable—

(1) identify each member of the Armed Forces overseen by such Secretary who is not a citizen of the United States;

(2) inform each noncitizen member of the Armed Forces overseen by such Secretary about—

(A) the existence of a naturalization office at each initial military training site;

(B) the continuous availability of each naturalization office throughout the career of a member of the Armed Forces to—

(i) evaluate the extent to which a noncitizen member of the Armed Forces is eligible to become a naturalized citizen; and

(ii) assess the suitability for citizenship of a noncitizen member of the Armed Forces;

(C) each potential pathway to citizenship;

(D) each service a naturalization office provides;

(E) the application process for citizenship, including—

(i) details of the application process;

(ii) required application materials;

(iii) requirements for a naturalization interview; and

(d) Timing.—Each Secretary concerned shall complete the notifications required under subsection (c)—

(1) during every stage of basic training;
(2) during training for any military occupational specialty;
(3) at each school of professional military education;
(4) upon each transfer of a duty station; and
(5) at any other time determined appropriate by the Secretary concerned.

(e) Trained Personnel.—

(1) AVAILABILITY.—Each Secretary concerned shall retain trained personnel at a naturalization office at every initial military training site to provide appropriate services to every member of the Armed Forces who is not a citizen of the United States.

(2) TRAINING.—All personnel retained under paragraph (1) shall be familiar with—

(A) the special provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) authorizing the expedited application and naturalization process for current members of the Armed Forces and veterans;

(B) the application process for naturalization and associated application materials; and

(C) the naturalization process administered by U.S. Citizenship and Immigration Services.

(f) Assignment Preference.—The Secretary concerned, to the extent practicable, shall assign each new member of the Armed Forces who is not a citizen of the United States to an initial military training site that has a naturalization office.

(g) Reporting Requirement.—The Director of the U.S. Citizenship and Immigration Services shall annually publish, on a publicly accessible website—

(1) the number of members of the Armed Forces who became naturalized United States citizens during the most recent year for which data is available, categorized by country in which the naturalization ceremony took place;

(2) the number of Armed Forces member's children who became naturalized United States citizens during the most recent year for which data is available, categorized by country in which the naturalization ceremony took place; and

(3) the number of Armed Forces member's spouses who became naturalized United States citizens during the most recent year for which data is available, categorized by country in which the naturalization ceremony took place.

(h) Regulations.—Each Secretary concerned shall prescribe in regulation a definition of the term “initial military training site” for purposes of this section.

Committee on Environment and Public Works

Chairman:
John Barrasso

Thad Cochran	Thomas Carper, Ranking Member
James Inhofe	Bernard Sanders
Mike Crapo	Tom Udall
John Boozman	Mark Warner
Patrick Toomey	Jeff Merkley
John Hoeven	Brian Schatz
Shelley Moore Capito	Cory Booker
James Lankford	Kamala Harris
Steven Daines	Catherine Cortez Masto

Legislation Summaries
Committee on Environment and Public Works

Republicans:

Page	***Sponsor***	***Bill Number***	***Summary***
3	Barrasso	S. 2319	To empower States to manage the development and production of oil and gas on available Federal land, and for other purposes.
5	Cochran	S. 1260	To authorize the exchange of certain Federal land located in Gulf Islands National Seashore for certain non-Federal land in Jackson County, Mississippi, and for other purposes.
7	Inhofe	S. 335	To achieve domestic energy independence by empowering States to control the development and production of all forms of energy on all available Federal land.
9	Crapo	S. 132	To amend title 54, United States Code, to provide for congressional and State approval of national monuments and restrictions on the use of national monuments.
10	Boozman	S.R. 861	To terminate the Environmental Protection Agency.
11	Toomey	S. 2277	To require the delisting of Mexican gray wolves under the Endangered Species Act of 1973 on a determination that the subspecies has been sufficiently recovered in the United States.
12	Hoeven	S. 1116	To amend the Native American Business Development, Trade Promotion, and Tourism Act of 2000, the Buy Indian Act, and the Native American Programs Act of 1974 to provide industry and economic development opportunities to Indian communities.
14	Moore Capito	S. 593	To amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.
17	Lankford	S. 340	To clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.
19	Daines	S. 2206	To release certain wilderness study areas in the State of Montana.

Legislation Summaries
Committee on Environment and Public Works

Democrats:

Page	***Sponsor***	***Bill Number***	***Summary***
20	Carper	S. 1447	To reauthorize the diesel emissions reduction program.
21	Sanders	S. 767	To provide that the Executive Order entitled "Promoting Energy Independence and Economic Growth" and signed on March 28, 2017, shall have no force or effect, and for other purposes.
22	Udall	S. 1920	To amend title 40, United States Code, to direct the Administrator of General Services to incorporate bird-safe building materials and design features into public buildings, and for other purposes.
24	Warner	S. 1314	To amend the Natural Gas Act to bolster fairness and transparency in consideration of interstate natural gas pipelines, to provide for greater public input opportunities, and for other purposes.
27	Merkley	S. 991	To prohibit drilling in the Arctic Ocean.
29	Schatz	S. 518	To amend the Federal Water Pollution Control Act to provide for technical assistance for small treatment works.
31	Booker	S. 1401	To amend the Safe Drinking Water Act to address lead contamination in school drinking water.
33	Harris	S. 729	To authorize the Secretary of the Interior to acquire approximately 44 acres of land in Martinez, California, for inclusion in the John Muir National Historic Site, and for other purposes.
34	Cortez Masto	S. 569	To amend title 54, United States Code, to provide consistent and reliable authority for, and for the funding of, the Land and Water Conservation Fund to maximize the effectiveness of the Fund for future generations, and for other purposes.

115TH CONGRESS
2ND SESSION

S. 2319

To empower States to manage the development and production of oil and gas on available Federal land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BARRASSO (for himself, Mr. HOEVEN, Mr. ENZI, Mr. LEE, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works.

A BILL

To empower States to manage the development and production of oil and gas on available Federal land, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATE AND TRIBAL AUTHORITY FOR HYDRAULIC FRACTURING REGULATION.

"(a) IN GENERAL.—In this section:

"(1) HYDRAULIC FRACTURING DEFINED.—The term 'hydraulic fracturing' means the process of creating small cracks or fractures in underground geological formations for well stimulation purposes of bringing hydrocarbons into the wellbore and to the surface for capture.

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

"(b) ENFORCEMENT OF FEDERAL REGULATIONS.—The Secretary shall not enforce any Federal regulation, guidance, or permit requirement regarding hydraulic fracturing relating to oil, gas, or geothermal production activities on or under any land in any State that has regulations, guidance, or permit requirements for that activity.

"(c) STATE AUTHORITY.—The Secretary shall defer to State regulations, guidance, and permit requirements for all activities regarding hydraulic fracturing relating to oil, gas, or geothermal production activities on Federal land.

"(d) TRANSPARENCY OF STATE REGULATIONS.—

"(1) IN GENERAL.—Each State shall submit to the Bureau of Land Management a copy of the regulations of the State that apply to hydraulic fracturing operations on Federal land, including the regulations that require disclosure of chemicals used in hydraulic fracturing operations.

"(2) AVAILABILITY.—The Secretary shall make available to the public on the website of the Secretary the regulations submitted under paragraph (1).

"(e) TRIBAL AUTHORITY ON TRUST LAND.—The Secretary shall not enforce any Federal regulation, guidance, or permit requirement with respect to hydraulic fracturing on any land held in trust or restricted status for the benefit of a federally recognized Indian Tribe or a member of a federally recognized Indian Tribe, except with the express consent of the beneficiary on whose behalf the land is held in trust or restricted status.".

115th CONGRESS
2nd Session

S. 1260

To authorize the exchange of certain Federal land located in Gulf Islands National Seashore for certain non-Federal land in Jackson County, Mississippi, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Cochran (for himself and Mr. Wicker) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To authorize the exchange of certain Federal land located in Gulf Islands National Seashore for certain non-Federal land in Jackson County, Mississippi, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. GULF ISLANDS NATIONAL SEASHORE LAND EXCHANGE.

(a) In General.—The Secretary may convey to the Post all right, title, and interest of the United States in and to the Federal land in exchange for the conveyance by the Post to the Secretary of all right, title, and interest of the Post in and to the non-Federal land.

(b) Equal Value Exchange.—

(1) IN GENERAL.—The values of the Federal land and non-Federal land to be exchanged under this section shall be equal, as determined by an appraisal conducted—

(A) by a qualified and independent appraiser; and

(B) in accordance with nationally recognized appraisal standards.

(2) EQUALIZATION.—If the values of the Federal land and non-Federal land to be exchanged under this section are not equal, the values shall be equalized through—

(A) a cash payment; or

(B) adjustments to the acreage of the Federal land or non-Federal land to be exchanged, as applicable.

(c) Payment Of Costs Of Conveyance.—

(1) PAYMENT REQUIRED.—As a condition of the exchange authorized under this section, the Secretary shall require the Post to pay the costs to be incurred by the Secretary, or to reimburse the Secretary for the costs incurred by the Secretary, to carry out the exchange, including—

(A) survey costs;

(B) any costs relating to environmental documentation; and

(C) any other administrative costs relating to the land exchange.

(2) REFUND.—If the Secretary collects amounts from the Post under paragraph (1) before the Secretary incurs the actual costs and the amount collected by the Secretary exceeds the costs actually incurred by the Secretary to carry out the land exchange under this section, the Secretary shall provide to the Post a refund of the excess amount paid by the Post.

(3) TREATMENT OF CERTAIN AMOUNTS RECEIVED.—Amounts received by the Secretary from the Post as reimbursement for costs incurred under paragraph (1) shall be—

(A) credited to the fund or account from which amounts were used to pay the costs incurred by the Secretary in carrying out the land exchange;

(B) merged with amounts in the fund or account to which the amounts were credited under subparagraph (A); and

(C) available for the same purposes as, and subject to the same conditions and limitations applicable to, amounts in the fund or account to which the amounts were credited under subparagraph (A).

(d) Description Of Federal Land And Non-Federal Land.—The exact acreage and legal description of the Federal land and non-Federal land to be exchanged under this section shall be determined by surveys that are determined to be satisfactory by the Secretary and the Post.

(e) Conveyance Agreement.—The exchange of Federal land and non-Federal land under this section shall be—

(1) carried out through a quitclaim deed or other legal instrument; and

(2) subject to such terms and conditions as are mutually satisfactory to the Secretary and the Post, including such additional terms and conditions as the Secretary considers to be appropriate to protect the interests of the United States.

(f) Valid Existing Rights.—The exchange of Federal land and non-Federal land authorized under this section shall be subject to valid existing rights.

(g) Title Approval.—Title to the Federal land and non-Federal land to be exchanged under this section shall be in a form acceptable to the Secretary.

(h) Treatment Of Acquired Land.—Any non-Federal land and interests in non-Federal land acquired by the United States under this section shall be administered by the Secretary as part of the Gulf Islands National Seashore.

(i) Modification Of Boundary.—On completion of the exchange of Federal land and non-Federal land under this section, the Secretary shall modify the boundary of the Gulf Islands National Seashore to reflect the exchange of Federal land and non-Federal land.

115TH CONGRESS
2ND SESSION
S. 335

To achieve domestic energy independence by empowering States to control the development and production of all forms of energy on all available Federal land.

IN THE SENATE OF THE UNITED STATES

Mr. INHOFE (for himself, Mr. RUBIO, Mr. CRUZ, Mr. LANKFORD, Mr. CRAPO, and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To achieve domestic energy independence by empowering States to control the development and production of all forms of energy on all available Federal land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) as of the date of enactment of this Act—

(A) 113,000,000 acres of onshore Federal land are open and accessible for oil and natural gas development; and

(B) approximately 166,000,000 acres of onshore Federal land are off-limits or inaccessible for oil and natural gas development;

(2) despite the recent oil and natural gas boom in the United States, the number of acres of Federal land leased for oil and natural gas exploration has decreased by 24 percent since 2008;

(3) in 2013, the Federal Government leased only 36,000,000 acres of Federal land, in contrast to the 131,000,000 acres that were leased in 1984;

(4) the reduction in leasing of Federal land harms economic growth and Federal revenues;

(5) in 2013, it took 197 days to process applications for permits to drill on Federal land; and

(6) the States have extensive and sufficient regulatory frameworks for permitting oil and natural gas development.

SECTION 2. STATE CONTROL OF ENERGY DEVELOPMENT AND PRODUCTION ON ALL AVAILABLE FEDERAL LAND.

(a) STATE LEASING, PERMITTING, AND REGULATORY PROGRAMS.—Any State that has established a State leasing, permitting, and regulatory program may—

(1) submit to the Secretaries of the Interior, Agriculture, and Energy a declaration that a State leasing, permitting, and regulatory program has been established or amended; and

(2) seek to transfer responsibility for leasing, permitting, and regulating oil, natural gas, and other forms of energy development from the Federal Government to the State.

(b) STATE ACTION AUTHORIZED.—Notwithstanding any other provision of law, on submission of a declaration under subsection (a)(1), the State submitting the declaration may lease, permit, and regulate the exploration and development of oil, natural gas, and other forms of energy on Federal land located in the State in lieu of the Federal Government.

(c) EFFECT OF STATE ACTION.—Any action by a State to lease, permit, or regulate the exploration and development of oil, natural gas, and other forms of energy pursuant to subsection (b) shall not be subject to, or considered a Federal action, Federal permit, or Federal license under—

(1) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘‘Administrative Procedure Act’’);

(2) division A of subtitle III of title 54, United States Code;

(3) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(4) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

115th CONGRESS
2nd Session
S. 132

To amend title 54, United States Code, to provide for congressional and State approval of national monuments and restrictions on the use of national monuments.

IN THE SENATE OF THE UNITED STATES

Mr. Crapo (for himself, Mr. Lee, Mr. Risch, and Mr. Rubio) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To amend title 54, United States Code, to provide for congressional and State approval of national monuments and restrictions on the use of national monuments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. DESIGNATION OF NATIONAL MONUMENTS.

Section 320301 of title 54, United States Code, is amended—

(1) in subsection (a), by striking "The President may" and inserting "After obtaining congressional approval of the proposed national monument, certifying compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the proposed national monument, and determining that the State in which the proposed national monument is to be located has enacted legislation approving the designation of the proposed national monument, the President may"; and

(2) by adding at the end the following:

"(e) Restrictions On Public Use.—The Secretary shall not implement any restrictions on the public use of a national monument until the expiration of an appropriate review period (as determined by the Secretary) providing for public input and congressional approval.".

115th CONGRESS
2nd Session
S. R. 861

IN THE SENATE OF THE UNITED STATES

Mr. Boozman introduced the following bill; which was read twice and referred to the Committee on Environment Protection Works

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A BILL

To terminate the Environmental Protection Agency.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERMINATION OF THE ENVIRONMENTAL PROTECTION AGENCY.

The Environmental Protection Agency shall terminate on December 31, 2018.

115TH CONGRESS
2ND SESSION

S. 2277

To require the delisting of Mexican gray wolves under the Endangered Species Act of 1973 on a determination that the subspecies has been sufficiently recovered in the United States.

IN THE SENATE OF THE UNITED STATES

Mr. TOOMEY introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To require the delisting of Mexican gray wolves under the Endangered Species Act of 1973 on a determination that the subspecies has been sufficiently recovered in the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DELISTING OF MEXICAN GRAY WOLVES.

(a) REQUIREMENT.—Notwithstanding any other provision of law (including regulations), effective beginning on the date on which the Director makes a positive determination under subsection (c)—

(1) the Mexican gray wolf shall no longer be included on any list of endangered species, threatened species, or experimental populations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(2) management of the Mexican gray wolf shall be assumed by each State in which the Mexican gray wolf is present, effective beginning on the date of the determination.

(c) DETERMINATION BY DIRECTOR.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director shall determine whether a population of not fewer than 100 Mexican gray wolves in a 5,000-square-mile area within the historic range of the Mexican gray wolf has been established, as described in the Mexican Wolf Recovery Plan of 1982 prepared by the Mexican Wolf Recovery Team (U.S. Fish and Wildlife Service. 1982. Mexican Wolf Recovery Plan. U.S. Fish and Wildlife Service, Albuquerque, New Mexico. 103 pp.).

(2) STANDARDS AND PROCEDURES.—A determination under paragraph (1) shall be made in accordance with applicable standards and procedures used by the Director in determining the status of a species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

115th CONGRESS
2nd Session

S. 1116

To amend the Native American Business Development, Trade Promotion, and Tourism Act of 2000, the Buy Indian Act, and the Native American Programs Act of 1974 to provide industry and economic development opportunities to Indian communities.

IN THE SENATE OF THE UNITED STATES

Mr. Hoeven (for himself and Mr. McCain) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To provide industry and economic development opportunities to Indian communities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. FINDINGS.

Congress finds that—

(1) (A) to bring industry and economic development to Indian communities, Indian tribes must overcome a number of barriers, including—

(i) geographical location;

(ii) lack of infrastructure or capacity;

(iii) lack of sufficient collateral and capital; and

(iv) regulatory bureaucracy relating to—

(I) development; and

(II) access to services provided by the Federal Government; and

(2) Indian tribes—

(A) enact laws and exercise sovereign governmental powers;

(B) determine policy for the benefit of tribal members; and

(C) produce goods and services for consumers;

(3) the Federal Government has—

(A) an important government-to-government relationship with Indian tribes; and

(B) a role in facilitating healthy and sustainable tribal economies;

(4) the input of Indian tribes in developing Federal policy and programs leads to more meaningful and effective measures to assist Indian tribes and Indian entrepreneurs in building tribal economies;

(5) (A) many components of tribal infrastructure need significant repair or replacement; and

(B) access to private capital for projects in Indian communities—

(i) may not be available; or

(ii) may come at a higher cost than such access for other projects;

"SEC. 8. INDIAN COMMUNITY DEVELOPMENT INITIATIVES.

"(a) Interagency Coordination.—Not later than 1 year after the enactment of this section, the Secretary, the Secretary of the Interior, and the Secretary of the Treasury shall coordinate—

"(1) to develop initiatives that—

"(A) encourage, promote, and provide education regarding investments in Indian communities through—

"(B) examine and develop alternatives that would qualify as collateral for financing in Indian communities; and

"(C) provide entrepreneur and other training relating to economic development through tribally controlled colleges and universities and other Indian organizations with experience in providing such training;

"(2) to consult with Indian tribes and with the Securities and Exchange Commission to determine, and collaborate to establish, statutory or regulatory changes necessary to qualify an Indian tribe as an accredited investor for the purposes of sections 230.500 through 230.508 of title 17, Code of Federal Regulations (or successor regulations);

"(3) to identify regulatory, legal, or other barriers to increasing investment, business, and economic development, including qualifying or approving collateral structures, measurements of economic strength, and contributions of Indian economies in Indian communities through the Authority established under section 4 of the Indian Tribal Regulatory Reform and Business Development Act of 2000 (25 U.S.C. 4301 note);

"(4) to ensure consultation with Indian tribes regarding increasing investment in Indian communities and the development of the report required in paragraph (5); and

"(5) not less than once every 3 years, to provide a report to Congress regarding improvements to Indian communities resulting from such initiatives and recommendations for promoting sustained growth of the tribal economies.

"(c) Indian Economic Development Feasibility Study.—

"(1) IN GENERAL.—The Government Accountability Office shall conduct a study and, not later than 18 months after the date of enactment of this subsection, submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report on the findings of the study and recommendations.

"(2) CONTENTS.—The study shall include an assessment of each of the following:

"(A) IN GENERAL.—The study shall assess current Federal capitalization and related programs and services that are available to assist Indian communities with business and economic development, including manufacturing, physical infrastructure (such as telecommunications and broadband), community development, and facilities construction for such purposes.

"(B) FINANCING ASSISTANCE.—The study shall assess and quantify the extent of assistance provided to non-Indian borrowers and to Indian (both tribal and individual) borrowers through the loan programs, the loan guarantee programs, or bond guarantee programs of the—

"(i) Department of the Interior;

"(ii) Department of Agriculture;

"(iii) Department of Housing and Urban Development;

"(iv) Department of Energy;

"(v) Small Business Administration; and

"(vi) Community Development Financial Institutions Fund of the Department of the Treasury.

115th CONGRESS
2nd Session
S. 593

To amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

IN THE SENATE OF THE UNITED STATES

Mrs. Capito (for herself, Mr. Boozman, Mr. Bennet, and Ms. Heitkamp) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. FINDINGS; PURPOSE.

(a) Findings.—Congress finds that—

(1) the use of firearms and archery equipment for target practice and marksmanship training activities on Federal land is allowed, except to the extent specific portions of that land have been closed to those activities;

(2) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(3) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(4) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(5) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for

construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(6) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) Purpose.—The purpose of this Act is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

SEC. 2. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) Expenditures For Management Of Wildlife Areas And Resources.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

"(1) IN GENERAL.—Except as provided in paragraph (2), each State";

(2) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

"(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.".

(c) Firearm And Bow Hunter Education And Safety Program Grants.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(1) in subsection (a), by adding at the end the following:

"(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.";

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

"(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

"(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity."

SEC. 3. LIMITS ON LIABILITY.

(a) Discretionary Function.—For purposes of chapter 171 of title 28, United States Code (commonly referred to as the "Federal Tort Claims Act"), any action by an agent or employee of the United States to manage or allow the use of Federal land for purposes of target practice or marksmanship training by a member of the public shall be considered to be the exercise or performance of a discretionary function.

(b) Civil Action Or Claims.—Except to the extent provided in chapter 171 of title 28, United States Code, the United States shall not be subject to any civil action or claim for money damages for any injury to or loss of property, personal injury, or death caused by an activity occurring at a public target range that is—

(1) funded in whole or in part by the Federal Government pursuant to the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.); or

(2) located on Federal land.

115TH CONGRESS
2ND SESSION
S. 340

To clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LANKFORD (for himself, Mrs. MCCASKILL, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. DONNELLY, Mr. ENZI, Mrs. ERNST, Mrs. FISCHER, Mr. FLAKE, Ms. HEITKAMP, Mr. INHOFE, Mr. MORAN, Mr.RISCH, Mr. ROBERTS, and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF AUTHORIZED PESTICIDES; DISCHARGES OF PESTICIDES; REPORT.

(a) USE OF AUTHORIZED PESTICIDES.—Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

"(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act (33 U.S.C. 1342), the Administrator or a State shall not require a permit under that Act for a discharge from a point source into navigable waters of—

"(A) a pesticide authorized for sale, distribution, or use under this Act; or

"(B) the residue of the pesticide, resulting from the application of the pesticide.".

(b) DISCHARGES OF PESTICIDES.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

"(s) DISCHARGES OF PESTICIDES.—

"(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of—

"(A) a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.); or

"(B) the residue of the pesticide, resulting from the application of the pesticide.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

"(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136et seq.) relevant to protecting water quality if—

"(i) the discharge would not have occurred without the violation; or

"(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

"(B) Stormwater discharges subject to regulation under subsection (p).

"(C) The following discharges subject to regulation under this section:

"(i) Manufacturing or industrial effluent.

"(ii) Treatment works effluent.

"(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.".

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Agriculture, shall submit a report to the Committee on Environment and Public Works and the Committee on Agriculture of the Senate and the Committee on Transportation and Infrastructure and the Committee on Agriculture of the House of Representatives that includes—

(1) the status of intra-agency coordination between the Office of Water and the Office of Pesticide Programs of the Environmental Protection Agency regarding streamlining information collection, standards of review, and data use relating to water quality impacts from the registration and use of pesticides;

(2) an analysis of the effectiveness of current regulatory actions relating to pesticide registration and use aimed at protecting water quality; and

(3) any recommendations on how the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) can be modified to better protect water quality and human health.

115TH CONGRESS
2ND SESSION

S. 2206

To release certain wilderness study areas in the State of Montana.

IN THE SENATE OF THE UNITED STATES

Mr. DAINES introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To release certain wilderness study areas in the State of Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OF CERTAIN WILDERNESS STUDY AREAS IN THE STATE OF MONTANA.

(a) FINDINGS.—Congress finds that—

(1) County commissions, sportsmen, farmers and ranchers, and outdoor recreation groups in the State of Montana support Congress acting to remove the designation of wilderness in order to protect public use of public land; and

(b) RELEASE.—The land described in subsection (c) is no longer subject to section 3(a) of the Montana Wilderness Study Act of 1977 (Public Law 95–150; 91 Stat. 1244).

(c) DESCRIPTION OF LAND.—The land referred to is—

(1) the approximately 151,000 acres of land comprising the West Pioneer Wilderness Study Area;

(2) the approximately 32,500 acres of land within the Blue Joint Wilderness Study Area not recommended for wilderness classification in the record of decision prepared by the Forest Service entitled "Bitterroot National Forest Plan" and dated September 1987;

(3) the approximately 94,000 acres of land comprising the Sapphire Wilderness Study Area;

(4) the approximately 81,000 acres of land comprising the Middle Fork Judith Wilderness Study Area; and

(5) the approximately 91,000 acres of land comprising the Big Snowies Wilderness Study Area.

115TH CONGRESS
2ND SESSION

S. 1447

IN THE SENATE OF THE UNITED STATES

Mr. CARPER (for himself, Mr. INHOFE, Mr. BARRASSO, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To reauthorize the diesel emissions reduction program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF DIESEL EMISSIONS REDUCTION PROGRAM.

Section 797(a) of the Energy Policy Act of 2005 (42 U.S.C. 16137(a)) is amended by striking "2016" and inserting "2022".

SEC. 2. RECOGNIZING DIFFERENCES IN DIESEL VEHICLE, ENGINE, EQUIPMENT, AND FLEET USE.

(a) NATIONAL GRANT, REBATE, AND LOAN PROGRAMS.—Section 792(c)(4)(D) of the Energy Policy Act of 2005 (42 U.S.C. 16132(c)(4)(D)) is amended by inserting ", recognizing differences in typical vehicle, engine, equipment, and fleet use throughout the United States" before the semicolon.

(b) STATE GRANT, REBATE, AND LOAN PROGRAMS.—Section 793(b)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16133(b)(1)) is amended—

(1) in subparagraph (B), by striking "; and" and inserting a semicolon; and

(2) by adding at the end the following:

"(D) the recognition, for purposes of implementing this section, of differences in typical vehicle, engine, equipment, and fleet use throughout the United States, including expected useful life; and".

SEC. 3. REALLOCATION OF UNUSED STATE FUNDS.

Section 793(c)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C. 16133(c)(2)(C)) is amended beginning in the matter preceding clause (i) by striking "to each remaining" and all that follows through "this paragraph" in clause (ii) and inserting "to carry out section 792".

115TH CONGRESS
2ND SESSION
S. 767

IN THE SENATE OF THE UNITED STATES

Mr. Sanders (for himself, Mrs. Shaheen, Mr. Booker, Mr. Cardin, Mr. Bennet, Mr. Markey, Mr. Merkley, Mr. Reed, Mr. Durbin, Mr. Whitehouse, Mrs. Gillibrand, Mr. Udall, Ms. Cortez Masto, Mr. Heinrich, Ms. Warren, Mr. Wyden, Mr. Franken, Ms. Hassan, Mr. Nelson, Ms. Harris, Mrs. Murray, Mr. Coons, Mrs. Feinstein, Ms. Klobuchar, Mr. Schatz, Mr. Menendez, Mr. Leahy, Mr. Blumenthal, Mr. Carper, Ms. Hirono, Mr. Murphy, and Mr. Van Hollen) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To provide that the Executive Order entitled "Promoting Energy Independence and Economic Growth" and signed on March 28, 2017, shall have no force or effect, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXECUTIVE ORDER TO HAVE NO FORCE OR EFFECT.

The Executive Order entitled "Promoting Energy Independence and Economic Growth" and signed on March 28, 2017—

(1) is null and void;

(2) shall have no force or effect; and

(3) may not be implemented, administered, enforced, or carried out by any Federal agency, including—

(A) the Office of Management and Budget;

(B) the Council of Economic Advisers;

(C) the Council on Environmental Quality;

(D) the Environmental Protection Agency;

(E) the Department of the Interior; and

(F) any other agency directed to implement the Executive Order.

SEC. 3. NO FFEDERAL FUNDS AVAILABLE.

No Federal funds made available for any fiscal year may be used to implement, administer, enforce, or carry out the Executive Order described in section 2.

SEC. 4. SAVINGS PROVISION.

Nothing in this Act shall be construed to impair any authority granted to the President.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on March 28, 2018.

115th CONGRESS
2nd Session
S. 1920

IN THE SENATE OF THE UNITED STATES

Mr. Udall introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To amend title 40, United States Code, to direct the Administrator of General Services to incorporate bird-safe building materials and design features into public buildings, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. FINDINGS.

Congress finds that—

(1) nearly 1/3 of the 800 bird species in the United States are endangered, threatened, or in significant decline;

(2) in the United States alone, an estimated 1,000,000,000 birds die annually from striking buildings, bridges, and other manmade structures, with glass being one of the primary causes of the deaths;

(3) birds have a significant impact on the United States economy, as evidenced by United States Fish and Wildlife Service estimates that the 47,000,000 birdwatchers in the United States contribute $40,000,000,000 annually to the economy of the United States; and

(4) the General Services Administration is obligated, under Executive Order 13186 (16 U.S.C. 701 note; relating to responsibilities of Federal agencies to protect migratory birds), to "support the conservation intent of the migratory bird conventions by integrating bird conservation principles, measures, and practices into agency activities and by avoiding or minimizing, to the extent practicable, adverse impacts on migratory bird resources when conducting agency actions".

SEC. 2. USE OF BIRD-SAFE BUILDING MATERIALS AND DESIGN FEATURES.

(a) In General.—Chapter 33 of title 40, United States Code, is amended—

(1) by redesignating sections 3315, 3316, and 3317 as sections 3316, 3317, and 3318, respectively; and

(2) by inserting after section 3314 the following:

"§ 3315. Use of bird-safe building materials and design features

"(a) Construction, Alteration, And Acquisition Of Public Buildings.—Each public building constructed, substantially altered (as determined by the Commissioner of Public Buildings), or acquired by the Administrator of General Services (referred to in this section as the 'Administrator') shall meet, to the maximum extent practicable, as determined by the Administrator, the following standards:

"(1) Not less than 90 percent of the exposed facade material from ground level to 40 feet—

"(A) shall not be composed of glass; or

"(B) shall be composed of glass employing—

"(i) elements that preclude bird collisions without completely obscuring vision, such as secondary facades, netting, screens, shutters, and exterior shades;

“(ii) ultraviolet (UV) patterned glass that contains UV-reflective or contrasting patterns that are visible to birds;

“(iii) patterns on glass designed in accordance with a rule (commonly referred to as the ‘2 x 4 rule’) that restricts—

“(I) horizontal spaces to less than 2 inches high; and

“(II) vertical spaces to less than 4 inches wide;

“(iv) opaque, etched, stained, frosted, or translucent glass; or

“(v) any combination of the methods described in clauses (i) through (iv).

“(2) Not less than 60 percent of the exposed facade material above 40 feet shall meet the standard described in paragraph (1) (A) or (B).

“(3) There shall not be any transparent passageways or corners.

“(4) All glass adjacent to atria or courtyards containing water features, plants, and other materials attractive to birds shall meet the standard described in paragraph (1)(B).

“(5) Outside lighting shall be appropriately shielded and minimized.

“(b) Monitoring.—The Administrator shall take such actions as may be necessary to ensure that actual bird mortality is monitored at each public building.

“(c) Existing Buildings And Lighting.—

“(1) IN GENERAL.—The Administrator, where practicable, as determined by the Administrator, shall reduce exterior building and site lighting for each public building.

“(2) USE OF AUTOMATIC CONTROL TECHNOLOGIES.—In carrying out paragraph (1), the Administrator shall make use of automatic control technologies, including timers, photo-sensors, and infrared and motion detectors.

“(d) Exempt Buildings.—This section shall not apply to—

“(1) a historic building of national significance within the meaning of chapter 3201 of title 54;

“(2) the White House and grounds;

“(3) the Supreme Court building and grounds; or

“(4) the United States Capitol and related buildings and grounds.”.

115TH CONGRESS
2ND SESSION

S. 1314

To amend the Natural Gas Act to bolster fairness and transparency in consideration of interstate natural gas pipelines, to provide for greater public input opportunities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WARNER (for himself and Mr. KAINE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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A BILL

To amend the Natural Gas Act to bolster fairness and transparency in consideration of interstate natural gas pipelines, to provide for greater public input opportunities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EMINENT DOMAIN.

(a) STATEMENT OF POLICY.—It is the policy of the United States to protect the rights of citizens of the United States to their private property, including by limiting the taking of private property by the Federal Government to situations in which the taking is for public use, with just compensation, and to benefit the general public, and not merely to advance the economic interests of private parties that would be given ownership or use of the property taken.

(b) JUST COMPENSATION.—Section 7(h) of the Natural Gas Act (15 U.S.C. 717f(h)) is amended—

"(1) by adding at the end the following:

"(3) JUST COMPENSATION.—In determining the just compensation for property acquired by the exercise of the right of eminent domain under paragraph (1), in the case of land subject to a conservation easement, the court with jurisdiction over the proceeding shall consider the lost conservation value of that land.".

SEC. 3. PROCESS COORDINATION FOR ENVIRONMENTAL REVIEW.

Section 15 of the Natural Gas Act (15 U.S.C. 717n) is amended by adding at the end the following:

"(2) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENTS.—In considering an application for Federal authorization for a project in a State, if, during the 1-year period beginning on the date on which the application is filed, an application for Federal authorization for a separate project is filed, and that project is located in the same State and within 100 miles of the first project, the Commission shall consider both projects

to be 1 project for purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(3) SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENTS.—

"(A) IN GENERAL.—If the Commission determines that comments submitted in response to a draft environmental impact statement prepared with respect to an application for Federal authorization raise issues that exceed the initial scope of the draft environmental impact statement, a supplemental environmental impact statement shall be prepared for the project.

"(B) MITIGATION PLANS.—If a draft environmental impact statement prepared with respect to an application for Federal authorization does not include information about mitigation plans for adverse impacts that cannot reasonably be avoided, a supplemental environmental impact statement shall be prepared that includes that information.

"(4) PUBLIC MEETING REQUIREMENTS.—In complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321et seq.) with respect to an application for Federal authorization, the Commission shall ensure that any public meeting shall be held—

"(A) in each county or equivalent subdivision in which the project will be located; and

"(B) during each period of public comment preceding, if applicable, publication of—

"(i) a draft environmental impact statement;

"(ii) a final environmental impact statement; and

"(iii) any supplemental environmental impact statement.".

SEC. 4. IMPACTS ON CRITICAL NATURAL RESOURCES.

Subsection (g) of section 15 of the Natural Gas Act (15 U.S.C. 717n) (as added by section 3) is amended by adding at the end the following:

"(5) NATIONAL SCENIC TRAILS.—

"(A) IN GENERAL.—In preparing an environmental impact statement with respect to an application for Federal authorization for a project, any evaluation of the visual impacts of the project on a national scenic trail designated by the National Trails System Act (16 U.S.C. 1241 et seq.) in the environmental impact statement shall—

"(i) consider the cumulative visual impacts of any similar proposed project—

"(I) for which an application for Federal authorization is in the pre-filing or filing stage; and

"(II) that impacts the same national scenic trail within 100 miles of the first project; and

"(ii) include visual impact simulations depicting leaf-on and leaf-off views at each location where major visual impacts occur, as identified, authenticated, and justified during the period of public comment preceding the publication of a draft

environmental impact statement by the head of the Federal agency or independent agency administering the land at the applicable location.

"(B) NATIONAL FOREST MANAGEMENT PLANS.—No amendment to a National Forest management plan under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) shall be considered if the result of the amendment represents net degradation to the resources of a national scenic trail designated by the National Trails System Act (16 U.S.C. 1241 et seq.).".

115TH CONGRESS
2ND SESSION
S. 991

IN THE SENATE OF THE UNITED STATES

Mr. Merkley (for himself, Mr. Whitehouse, Mr. Sanders, Mr. Heinrich, Mr. Booker, Mr. Franken, Ms. Warren, Mr. Cardin, Mr. Menendez, Mr. Peters, and Ms. Harris) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To prohibit drilling in the Arctic Ocean.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS; STATEMENT OF POLICY.

(a) Findings.—Congress finds that, as of the date of enactment of this Act—

(1) global climate change is occurring due largely to anthropogenic emissions of greenhouse gases and will continue to pose ongoing risks and challenges to the people and the Government of the United States;

(2) the evidence of impacts and dangers of climate change are supported by numerous reports and panels, such as the 2014 National Climate Assessment, the United States Global Change Research Program, and the 2014 Quadrennial Defense Review of the Department of Defense;

(3) from 1880 through 2015, global temperatures have increased by approximately 1.06 degrees Celsius;

(4) a global temperature increase of 2 degrees Celsius will lead to increased droughts, rising seas, mass extinctions, heat waves, desertification, wildfires, and acidifying oceans;

(5) delaying action on climate change will result in severe economic losses, and global mitigation costs increase by approximately 40 percent for each decade of delay;

(6) at least 80 percent of the carbon from known fossil fuel reserves must not be released to the atmosphere to have an 80-percent chance of avoiding the worst effects of climate change stemming from a 2-degree-Celsius change in global temperature;

(7) developing oil and gas reserves in the Arctic Ocean is incompatible with staying within that global carbon budget and avoiding the worst effects of climate change; and

(8) the Arctic Ocean is home to invaluable and fragile ecosystems, which are critical to fisheries, migratory birds, indigenous populations, and subsistence hunters.

(b) Statement of policy.—It is the policy of the United States that the Arctic Ocean should be managed for the best interests of the people of the United States, including by keeping fossil fuels in the ground to avoid the dangerous impacts of climate change.

SEC. 2. Prohibition of oil and gas leasing in Arctic Ocean areas of the outer Continental Shelf.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(q) Prohibition of oil and gas leasing in Arctic planning area of the outer Continental Shelf.—Notwithstanding any other provision of this Act or any other law, the Secretary of the Interior shall not issue or renew a lease or any other authorization for the exploration, development, or production of oil, natural gas, or any other mineral in the Arctic Ocean, including the Beaufort Sea and Chukchi Sea Planning Areas.".

115th CONGRESS
2nd Session
S. 518

To amend the Federal Water Pollution Control Act to provide for technical assistance for small treatment works.

IN THE SENATE OF THE UNITED STATES

Mr. Schatz (for himself, Ms. Heitkamp, Mr. Boozman, Mr. Barrasso, Mr. Crapo, Mr. Franken, Ms. Hirono, Ms. Klobuchar, Mr. Manchin, Mr. Risch, Mr. Tester, Mr. Enzi, and Mrs. Capito) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To amend the Federal Water Pollution Control Act to provide for technical assistance for small treatment works.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. TECHNICAL ASSISTANCE FOR SMALL TREATMENT WORKS.

(a) In General.—Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

"SEC. 222. TECHNICAL ASSISTANCE FOR SMALL TREATMENT WORKS.

"(a) Definitions.—In this section:

"(1) QUALIFIED NONPROFIT SMALL TREATMENT WORKS TECHNICAL ASSISTANCE PROVIDER.—The term 'qualified nonprofit small treatment works technical assistance provider' means a nonprofit organization that, as determined by the Administrator—

"(A) is qualified and experienced in providing training and technical assistance to small treatment works; and

"(B) the small treatment works in the State finds to be the most beneficial and effective.

"(2) SMALL TREATMENT WORKS.—The term 'small treatment works' means a publicly owned treatment works serving not more than 10,000 individuals.

"(b) Technical Assistance.—The Administrator may use amounts made available to carry out this section to provide grants or cooperative agreements to qualified nonprofit small treatment works technical assistance providers to provide to owners and operators of small treatment works onsite technical assistance, circuit rider technical assistance programs, multi-State, regional technical assistance programs, and onsite and regional training, to assist the small treatment works in achieving compliance with this Act or obtaining financing under this Act for eligible projects.

"(c) Authorization Of Appropriations.—There are authorized to be appropriated to carry out this section for grants for small treatment works technical assistance, $15,000,000 for each of fiscal years 2018 through 2022.

"SEC. 223. TECHNICAL ASSISTANCE FOR MEDIUM TREATMENT WORKS.

"(a) Definitions.—In this section:

"(1) MEDIUM TREATMENT WORKS.—The term 'medium treatment works' means a publicly owned treatment works serving not fewer than 10,001, and not more than 75,000, individuals.

"(2) QUALIFIED NONPROFIT MEDIUM TREATMENT WORKS TECHNICAL ASSISTANCE PROVIDER.—The term 'qualified nonprofit medium treatment works technical assistance provider' means a qualified nonprofit technical assistance provider of water and wastewater services to medium-sized communities that provides technical assistance (including circuit rider technical assistance programs, multi-State, regional assistance programs, and training and preliminary engineering evaluations) to owners and operators of medium treatment works, which may include a State agency.

"(b) Technical Assistance.—The Administrator may use amounts made available to carry out this section to provide grants or cooperative agreements to qualified nonprofit medium treatment works technical assistance providers to provide to owners and operators of medium treatment works onsite technical assistance, circuit-rider technical assistance programs, multi-State, regional technical assistance programs, and onsite and regional training to assist medium treatment works that are facing difficulty in achieving compliance with this Act or obtaining financing under this Act for eligible projects.

"(c) Authorization Of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2018 through 2022.".

(b) Water Pollution Control Revolving Loan Funds.—

(1) IN GENERAL.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended—

(A) in subsection (d)—

(i) in the matter preceding paragraph (1), by inserting "and as provided in subsection (e)" after "State law";

(ii) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively; and

(iii) by inserting after subsection (d) the following:

"(e) Additional Use Of Funds.—A State may use an additional 2 percent of the funds annually allotted to the State under this section for qualified nonprofit small treatment works technical assistance providers (as the term is defined in section 222) and qualified nonprofit medium treatment works technical assistance providers (as the term in defined in section 223) to provide technical assistance to small treatment works (as the term is defined in section 222) and medium treatment works (as the term is defined in section 223) in the State.".

(2) CONFORMING AMENDMENT.—Section 221(d) of the Federal Water Pollution Control Act (33 U.S.C. 1301(d)) is amended by striking "section 603(h)" and inserting "section 603(i)".

115th CONGRESS
2nd Session

S. 1401

To amend the Safe Drinking Water Act to address lead contamination in school drinking water.

IN THE SENATE OF THE UNITED STATES

Mr. Booker (for himself and Ms. Duckworth) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To amend the Safe Drinking Water Act to address lead contamination in school drinking water.

SEC. 1. SCHOOL TESTING AND NOTIFICATION; GRANT PROGRAM.

Section 1464 of the Safe Drinking Water Act (42 U.S.C. 300j–24) is amended by adding at the end the following:

"(e) Testing And Notification Requirements For Public Water Systems That Serve Schools.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate a national primary drinking water regulation for school drinking water that—

"(1) establishes a lead action level that is not less than the lead action level established by the Administrator under section 1412(b);

"(2) requires each public water system to sample for lead in the drinking water at such schools as the Administrator determines to have a risk of lead in the drinking water at a level that meets or exceeds the lead action level established under paragraph (1); and

"(3) in the case of results of sampling under paragraph (2) that indicate that the drinking water of a school contains lead that meets or exceeds the lead action level established under paragraph (1), requires the public water system that serves the school to notify the local educational agency that has jurisdiction over the school, the relevant local health agencies, the municipality, and the State as soon as practicable, but not later than 5 business days after the date on which the public water system receives the sampling results.

"(f) School Lead Testing And Remediation Grant Program.—

"(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

"(A) a local educational agency (as defined in subsection (d)(1)); or

"(B) a State agency that administers a statewide program to test for, or remediate, lead contamination in drinking water.

"(2) GRANTS AUTHORIZED.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall establish a grant program to make grants available to eligible entities to test for, and remediate, lead contamination in school drinking water.

"(3) USE OF FUNDS.—

"(A) IN GENERAL.—An eligible entity that receives a grant under this subsection may use grant funds—

"(i) to recover the costs incurred by the eligible entity for testing for lead contamination in school drinking water conducted by an entity approved by the Administrator or the State to conduct the testing; or

"(ii) to replace lead pipes, pipe fittings, plumbing fittings, and fixtures of any school with drinking water that contains a level of lead that meets or exceeds the action level established by the Administrator under subsection (e)(1) with lead free (as defined in section 1417) pipes, pipe fittings, plumbing fittings, and fixtures.

"(B) LIMITATION.—Not more than 5 percent of grant funds accepted under this subsection shall be used to pay the administrative costs of testing for, or remediation of, lead contamination.

"(4) GUIDANCE; PUBLIC AVAILABILITY.—As a condition of receiving a grant under this subsection, an eligible entity shall—

"(A) expend grant funds in accordance with—

"(i) the guidance of the Environmental Protection Agency entitled '3Ts for Reducing Lead in Drinking Water in Schools: Revised Technical Guidance' and dated October 2006 (or any successor guidance); or

"(ii) applicable State regulations or guidance regarding the reduction of lead in drinking water in schools that is not less stringent than the guidance referred to in clause (i), as determined by the Administrator;

"(B) make publicly available, including, to the maximum extent practicable, on the Internet website of the eligible entity, a copy of the results of any testing for lead contamination in school drinking water that is carried out with funds under this subsection; and

"(C) notify parent, teacher, and employee organizations of the availability of the results described in subparagraph (B).".

115TH CONGRESS
2ND SESSION

S. 729

To authorize the Secretary of the Interior to acquire approximately 44 acres of land in Martinez, California, for inclusion in the John Muir National Historic Site, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. HARRIS (for herself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To authorize the Secretary of the Interior to acquire approximately 44 acres of land in Martinez, California, for inclusion in the John Muir National Historic Site, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) HISTORIC SITE.—The term "Historic Site" means the John Muir National Historic Site in Martinez, California, established by Public Law 88–547 (78 Stat. 753).

(2) MAP.—The term "map" means the map entitled "John Muir National Historic Site Proposed Boundary Expansion", numbered 426/127150, and dated November 2014.

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

SEC. 3. JOHN MUIR NATIONAL HISTORIC SITE LAND ACQUISITION.

(a) ACQUISITION.—The Secretary may acquire by donation the approximately 44 acres of land and any interests in the land that is identified on the map.

(b) BOUNDARY.—On the acquisition of the land authorized under subsection (a), the Secretary shall adjust the boundaries of the Historic Site to include the acquired land.

(c) ADMINISTRATION.—The land and any interests in land acquired under subsection (a) shall be administered as part of the Historic Site.

115TH CONGRESS
2ND SESSION

S. 569

To amend title 54, United States Code, to provide consistent and reliable authority for, and for the funding of, the Land and Water Conservation Fund to maximize the effectiveness of the Fund for future generations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. CORTEZ MASTO (for herself, Mr. BURR, Mr. WYDEN, Mrs. FEINSTEIN, Mr. SANDERS, Mr. TESTER, Ms. STABENOW, Mr. HEINRICH, Mr. MANCHIN, Mr. FRANKEN, Mr. MARKEY, Ms. HIRONO, Mr. MERKLEY, Mr.SCHATZ, Ms. KLOBUCHAR, Ms. BALDWIN, Mr. BENNET, Mr. CARDIN, Mr. CASEY, Mrs. GILLIBRAND, Mrs. SHAHEEN, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To amend title 54, United States Code, to provide consistent and reliable authority for, and for the funding of, the Land and Water Conservation Fund to maximize the effectiveness of the Fund for future generations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT AUTHORIZATION AND FULL FUNDING OF THE LAND AND WATER CONSERVATION FUND.

(a) AUTHORIZATION.—Section 200302 of title 54, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking "During the period ending September 30, 2018, there" and inserting "There"; and

(2) in subsection (c)(1), by striking "through September 30, 2018".

(b) FULL FUNDING.—

(1) IN GENERAL.—Section 200303 of title 54, United States Code, is amended to read as follows:

"§ 200303. Availability of funds

"(a) IN GENERAL.—Amounts deposited in the Fund under section 200302 shall be made available for expenditure, without further appropriation or fiscal year limitation, to carry out the purposes of the Fund (including accounts and programs made available from the Fund under the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235)).

"(b) ADDITIONAL AMOUNTS.—Amounts made available under subsection (a) shall be in addition to amounts made available to the Fund under section 105 of the Gulf of Mexico Energy

Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) or otherwise appropriated from the Fund.

"(c) ALLOCATION AUTHORITY.—

"(1) SUBMISSION OF COST ESTIMATES.—The President shall submit to Congress detailed account, program, and project allocations to be funded under subsection (a) as part of the annual budget submission of the President.

"(2) ALTERNATE ALLOCATION.—

"(A) IN GENERAL.—Appropriations Acts may provide for alternate allocation of amounts made available under subsection (a), including allocations by account and program.

"(B) ALLOCATION BY PRESIDENT.—

"(i) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations by the date that is 120 days after the date on which the applicable fiscal year begins, amounts made available under subsection (a) shall be allocated by the President.

"(ii) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress enacts legislation establishing alternate allocations for amounts made available under subsection (a) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation shall be allocated by the President.

"(3) ANNUAL REPORT.—The President shall submit to Congress an annual report that describes the final allocation by account, program, and project of amounts made available under subsection (a), including a description of the status of obligations and expenditures.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 2003 of title 54, United States Code, is amended by striking the item relating to section 200303 and inserting the following:

"200303. Availability of funds.".

(c) PUBLIC ACCESS.—Section 200306 of title 54, United States Code, is amended by adding at the end the following:

"(c) PUBLIC ACCESS.—Not less than 1.5 percent of the annual authorized funding amount shall be made available each year for projects that secure recreational public access to existing Federal public land for hunting, fishing, or other recreational purposes.".

Committee on Foreign Relations

Chairman:
Bob Corker

James Risch
Marco Rubio
Rand Paul
Cory Gardner
Johnny Isakson

Benjamin Cardin, Ranking Member
Robert Menendez
Christopher Coons
Chris Murphy
Ed Markey
Chris Van Hollen

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Committee on Foreign Relations

Republicans:

Page	***Sponsor***	***Bill Number***	***Summary***
3	Corker	S. 1697	To condition assistance to the West Bank and Gaza on steps by the Palestinian Authority to end violence and terrorism against Israeli citizens and United States Citizens.
6	Risch	S. 107	To prohibit voluntary or assessed contributions to the United Nations until the President certifies to Congress that United Nations Security Council Resolution 2334 has been repealed.
8	Rubio	S. 420	To require the President to report on the use by the Government of Iran of commercial aircraft and related services for illicit military or other activities, and for other purposes.
10	Paul	S. 532	To prohibit the use of United States Government funds to provide assistance to Al Qaeda, Jabhat Fateh al-Sham, and the Islamic State of Iraq and the Levant (ISIL) and to countries supporting those organizations, and for other purposes.
13	Gardner	S. 1620	To enhance the security of Taiwan and bolster its participation in the international community, and for other purposes.
16	Isakson	S. 1724	To direct the President to establish an interagency mechanism to coordinate United States development programs and private sector investment activities, and for other purposes.

Legislation Summaries
Committee on Foreign Relations

Democrats:

Page	***Sponsor***	***Bill Number***	***Summary***
19	Cardin	S. 1476	To safeguard the United States and our allies from Russian ballistic and cruise missile threats, and for other purposes.
22	Menendez	S. 756	To require a report on accountability for war crimes and crimes against humanity in Syria.
25	Coons	S. 1221	To counter the influence of the Russian Federation in Europe and Eurasia, and for other purposes.
29	Murphy	S. 1420	To direct the Secretary of State to review the termination characterization of former members of the Department of State who were fired by reason of the sexual orientation of the official, and for other purposes.
33	Markey	S. 905	To require a report on, and to authorize technical assistance for, accountability for war crimes, crimes against humanity, and genocide in Syria, and for other purposes.
35	Van Hollen	S. 1055	To restrict the exportation of certain defense articles to the Philippine National Police, to work with the Philippines to support civil society and a public health approach to substance abuse, to report on Chinese and other sources of narcotics to the Republic of the Philippines, and for other purposes.

115th Senate
2nd Session
S. 1697
IN THE SENATE OF THE UNITED STATES

Mr. Corker (for himself, Mr. Manchin, Mr. Graham, Mr. Blunt, Mr. Cotton, Mr. Kennedy, Mr. Risch, Mr. Rounds, Mr. Rubio, Mr. Young, Mr. Crapo, Mr. Shelby, Mr. Cruz, Mr. Scott, Mr. Cardin, Mr. Menendez, Mr. Schumer, Mr. Coons, Mr. Nelson, and Mr. Perdue) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To condition assistance to the West Bank and Gaza on steps by the Palestinian Authority to end violence and terrorism against Israeli citizens and United States Citizens.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The Palestinian Authority's practice of paying salaries to terrorists serving in Israeli prisons, as well as to the families of deceased terrorists, is an incentive to commit acts of terror.

(2) The United States does not provide direct budgetary support to the Palestinian Authority. The United States does pay certain debts held by the Palestinian Authority and fund programs which the Palestinian Authority would otherwise be responsible for.

(3) The United States Government supports community-based programs in the West Bank and Gaza that provide for basic human needs, such as food, water, health, shelter, protection, education and livelihoods, and that promote peace and development.

(4) Since fiscal year 2015, annual appropriations legislation has provided for the reduction of Economic Support Fund aid for the Palestinian Authority "by an amount the Secretary determines is equivalent to the amount expended by the Palestinian Authority as payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism and by individuals who died committing acts of terrorism during the previous calendar year".

SEC. 2. LIMITATION ON ASSISTANCE TO THE WEST BANK AND GAZA.

(a) In General.—Funds appropriated or otherwise made available for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to Economic Support Fund) and available for assistance for the West Bank and Gaza that directly benefit the Palestinian Authority may only be made available for such purpose if the Secretary of

State certifies in writing to the appropriate congressional committees that the Palestinian Authority—

(1) is taking credible steps to end acts of violence against Israeli citizens and United States citizens that are perpetrated by individuals under its jurisdictional control, such as the March 2016 attack that killed former United States Army officer Taylor Force, a veteran of the wars in Iraq and Afghanistan;

(2) has terminated payments for acts of terrorism against Israeli citizens and United States citizens to any individual, after being fairly tried, who has been imprisoned for such acts of terrorism and to any individual who died committing such acts of terrorism, including to a family member of such individuals~~; and~~;

(3) has revoked any law, decree, regulation, or document authorizing or implementing a system of compensation for imprisoned individuals that uses the sentence or period of incarceration of an individual to determine the level of compensation paid~~.~~; and

(4) is publicly condemning such acts of violence and is taking steps to investigate or is cooperating in investigations of such acts to bring the perpetrators to justice.

(b) Exception.—The limitation on assistance under subsection (a) shall not apply to payments made to the East Jerusalem Hospital Network.

(c) Rule Of Construction.—Amounts withheld pursuant to this section shall be deemed to satisfy any similar withholding or reduction required under any other provision of law.

SEC. 3. PALESTINIAN AUTHORITY ACCOUNTABILITY FUND.

(a) Establishment Of Fund.—There is established in the Treasury a fund to be known as the "Palestinian Authority Accountability Fund" (PAAF). The PAAF shall consist of funds withheld under sections 4 and 5.

(b) Investments.—The Secretary of State shall invest funds in the PAAF in an interest-bearing obligation of the United States Government, or an obligation that has its principal and interest guaranteed by the Government, that the Secretary determines has a maturity suitable for the Fund.

(c) Use Of Funds.—Funds from the PAAF may be made available upon a certification by the Secretary of State that the Palestinian Authority has met the conditions set forth in section 4(a).

(d) Disposition Of Unused Funds.—On the date that is one year after the date of the enactment of this Act, and annually thereafter, all funds that are in the PAAF shall be withdrawn and made available to the Department of State for the purpose of assistance other than that deemed benefitting the Palestinian Authority.

SEC. 4. ANNUAL REPORT.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report including at a minimum the following elements:

(1) An estimate of the amount expended by the Palestinian Authority during the previous calendar year as payments for acts of terrorism by individuals who are imprisoned for such acts.

(2) An estimate of the amount expended by the Palestinian Authority during the previous calendar year as payments to the families of deceased individuals who committed an act of terrorism.

(3) An overview of Palestinian laws, decrees, regulations, or documents in effect the previous calendar year that authorize or implement any payments reported under paragraphs (1) and (2).

(4) A description of United States Government policy, efforts, and engagement with the Palestinian Authority in order to confirm the revocation of any law, decree, regulation, or document in effect the previous calendar year that authorizes or implements any payments reported under paragraphs (1) and (2).

(5) A description of United States Government policy, efforts, and engagement with other governments, and at the United Nations, to highlight the issue of Palestinian payments for acts of terrorism and to urge other nations to join the United States in calling on the Palestinian Authority to end this system immediately.

(b) Form Of Report.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

115TH CONGRESS
2ND SESSION
S. 107

To prohibit voluntary or assessed contributions to the United Nations until the President certifies to Congress that United Nations Security Council Resolution 2334 has been repealed.

IN THE SENATE OF THE UNITED STATES

Mr. RISCH (for himself, Mr. GRAHAM, Mr. CRUZ, Mrs. CAPITO, Mr. ROUNDS, Mr. THUNE, Mr. HATCH, Mr. CRAPO, Mr. JOHNSON, Mr. BARRASSO, Mr. DAINES, Mr.ROBERTS, Mr. LEE, Mr. SULLIVAN, Mr. CORNYN, Mr. WICKER, Mr. COCHRAN, Mr. HOEVEN, Mr. MCCAIN, Mr. KENNEDY, Mr. MCCONNELL, and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To prohibit voluntary or assessed contributions to the United Nations until the President certifies to Congress that United Nations Security Council Resolution 2334 has been repealed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS

(a) FINDINGS.—Congress makes the following findings:

(1) On December 23, 2016, President Barack Obama instructed United States Permanent Representative to the United Nations Samantha Power to abstain from United Nations Security Council Resolution 2334, which condemns our close friend and ally Israel.

(2) The failure to veto United Nations Security Council Resolution 2334, which attempts to prejudge the basis for negotiations, predetermine the outcome of negotiations, and dictate terms and conditions on this issue, was an abandonment of long-standing policy of the United States and previous commitments made to Israel.

(3) United Nations Security Council Resolution 2334 falsely claims that Israel's sovereignty over the eastern part of Jerusalem and Jewish communities in the West Bank are illegal under international law, and that the Old City of Jerusalem, along with the Temple Mount, the holiest site for the Jewish people, and the Western Wall are "occupied Palestinian territory".

(4) United Nations Security Council Resolution 2334 encourages the International Criminal Court to open an illegitimate formal investigation against Israel.

SECTION 2. RESTRICTION ON FUNDING TO THE UNITED NATIONS.

The United States Government may not make any voluntary or assessed contributions to the United Nations or any United Nations organization, including any United Nations specialized agency, fund, or program and any other body or entity affiliated with the United Nations or founded by a United Nations treaty, convention, or agreement, until the President certifies to the appropriate congressional committees that United Nations Security Council Resolution 2334 (2016) has been repealed.

SECTION 3. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Oversight and Government Reform of the House of Representatives.

115th CONGRESS
2nd Session
S. 420

IN THE SENATE OF THE UNITED STATES

Mr. Rubio (for himself, Mr. Cornyn, Mr. Sasse, and Mr. Perdue) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To require the President to report on the use by the Government of Iran of commercial aircraft and related services for illicit military or other activities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORT ON USE BY THE GOVERNMENT OF IRAN OF COMMERCIAL AIRCRAFT AND RELATED SERVICES FOR ILLICIT MILITARY OR OTHER ACTIVITIES.

(a) Report.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President, in consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on use by the Government of Iran of commercial aircraft and related services for illicit military or other activities during—

(1) in the case of the first report, the 5-year period preceding submission of the report; and

(2) in the case of any subsequent report, the 180-day period preceding submission of the report.

(b) Elements Of Report.—The report required under subsection (a) shall include a description of the extent to which—

(1) the Government of Iran has used commercial aircraft, including aircraft of Iran Air, or related services to transport illicit cargo to or from Iran, including military goods, weapons, military personnel, military-related electronic parts and mechanical equipment, or rocket or missile components;

(2) the commercial aviation sector of Iran, including Iran Air, has provided financial, material, or technological support to the Islamic Revolutionary Guard Corps, Iran's Ministry of Defense and Armed Forces Logistics, the regime of Bashar al-Assad in Syria, Hezbollah, Hamas,

Kata'ib Hezbollah, any other organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), or any person on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury; and

(3) foreign governments and persons have facilitated the activities described in paragraph (1), including allowing the use of airports, services, or other resources.

(c) Effect Of Determination.—If, in a report submitted under this section, the President determines that Iran Air or any other Iranian commercial air carrier has used commercial aircraft for illicit military purposes on or after January 16, 2016, the President shall, not later than 90 days after making that determination, include the air carrier on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury.

(d) Appropriate Congressional Committees Defined.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 2. SUNSET.

This Act shall cease to be effective on the date that is 30 days after the date on which the President certifies to Congress that the Government of Iran has ceased providing support for acts of international terrorism.

115th Congress
2nd Session
S. 532
IN THE SENATE OF THE UNITED STATES

Mr. Paul introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To prohibit the use of United States Government funds to provide assistance to Al Qaeda, Jabhat Fateh al-Sham, and the Islamic State of Iraq and the Levant (ISIL) and to countries supporting those organizations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON USE OF FUNDS TO PROVIDE COVERED ASSISTANCE TO AL QAEDA, JABHAT FATEH AL-SHAM, AND ISIL, AND TO COUNTRIES SUPPORTING THOSE ORGANIZATIONS.

(a) Prohibition With Respect To Al Qaeda, Jabhat Fateh Al-Sham, And ISIL.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no funds made available to any Federal department or agency may be used to provide covered assistance to Al Qaeda, Jabhat Fateh al-Sham, and ISIL, and any individual or group that is affiliated with, associated with, cooperating with, or adherents to such groups.

(2) DUTIES OF DNI.—The Director of National Intelligence—

(A) shall make initial determinations with respect to whether or not an individual or group is, or has been within the most recent 12 months prior to such determination, affiliated with, associated with, cooperating with, or is an adherent to Al Qaeda, Jabhat Fateh al-Sham, or ISIL, under paragraph (1) not later than 90 days after the date of the enactment of this Act;

(B) shall, in consultation with the appropriate congressional committees, review and make subsequent determinations with respect to groups or individuals under paragraph (1) every 6 months thereafter; and

(C) shall brief the appropriate congressional committees on each determination with respect to a group or individual under subparagraph (A) and the justification for the determination, including by providing—

(i) the geographic location of such group or individual;

(ii) a detailed intelligence assessment of such group or individual;

(iii) a detailed description of the alignment and interaction of such group or individual with Al Qaeda, Jabhat Fateh al-Sham, or ISIL; and

(iv) a description of the ideological beliefs of such group or individual.

(b) Prohibition With Respect To Supporting Countries.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no funds made available to any Federal department or agency may be used to provide covered assistance directly or indirectly to the government of any country that the Director of National Intelligence determines has within the most recent 12 months prior to such determination provided covered assistance to Al Qaeda, Jabhat Fateh al-Sham, or the Islamic State of Iraq and the Levant (ISIL), or any individual or group that is affiliated with, associated with, cooperating with, or is an adherent to those organizations, as determined under subsection (a)(2)(A).

(2) DUTIES OF DNI.—The Director of National Intelligence—

(A) shall make initial determinations with respect to countries under paragraph (1) not later than 90 days after the date of the enactment of this Act;

(B) shall, in consultation with the appropriate congressional committees, review and make subsequent determinations with respect to countries under paragraph (1) every 6 months thereafter; and

(C) shall brief the appropriate congressional committees on each determination with respect to a country under paragraph (1) and the justification for the determination that Al Qaeda, Jabhat Fateh al-Sham, or the Islamic State of Iraq and the Levant (ISIL), or any individual or group that is affiliated with, associated with, cooperating with, or is an adherent to those organizations, is determined to be receiving covered assistance from the government of the country—

(i) the geographic location of such organization, group, or individual;

(ii) a detailed intelligence assessment of such organization, group, or individual; and

(iii) a detailed description of the covered assistance, the method of transfer of the covered assistance, and use of covered assistance.

(c) Additional Briefing Requirements.—The Director of National Intelligence shall—

(1) in addition to carrying out subsection (a)(2)(C), brief the appropriate congressional committees on—

(A) any other individual or group that the Director considered in carrying out such subsection but did not make a determination that the group or individual is affiliated with, associated with, cooperating with, or is an adherent to Al Qaeda, Jabhat Fateh al-Sham, or ISIL; and

(B) the justification for not making the determination; and

(2) in addition to carrying out subsection (b)(2)(C), brief the appropriate congressional committees on—

(A) any other country that the Director considered in carrying out such subsection but did not make a determination that the country provided covered assistance to Al Qaeda, Jabhat Fateh al-Sham, or the Islamic State of Iraq and the Levant (ISIL), or any individual or group that is affiliated with, associated with, cooperating with, or adherents to those organizations; and

(B) the justification for not making the determination.

(3) DEFENSE ARTICLES AND DEFENSE SERVICES.—The terms "defense articles" and "defense services" have the meanings given such terms in paragraphs (3) and (4), respectively, of section 47 of the Arms Export Control Act (22 U.S.C. 2794).

115th Congress
2nd Session
S. 1620

IN THE SENATE OF THE UNITED STATES

Mr. Gardner (for himself and Mr. Cotton) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To enhance the security of Taiwan and bolster its participation in the international community, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Since 1949, the close relationship between the United States and Taiwan has been of enormous benefit to both parties.

(2) The security of Taiwan and its democracy are key elements for the continued peace and stability of the greater Asia-Pacific region, and the indefinite continuation of that security is in the vital national security interests of the United States.

(3) Taiwan and its diplomatic partners continue to face sustained pressure and coercion from the People's Republic of China to isolate Taiwan from the international community.

(4) The military balance of power along the Taiwan Strait continues to shift in favor of the People's Republic of China, which is currently engaged in a comprehensive military modernization campaign to enhance the power-projection capabilities of the People's Liberation Army.

(5) Since the United States discontinued annual arms sales talks in 2001, defense article transfers to Taiwan have ceased to occur in a routine manner.

(6) Recent delays, denials, and reductions of arms sales do not optimize the ability of Taiwan to defend its democracy against potential aggression from the People's Republic of China.

SEC. 2. MILITARY EXCHANGES BETWEEN THE UNITED STATES AND TAIWAN.

(a) Military Exchanges Between Senior Officers And Officials Of The United States And Taiwan.—The Secretary of Defense shall carry out a program of exchanges of senior military officers and senior officials between the United States and Taiwan designed to improve military to military relations between the United States and Taiwan.

(b) Focus Of Exchanges.—The exchanges under the program required by subsection (a) should include exchanges focused on the following:

(1) Threat analysis.

(2) Military doctrine.

(3) Force planning.

(4) Logistical support.

(5) Intelligence collection and analysis.

(6) Operational tactics, techniques, and procedures.

(7) Humanitarian assistance and disaster relief.

SEC. 3. ENHANCED DIPLOMATIC CONTACTS WITH TAIWAN.

(a) In General.—The Secretary of Defense and the Secretary of State are authorized and encouraged, to the extent consistent with law, to send to Taiwan for visits officials of the Department of Defense and the Department of State, as applicable, at the Assistant Secretary level or above.

SEC. 4. ARMS SALES TO TAIWAN.

(a) In General.—The United States shall conduct regular transfers of defense articles to Taiwan in order to support the efforts of Taiwan to develop and integrate asymmetric capabilities, including undersea warfare and air defense capabilities, into its military forces.

(b) Annual Strategic Dialogue On Sales.—

(1) IN GENERAL.—The United States Government shall host senior officials of the Taiwan Ministry of National Defense for an annual strategic dialogue between the United States and Taiwan on arms sales in order to ensure the regular transfer of defense articles as described in subsection (a).

(2) ELEMENT ON FINAL DECISION ON REQUESTED TRANSFERS IN ANNUAL DIALOGUE.—Each strategic dialogue between the United States and Taiwan pursuant to this subsection shall include a presentation by United States officials to the Taiwan delegation of final decisions by the United States regarding the transfer of any defense articles requested by Taiwan within the last fiscal year, whether pursuant to the Foreign Military Sales program or the Direct Commercial Sales program.

SEC. 5. INVITATION OF TAIWAN MILITARY FORCES TO PARTICIPATE IN CERTAIN JOINT MILITARY EXERCISES.

The Secretary of Defense shall invite the military forces of Taiwan to participate in each of the following:

(1) The 2018 Rim of the Pacific Exercise (RIMPAC).

(2) One of the military exercises known as the "Red Flag" exercise, conducted at Eielson Air Force Base, Alaska, and Nellis Air Force Base, Nevada, that is conducted during the one-year period beginning on the date of the enactment of this Act.

SEC. 6. NAVAL PORT OF CALL EXCHANGES BETWEEN THE UNITED STATES AND TAIWAN.

The Secretary of Defense shall—

(1) reestablish regular ports of call by the United States Navy in Kaohsiung, Taiwan, or in any other suitable port or ports on the island of Taiwan; and

(2) permit the United States Pacific Command to receive ports of call by the navy of the Republic of China in Hawaii, Guam, or other appropriate locations.

115th Congress
2nd Session
S. 1274
IN THE SENATE OF THE UNITED STATES

Mr. Isakson (for himself, Mr. Coons, and Mr. Perdue) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To direct the President to establish an interagency mechanism to coordinate United States development programs and private sector investment activities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to maximize the impact of United States development programs by—

(1) enhancing coordination between United States development agencies and the programs of such agencies and the private sector and the investment activities of the private sector;

(2) integrating private sector input into the planning and programming processes of United States development agencies;

(3) institutionalizing analyses of constraints on growth and investment throughout the planning and programming processes of United States development agencies;

(4) ensuring United States development agencies are accountable for improving coordination between United States development programs and private sector investment activities; and

(5) promoting and facilitating private sector investment.

SEC. 2. INTERAGENCY STRATEGY AND MECHANISM TO COORDINATE UNITED STATES DEVELOPMENT PROGRAMS AND PRIVATE SECTOR INVESTMENT ACTIVITIES.

(a) In General.—The President shall establish a primary, interagency mechanism to assist the private sector in coordinating United States development programs with private sector investment activities.

(b) Duties.—The mechanism established under subsection (a) shall—

(1) streamline and integrate the various private sector liaison, coordination, and investment promotion functions of United States development agencies;

(2) facilitate the use of various development and finance tools across United States development agencies to attract greater private sector participation in development activities; and

(3) establish a single point of contact for the private sector for partnership opportunities with United States development agencies.

(c) Annual Strategy.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a strategy for the facilitation and coordination of private sector investments and activities for the purposes of development.

(2) ELEMENTS OF THE ANNUAL STRATEGY.—The annual strategy required under paragraph (1) shall include—

(A) country, sectoral, and global targets for private sector investment facilitation and coordination;

(B) a description of the specific roles and responsibilities of United States Government departments and agencies involved in meeting the targets described in subparagraph (A), including within United States missions in-country; and

(C) a plan relating to monitoring, evaluation, and public accountability.

SEC. 3. INTEGRATING PRIVATE SECTOR COORDINATION IN COUNTRY, SECTOR, AND GLOBAL DEVELOPMENT STRATEGIES.

The Secretary and the Administrator shall direct their respective policy teams, including the Assistant to the Administrator for the Bureau of Policy, Planning and Learning, and country teams, to include private sector facilitation and coordination in all country, sector, and global development strategies, including integrated country strategies, regional and functional strategies, country development cooperation strategies, mission strategic resource plans, and global development strategies.

SEC. 4. ANALYSIS OF CONSTRAINTS ON GROWTH AND INVESTMENT IN FOREIGN COUNTRIES AND SECTORS.

(a) In General.—The Secretary, the Administrator, and the heads of other relevant Federal agencies shall ensure that analyses of rigorous, current constraints on growth and investment guide all country, region, and sector economic development strategies.

(b) Matters To Be Included.—The analysis required under subsection (a) shall include the identification and analysis of—

(1) constraints posed by the inadequacies of critical infrastructure, rule of law, tax and investment codes, and customs and regulatory regimes of recipient countries, as appropriate; and

(2) particular economic sectors that are central to achieving economic growth, such as agriculture, transportation, energy, and financial services.

(c) Results.—The results of the analyses described under subsection (a) shall—

(1) be incorporated into the development strategies of United States development agencies;

(2) be used to inform and guide resource allocations; and

(3) be made available to the public, and for comment by all stakeholders, prior to finalization of development strategies.

115TH CONGRESS
2ND SESSION
S. 1476

To safeguard the United States and our allies from Russian ballistic and cruise missile threats, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CARDIN introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To safeguard the United States and our allies from Russian ballistic and cruise missile threats, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS

(a) FINDINGS.—Congress makes the following findings:

(1) The INF Treaty, which entered into force on June 1, 1988, banned the Union of Soviet Socialist Republics (USSR) from possessing ground-launched nuclear and conventional missiles and launchers retaining ranges between 500 and 5,500 kilometers (km).

(2) Implementation of the INF Treaty led to the dismantlement of 2,692 short-, medium-, and intermediate-range missiles between the United States and the USSR, representing a major reduction in both nuclear arsenals and evidencing key efforts to safeguard the United States and its allies from nuclear weapons.

(3) Since concerns regarding a noncompliant ground-launched cruise missile (GLCM) were first raised in 2008, the Russian Federation has developed and tested a GLCM (currently designated "SSC–8") that has a range violating the fundamental stipulations of the INF Treaty.

(4) In 2014, the United States labeled the Russian Federation to be "in violation" of the INF Treaty in the Department of State Report entitled, "Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments", and has maintained Russia's noncompliant status in each subsequent report due to the development and testing of the SSC–8.

(5) During a March 2017 hearing at the Committee on Armed Services of the House of Representatives, the Vice Chairman of the Joint Chiefs of Staff, General Paul Selva, asserted that

"we believe that the Russians have deployed a land-based cruise missile that violates the spirit and intent of the Intermediate Nuclear Forces Treaty" and that such a system poses "a threat to NATO and to facilities within the NATO area of responsibility."

(6) When examining the response options at the United States disposal, the Department of Defense stated in its 2016 Plan for Military Response Options to Russian Federation Violations of the Intermediate-range Nuclear Forces (INF) Treaty that "Russia's return to compliance with its obligations under the INF Treaty remains the preferable outcome."

(7) United States allies in Europe do not currently have sufficient defensive articles and material to properly defend against the Russian Federation's new GLCM.

SEC. 2. REPORTS.

(a) REPORT ON THE MILITARY AND SECURITY RAMIFICATIONS OF RUSSIA'S GLCM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a report including the following elements:

(A) A description of the status of the Russian Federation's new GLCM (SSC–8), its capabilities, and the threat it poses to the United States' European and Asian allies and assets in the region.

(B) An assessment of whether the United States faces significant military disadvantages with the introduction of the SSC–8 to the European continent.

(C) An assessment of gaps in the United States current missile defense infrastructure in Europe and what capabilities may be required to defend United States and European assets against the threat posed by the SSC–8.

(D) An assessment of capability gaps that a new United States intermediate range missile, which is not compliant with the INF Treaty, would address in Europe and Asia.

(E) The timeline for fielding an INF range missile, including time for research, development, and deployment of the system, and the total cost for development and deployment of the system.

(2) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(b) REPORT ON PLANS FOR GREATER MISSILE DEFENSE COORDINATION WITH ALLIES.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, with the concurrence of the Secretary of Defense, shall submit to the appropriate congressional committees a report that includes a plan including—

(1) a description of how the United States will coordinate with its European allies to enhance missile detection and defense; and

(2) any recommendations for additional foreign military sales, financing, or international military education and training to be made available to European allies for strengthening missile defense capabilities.

SEC. 3. CONSULTATION WITH CONGRESS.

(a) COMMISSION PROPOSALS.—Not later than 15 days before any meeting of the Special Verification Commission to discuss and resolve implementation and compliance issues regarding additional procedures to improve the viability and effectiveness of the Treaty, the President shall consult with the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate with regard to whether the proposal, if adopted, would constitute an amendment to the INF Treaty requiring the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(b) ENSURING COMPLIANCE.—Not later than 180 days after the date of the enactment of this Act, and semiannually thereafter, the Secretary of State shall consult with the Chairman and Ranking Member regarding whether the Russian Federation is in compliance with the INF Treaty, and if not, what steps the United States is taking to bring them back into compliance.

SEC. 4. RESTRICTION OF FUNDS TO LEAVE THE INF TREATY.

(a) IN GENERAL.—Except as provided under subsection (b), no funds may be made available or expended for any action that effects the withdrawal of the United States from the INF Treaty.

(b) EXCEPTION.—The restriction in subsection (a) shall not apply—

(1) after Congress has received the report required by section 4(a); and

(2) 90 days after the President certifies to the appropriate congressional committees that withdrawal of the United States from the INF Treaty is in the vital national security interests of the United States, including the reasons for such certification and an explanation of how the INF Treaty would prohibit the President's intended actions.

115th Congress
2nd Session
S. 756

To require a report on accountability for war crimes and crimes against humanity in Syria.

IN THE SENATE OF THE UNITED STATES

Mr. MENENDEZ (for himself, Mr. RUBIO, and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To require a report on accountability for war crimes and crimes against humanity in Syria.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 3. SENSE OF CONGRESS.

Congress—

(1) strongly condemns the ongoing violence, use of chemical weapons, targeting of civilian populations with barrel, incendiary, and cluster bombs and SCUD missiles, and systematic gross human rights violations carried out by Government of Syria and pro-government forces under the direction of President Bashar al-Assad, as well as all abuses committed by violent extremist groups and other combatants involved in the civil war in Syria;

(2) expresses its support for the people of Syria seeking democratic change;

(3) urges all parties to the conflict to immediately halt indiscriminate attacks on civilians, allow for the delivery of humanitarian and medical assistance, and end sieges of civilian populations;

(4) calls on the President to support efforts in Syria and on the part of the international community to ensure accountability for war crimes and crimes against humanity committed during the conflict; and

(5) supports the requirement in United Nations Security Council Resolutions 2191, 2165 and 2139 for regular reporting by the Secretary-General on implementation on the resolutions, including of paragraph 2 of resolution 2139, which demands that all parties desist from violations of international humanitarian law and violations and abuses of human rights and calls on the Security Council to establish a committee to investigate past and ongoing gross violations of human rights and war crimes in the Syrian conflict.

SEC. 4. REPORT ON ACCOUNTABILITY FOR WAR CRIMES AND CRIMES AGAINST HUMANITY IN SYRIA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and again not later than 180 days after the cessation of violence in Syria, the Secretary of State shall submit to the appropriate congressional committees a report on war crimes and crimes against humanity in Syria.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description of violations of internationally recognized human rights, war crimes, and crimes against humanity perpetrated during the civil war in Syria, including—

(A) an account of incidents that may constitute war crimes and crimes against humanity committed by the regime of President Bashar al-Assad and all forces fighting on its behalf;

(B) an account of incidents that may constitute war crimes and crimes against humanity committed by violent extremist groups, anti-government forces, and any other combatants in the conflict;

(C) a description of any incidents that may violate the principle of medical neutrality and, when possible, an identification of the individual or individuals who engaged in or organized such violations; and

(D) where possible, a description of the conventional and unconventional weapons used for such crimes and, the origins of the weapons.

(2) A description of efforts by the Department of State and the United States Agency for International Development to ensure accountability for violations of internationally recognized human rights, international humanitarian law, and crimes against humanity perpetrated against the people of Syria by the regime of President Bashar al-Assad, violent extremist groups, and other combatants involved in the conflict, including—

(A) a description of initiatives that the United States Government has undertaken to train investigators in Syria on how to document, investigate, and develop findings of war crimes, including the number of United States Government or contract personnel currently designated to work full-time on these issues and an identification of the authorities and appropriations being used to support training efforts;

(B) a description and assessment of Syrian and international efforts to ensure accountability for crimes committed during the Syrian conflict, including efforts to promote a transitional justice process that would include criminal accountability and the establishment of an ad hoc tribunal to prosecute the perpetrators of war crimes committed during the civil war in Syria; and

(C) an assessment of the influence of accountability measures on efforts to reach a negotiated settlement to the conflict during the reporting period.

(c) FORM.—The report required under subsection (a) may be in unclassified or classified form, but shall include a publicly available annex.

115th Congress
2nd Session
S. 1221

IN THE SENATE OF THE UNITED STATES

Mr. Coons (for himself and Mr. Cardin) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To counter the influence of the Russian Federation in Europe and Eurasia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1 . FINDINGS.

Congress makes the following findings:

(1) The Government of the Russian Federation has sought to exert influence throughout Europe and Eurasia, including in the former states of the Soviet Union, by providing resources to political parties, think tanks, and civil society groups that sow distrust in democratic institutions and actors, promote xenophobic and illiberal views, and otherwise undermine European unity. The Government of the Russian Federation has also engaged in well-documented corruption practices as a means toward undermining and buying influence in European and Eurasian countries.

(2) The Government of the Russian Federation has largely eliminated a once-vibrant Russian-language independent media sector and severely curtails free and independent media within the borders of the Russian Federation. Russian-language media organizations that are funded and controlled by the Government of the Russian Federation and disseminate information within and outside of the Russian Federation routinely traffic in anti-Western disinformation, while few independent, fact-based media sources provide objective reporting for Russian-speaking audiences inside or outside of the Russian Federation.

(3) The Government of the Russian Federation continues to violate its commitments under the Memorandum on Security Assurances in connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Budapest December 5, 1994, and the Conference on Security and Co-operation in Europe Final Act, concluded at Helsinki August 1, 1975 (commonly referred to as the "Helsinki Final Act"), which laid the groundwork for the establishment of the Organization for Security and Co-operation in Europe, of which the Russian Federation is a member, by its illegal annexation of Crimea in 2014, its illegal occupation of

South Ossetia and Abkhazia in Georgia in 2008, and its ongoing destabilizing activities in eastern Ukraine.

(4) The Government of the Russian Federation continues to ignore the terms of the August 2008 ceasefire agreement relating to Georgia, which requires the withdrawal of Russian Federation troops, free access by humanitarian groups to the regions of South Ossetia and Abkhazia, and monitoring of the conflict areas by the European Union Monitoring Mission.

(5) The Government of the Russian Federation is failing to comply with the terms of the Minsk Agreement to address the ongoing conflict in eastern Ukraine, signed in Minsk, Belarus, on February 11, 2015, by the leaders of Ukraine, Russia, France, and Germany, as well as the Minsk Protocol, which was agreed to on September 5, 2014.

(6) The Government of the Russian Federation is—

(A) in violation of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles, signed at Washington December 8, 1987, and entered into force June 1, 1988 (commonly known as the "INF Treaty"); and

(B) failing to meet its obligations under the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002 (commonly known as the "Open Skies Treaty").

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Government of the Russian Federation bears responsibility for the continuing violence in Eastern Ukraine, including the death on April 24, 2017, of Joseph Stone, a citizen of the United States working as a monitor for the Organization for Security and Co-operation in Europe;

(2) the President should call on the Government of the Russian Federation—

(A) to withdraw all of its forces from the territories of Georgia, Ukraine, and Moldova;

(B) to return control of the borders of those territories to their respective governments; and

(C) to cease all efforts to undermine the popularly elected governments of those countries;

(3) the Government of the Russian Federation has applied, and continues to apply, to the countries and peoples of Georgia and Ukraine, traditional uses of force, intelligence operations, and influence campaigns, which represent clear and present threats to the countries of Europe and Eurasia;

(4) in response, the countries of Europe and Eurasia should redouble efforts to build resilience within their institutions, political systems, and civil societies;

(5) the United States supports the institutions that the Government of the Russian Federation seeks to undermine, including the North Atlantic Treaty Organization and the European Union;

(6) a strong North Atlantic Treaty Organization is critical to maintaining peace and security in Europe and Eurasia;

(7) the United States should continue to work with the European Union as a partner against aggression by the Government of the Russian Federation, coordinating aid programs, development assistance, and other counter-Russian efforts;

(8) the United States should encourage the establishment of a commission for media freedom within the Council of Europe, modeled on the Venice Commission regarding rule of law issues, that would be chartered to provide governments with expert recommendations on maintaining legal and regulatory regimes supportive of free and independent media and an informed citizenry able to distinguish between fact-based reporting, opinion, and disinformation;

(9) in addition to working to strengthen the North Atlantic Treaty Organization and the European Union, the United States should work with the individual countries of Europe and Eurasia—

(A) to identify vulnerabilities to aggression, disinformation, corruption, and so-called hybrid warfare by the Government of the Russian Federation;

(B) to establish strategic and technical plans for addressing those vulnerabilities;

(C) to ensure that the financial systems of those countries are not being used to shield illicit financial activity by officials of the Government of the Russian Federation or individuals in President Vladimir Putin's inner circle who have been enriched through corruption;

(D) to investigate and prosecute cases of corruption by Russian actors; and

(E) to work toward full compliance with the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (commonly referred to as the "Anti-Bribery Convention") of the Organization for Economic Co-operation and Development; and

(10) the President of the United States should use the authority of the President to impose sanctions under—

(A) the Sergei Magnitsky Rule of Law Accountability Act of 2012 (title IV of Public Law 112–208; 22 U.S.C. 5811 note); and

(B) the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note).

SEC. 3. STATEMENT OF POLICY.

The United States, consistent with the principle of ex injuria jus non oritur, supports the policy known as the "Stimson Doctrine" and thus does not recognize territorial changes effected by force, including the illegal invasions and occupations of Abkhazia, South Ossetia, Crimea, Eastern Ukraine, and Transnistria.

115th Congress
2nd Session
S. 1420
IN THE SENATE OF THE UNITED STATES

Mr. Murphy (for himself, Mr. Markey, Mr. Merkley, Mr. Van Hollen, Mr. Schatz, Mr. Booker, Mr. Kaine, Ms. Baldwin, Mr. Coons, Mr. Whitehouse, Mr. Blumenthal, Mrs. Gillibrand, Mrs. Shaheen, Mr. Wyden, Mrs. Feinstein, Mr. Cardin, Mrs. Murray, Mr. Menendez, and Mr. Udall) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To direct the Secretary of State to review the termination characterization of former members of the Department of State who were fired by reason of the sexual orientation of the official, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) During the so-called "Lavender Scare", at least 1,000 people were wrongfully dismissed from the Department of State for alleged homosexuality during the 1950s and well into the 1960s.

(2) According to the Department of State's Bureau of Diplomatic Security, Department of State employees were forced out of the Department on the grounds that their sexual orientation ostensibly rendered them vulnerable to blackmail and made them security risks.

(3) In addition to those wrongfully dismissed, many other patriotic Americans were prevented from joining the Department due to a screening process that was put in place to prevent the hiring of those who, according to the findings of the Bureau of Diplomatic Security, "seemed like they might be gay or lesbian".

(4) Congress bears a special measure of responsibility as the Department's actions were in part in response to congressional investigations into "sex perversion of Federal employees", reports on the employment of "moral perverts by Government Agencies", hearings and pressure placed on the Department through the appropriations process and congressional complaints that Foggy Bottom was "rampant with homosexuals who were sympathetic to Communism and vulnerable to blackmail".

(5) Between 1950 and 1969, the Department of State was required to report on the number of homosexuals fired each year as part of their annual appeals before Committees on Appropriations.

(6) Although the worst effects of the "Lavender Scare" are behind us, as recently as the early 1990s, the Department of State's security office was investigating State personnel thought to be gay and driving them out of government service as "security risks".

(7) In 1994, Secretary of State Warren Christopher issued a prohibition against discrimination in the Department of State, including that based on sexual orientation.

(8) In 1998, President William Jefferson Clinton signed Executive Order 13087 barring discrimination on the basis of sexual orientation.

(9) On January 9, 2017, Secretary of State John Kerry issued a statement regarding the "Lavender Scare", saying, "On behalf of the Department, I apologize to those who were impacted by the practices of the past and reaffirm the Department's steadfast commitment to diversity and inclusion for all our employees, including members of the LGBTI community.".

SEC. 2. DIRECTOR GENERAL REVIEW.

(a) Review.—The Director General of the Foreign Service and Director of Human Resources of the Department of State, in consultation with the Historian of the Department of State, shall review all employee terminations that occurred after January 1, 1950, to determine who was wrongfully terminated owing to their sexual orientation, whether real or perceived.

(b) Report.—Not later than 270 days after the date of the enactment of this Act, the Director General shall, consistent with applicable privacy regulations, compile the information compiled under subsection (a) in a publicly available report. The report shall include historical statements made by officials of the Department of State and Congress encouraging and implementing policies and tactics that led to the termination of employees due to their sexual orientation.

SEC. 3. REPORTS ON REVIEWS.

(a) Reviews.—The Secretary of State shall conduct reviews of the consistency and uniformity of the reviews conducted by the Director General under section 3.

(b) Reports.—Not later than 270 days after the date of the enactment of this Act, and annually thereafter for 2 years, the Secretary shall submit to Congress a report on the reviews conducted under section 3. Each report shall include any comments or recommendations for continued actions.

SEC. 4. ESTABLISHMENT OF RECONCILIATION BOARD.

(a) Establishment.—The Secretary of State shall establish, within the Office of Civil Rights of the Department of State, an independent Reconciliation Board to review the reports

released by the Director General of the Foreign Service and Director of Human Services under section 3(b).

(b) Duties.—The Reconciliation Board shall—

(1) consistent with applicable privacy regulations, contact all employees found to be fired due to the "Lavender Scare" or, in the case of deceased former employees, the family members of the employees, to inform them that their termination from the Department of State has been deemed inappropriate and that, if they wish, their employment record can be changed to reflect these findings;

(2) designate a point of contact at a senior level position within the Office of the Director General of the Foreign Service and Director of Human Resources to receive oral testimony of any employees or family members of deceased employees mentioned in the report who personally experienced discrimination and termination because of the actual or perceived sexual orientation in order that such testimony may serve as an official record of these discriminatory policies and their impact on United States lives; and

(3) provide an opportunity for any former employee not mentioned in the report to bring forth a grievance to the Board if they believe they were terminated due to their sexual orientation.

(c) Review Of Claims.—

(1) IN GENERAL.—The Board shall review each claim described in subsection (b) within 150 days of receiving the claim. Lack of paperwork may not be used as a basis for dismissing any claims.

(2) COOPERATION.—The Department of State shall be responsible for producing pertinent information regarding each claim to prove the employee was not wrongfully terminated.

(d) Termination.—The Board shall terminate 5 years after the date of the enactment of this Act.

SEC. 5. ISSUANCE OF APOLOGY.

(a) Finding.—Secretary of State Kerry delivered the following apology on January 9, 2017:

"Throughout my career, including as Secretary of State, I have stood strongly in support of the LGBTI community, recognizing that respect for human rights must include respect for all individuals. LGBTI employees serve as proud members of the State Department and valued colleagues dedicated to the service of our country. For the last several years, the Department has pressed for the families of LGBTI officers to have the same protections overseas as families of other officers. In 2015, to further promote LGBTI rights throughout the world, I appointed the first ever Special Envoy for the Human Rights of LGBTI Persons.

"In the past—as far back as the 1940s, but continuing for decades—the Department of State was among many public and private employers that discriminated against employees and job applicants on the basis of perceived sexual orientation, forcing some employees to resign or refusing to hire certain applicants in the first place. These actions were wrong then, just as they would be wrong today.

"On behalf of the Department, I apologize to those who were impacted by the practices of the past and reaffirm the Department's steadfast commitment to diversity and inclusion for all our employees, including members of the LGBTI community."

(b) Congressional Apology.—Congress hereby offers a formal apology for its responsibility in encouraging the "Lavender Scare" and similar policies at the Department of State, as these policies were in part a response to congressional investigations into "sex perversion of Federal employees", reports on the employment of "moral perverts by Government Agencies", and hearings or pressure otherwise placed on the Department of State through the appropriations process.

SEC. 6. ESTABLISHMENT OF PERMANENT EXHIBIT ON THE LAVENDER SCARE.

(a) In General.—The Secretary of State shall work with the current public-private partnership associated with the Department of State's new United States Diplomacy Center to establish a permanent exhibit on the "Lavender Scare" in the museum to assure that the history of this unfortunate episode is not brushed aside.

(b) Specifications.—The exhibit—

(1) shall be installed at the museum not later than one year after the date of enactment of this Act;

(2) should provide access to the reports compiled by the Director General of the Foreign Service and Director of Human Resources under section 3(b); and

(3) shall readily display material gathered from oral testimony received pursuant to section 5(b)(2) from employees or family members of deceased employees who were subject to these discriminatory policies during the "Lavender Scare".

115th Congress
2nd Session
S. 905

IN THE SENATE OF THE UNITED STATES

Mr. Markey (for himself, Mr. Rubio, Mr. Corker, Mrs. Shaheen, Mr. Menendez, Mr. Young, Mr. Merkley, Mr. Coons, Mr. Kaine, Ms. Warren, Ms. Klobuchar, Mr. Peters, Mr. Blumenthal, Mr. Booker, Mrs. Feinstein, Mr. Cardin, Mrs. Gillibrand, Mr. Bennet, Mr. Brown, and Mr. Leahy) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To require a report on, and to authorize technical assistance for, accountability for war crimes, crimes against humanity, and genocide in Syria, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORT ON ACCOUNTABILITY FOR WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE IN SYRIA.

(a) In General.—The Secretary of State shall submit a report on war crimes, crimes against humanity, and genocide in Syria to the appropriate congressional committees not later than 90 days after the date of the enactment of this Act and another such report not later than 180 days after the Secretary of State determines that the violence in Syria has ceased.

SECTION 2. TRANSITIONAL JUSTICE STUDY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State (acting through appropriate officials and offices, which may include the Office of Global Criminal Justice), after consultation with the Department of Justice, the United States Agency for International Development, and other appropriate Federal agencies, shall—

(1) complete a study of the feasibility and desirability of potential transitional justice mechanisms for Syria, including a hybrid tribunal, to address war crimes, crimes against humanity, and genocide perpetrated in Syria beginning in March 2011; and

(2) submit a detailed report of the results of the study conducted under paragraph (1), including recommendations on which transitional justice mechanisms the United States

Government should support, why such mechanisms should be supported, and what type of support should be offered, to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Foreign Affairs of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

SECTION 3. TECHNICAL ASSISTANCE AUTHORIZED.

(a) In General.—The Secretary of State (acting through appropriate officials and offices, which may include the Office of Global Criminal Justice), after consultation with the Department of Justice and other appropriate Federal agencies, is authorized to provide appropriate assistance to support entities that, with respect to war crimes, crimes against humanity, and genocide perpetrated by the regime of President Bashar al-Assad, all forces fighting on its behalf, and violent extremist groups in Syria beginning in March 2011—

(1) identify suspected perpetrators of war crimes, crimes against humanity, and genocide;

(2) collect, document, and protect evidence of crimes and preserve the chain of custody for such evidence;

(3) conduct criminal investigations;

(4) build Syria's investigative and judicial capacities and support prosecutions in the domestic courts of Syria, provided that President Bashar al-Assad is no longer in power;

(5) support investigations by third-party states, as appropriate; or

(6) protect witnesses that may be helpful to prosecutions or other transitional justice mechanisms.

(b) Additional Assistance.—The Secretary of State, after consultation with appropriate Federal agencies and the appropriate congressional committees, and taking into account the findings of the transitional justice study required under section 6, is authorized to provide assistance to support the creation and operation of transitional justice mechanisms, including a potential hybrid tribunal, to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide in Syria beginning in March 2011.

(c) Briefing.—The Secretary of State shall provide detailed, biannual briefings to the appropriate congressional committees describing the assistance provided to entities described in subsection (a).

115th Congress
2nd Session
S. 1055

IN THE SENATE OF THE UNITED STATES

Mr. Van Hollen (for himself, Mr. Cardin, and Mr. Rubio) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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A BILL

To restrict the exportation of certain defense articles to the Philippine National Police, to work with the Philippines to support civil society and a public health approach to substance abuse, to report on Chinese and other sources of narcotics to the Republic of the Philippines, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTRICTION ON ASSISTANCE TO THE PHILIPPINE NATIONAL POLICE.

(a) In General.—Subject to subsections (b) through (d), no defense articles or defense services may be exported, and no licenses for export of any item controlled by the United States for law enforcement, riot control, or related purposes may be issued, for the use of the Philippine National Police or entities associated with the Philippine National Police.

(b) Exceptions.—The restrictions under subsection (a) shall not apply to the exportation of defense articles or the provision of training for maritime law enforcement (Coast Guard drug interdiction), criminal justice programs, human rights training, and counter-terrorism programs for use of the Philippine National Police.

(c) Waiver.—The President may waive the restrictions under subsection (a), on a case-by-case basis, if—

(1) the President determines that the export of such item or service is in the national interest of the United States; and

(2) the President notifies the appropriate congressional committees of the determination under paragraph (1), including the justification for such determination, at least 30 days before invoking such waiver.

SEC. 2. REPORT ON CHINESE AND OTHER SOURCES OF NARCOTICS TO THE PHILIPPINES.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, with the concurrence of the Administrator of the Drug Enforcement Administration and the Secretary of Defense, shall submit a report to the appropriate congressional committees that describes, for the previous calendar year—

(1) Chinese and other sources of narcotics and precursor chemicals to produce narcotics in the Philippines; and

(2) Chinese and other sources of expertise for the production of narcotics in the Philippines.

SEC. 3. HUMAN RIGHTS, DEMOCRACY, AND PUBLIC HEALTH PROMOTION.

Of the amounts made available for the Department of State and the United States Agency for International Development to support global health and civil society, including human rights defenders, and to promote the rule of law and good governance in fiscal years 2017 and 2018, up to $25,000,000 may be used to support human rights, democracy, and public health in the Philippines, including—

(1) supporting Filipino defenders of human rights;

(2) assisting victims of human rights violations;

(3) responding to human rights emergencies;

(4) promoting and encouraging the rule of law, including the support for nongovernmental organizations in the Philippines;

(5) promoting a public health approach to substance abuse, drug addiction, and the illegal use of narcotics utilizing comprehensive, voluntary, and community-based treatment and rehabilitation programs that are consistent with international standards; and

(6) carrying out such other related activities as are consistent with paragraphs (1) through (5).

SEC. 4. REPORT ON UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS TO THE PHILIPPINES.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, with the concurrence of the Secretary of Defense, shall submit a classified report to the appropriate congressional committees on whether—

(1) United States military assistance, cooperation, security assistance, and arms transfers (including items prohibited under section 5, and any defense or other items or services controlled for export by the United States that have been provided for the use of the Philippine National Police and its associated entities) are used by the Philippine National Police and its associated entities—

(A) to commit gross violations of human rights; or

(B) in violation of other United States laws applicable to United States military or security assistance, cooperation, and arms transfers that are related to human rights and preventing human rights violations

(b) Technology Transfer Status Report.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees, in unclassified form to the maximum extent possible, that summarizes the status of the Defense Security Cooperation Agency's efforts to implement the End-Use Monitoring Enhancement Plan relating to government-to-government transfers and commercial sales of defense articles, defense services, law enforcement articles, law enforcement services, and related technologies.

SEC. 10. REPORT ON PLANS FOR PHILIPPINES PARTNER CAPACITY BUILDING.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, with the concurrence of the Secretary of Defense, shall submit a classified report to the appropriate congressional committees that includes a plan that describes, for each of the 6-month, 1-year, and 5-year periods beginning on the date of such report—

(1) partner capacity building assistance to the Philippines to enhance maritime capabilities, respond to emerging threats, and maintain freedom of operations in international waters and airspace in the Asia-Pacific maritime domains;

(2) recommendations, if any, for additional foreign military sales, foreign military financing, and international military education and training to be made available to the Philippines, including—

(A) any necessary updates to the report detailing steps taken by the Government of the Philippines to investigate and prosecute army personnel involved in human rights violations, as required by Senate Report 114–79; and

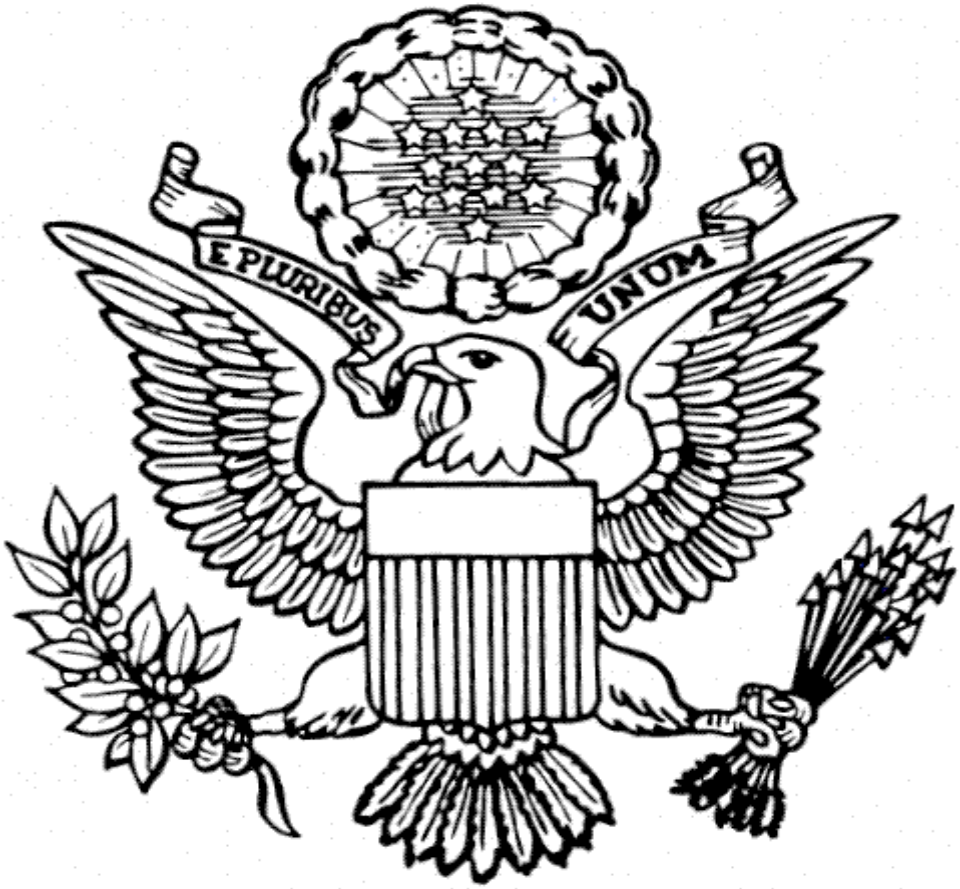
(B) an assessment of the commitment of the Government of the Philippines to international human rights conventions; and

(3) how the assistance referred to in paragraph (1) will be implemented in accordance with appropriate human rights laws, including—

(A) the regular process for vetting participants in security assistance and training programs funded by the United States under section 620M of the Foreign Assistance Act of 1961, and

(B) the restrictions on assistance to foreign security forces set forth in section 362 of title 10, United States Code.

Committee on
Health, Education, Labor and Pensions



Chairman:
Lamar Alexander

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Richard Burr	Robert Casey
Bill Cassidy	Debbie Stabenow
Todd Young	Michael Bennet
Pat Roberts	Sheldon Whitehouse
Lisa Murkowksi	Tammy Baldwin
Jerry Moran	Sherrod Brown
Tim Scott	Elizabeth Warren
Ron Johnson	Heidi Heitkamp
Mike Rounds	Maggie Hassan
	Tina Smith

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Committee on Health, Education, Labor, and Pensions

Republicans:

Page	***Sponsor***	***Bill Number***	***Summary***
3	Alexander	S. 2406	To advance cutting-edge research initiatives of the National Institutes of Health.
4	Enzi	S. 749	To amend the Higher Education Act of 1965 to require the disclosure of the annual percentage rates applicable to Federal student loans.
5	Burr	S. Res 127	Supporting the goals and ideals of Take Our Daughters And Sons To Work Day.
7	Cassidy	S. 2303	To amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers.
9	Young	S. 2342	To amend the Higher Education Act of 1965 to create an innovation zone initiative, and for other purposes.
11	Roberts	S. 1070	To amend the Federal Food, Drug, and Cosmetic Act to provide for the appropriate, risk-based classification of device accessories based on intended use.
13	Murkowski	S. 1528	To amend the market name of genetically altered salmon in the United States, and for other purposes.
15	Moran	S. 545	To preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.
17	Scott	S. 2076	To amend the Public Health Service Act to authorize the expansion of activities related to Alzheimer's disease, cognitive decline, and brain health under the Alzheimer's Disease and Healthy Aging Program, and for other purposes.
20	Johnson	S. 2332	To amend the Federal Food, Drug, and Cosmetic Act to define the term natural cheese.
21	Rounds	S. 801	To amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector.

Legislation Summaries
Committee on Health, Education, Labor, and Pensions

Democrats:

Page	***Sponsor***	***Bill Number***	***Summary***
25	Murray	S. 1985	To repeal the rules issued by the Department of the Treasury, the Department of Labor, and the Department of Health and Human Services entitled "Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act" and "Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act".
26	Casey	S. 2004	To increase funding for the State response to the opioid misuse crisis and to provide funding for research on addiction and pain related to the substance misuse crisis.
27	Stabenow	S. 2443	To amend the Elementary and Secondary Education Act of 1965 to establish a new career counseling program, and for other purposes.
30	Bennet	S. 2089	To amend the Older Americans Act of 1965 to provide equal treatment of LGBT older individuals, and for other purposes.
33	Whitehouse	S. 194	To amend the Public Health Service Act to establish a public health insurance option, and for other purposes.
37	Baldwin	S. 783	To amend the Public Health Service Act to distribute maternity care health professionals to health professional shortage areas identified as in need of maternity care health services.
38	Brown	S. 2069	To amend the National Labor Relations Act to clarify the requirements for meeting the definition of the term "employee", and for other purposes.
39	Warren	S. 910	To prohibit discrimination against individuals with disabilities who need long-term services and supports, and for other purposes.
42	Heitkamp	S. 2207	To allow qualified volunteer first responders to qualify for public service loan forgiveness.
44	Hassan	S. 2407	To establish a career pathway grant program.
47	Smith	S. 2212	To establish the "Biomedical Innovation Fund", and for other purposes.

115TH CONGRESS
2ND SESSION
S. 2406

IN THE SENATE OF THE UNITED STATES

Mr. ALEXANDER (for himself, Mrs. MURRAY, Mr. YOUNG, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To advance cutting-edge research initiatives of the National Institutes of Health.

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 "Advancing Cutting-Edge Research Act" or the "ACE Research Act".

SEC. 2. ADVANCING CUTTING-EDGE RESEARCH.

Section 402(n)(1) of the Public Health Service Act (42 U.S.C. 282(n)(1)) is amended—

(1) in subparagraph (A), by striking "or";

(2) in subparagraph (B), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(C) high impact cutting-edge research that fosters scientific creativity and increases fundamental biological understanding leading to the prevention, diagnosis, or treatment of diseases and disorders, or research urgently required to respond to a public health threat.".

115TH CONGRESS
2D SESSION
S. 749

IN THE SENATE OF THE UNITED STATES

Mr. ENZI introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend the Higher Education Act of 1965 to require the disclosure of the annual percentage rates applicable to Federal student loans.

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 "Transparency in Student Lending Act".

SEC. 2. REQUIRED DISCLOSURES.

Section 455(p) of the Higher Education Act of 1965 (20 U.S.C. 1087e(p)) is amended—

(1) by striking "Each institution" and inserting the following:

"(1) IN GENERAL.—Each institution"; and

(2) by adding at the end the following:

"(2) DISCLOSURE OF APR PRIOR TO DISBURSEMENT.—In addition to the disclosures required under paragraph (1), each institution and contractor described in such paragraph shall disclose to a borrower before disbursement of a loan made under this part, in writing and in a form the borrower may keep, the annual percentage rate applicable to the loan, taking into account—

"(A) the amount of the loan;

"(B) the stated interest rate of the loan;

"(C) the standard term for a loan of the same type;

"(D) any fees or additional costs associated with the loan; and

"(E) any capitalization of interest on the loan.".

115th Congress
2nd Session
S. Res 127

Supporting the goals and ideals of Take Our Daughters And Sons To Work Day.

IN THE SENATE OF THE UNITED STATES

Mr. BURR (for himself and Ms. HEITKAMP) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions

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RESOLUTION

Supporting the goals and ideals of Take Our Daughters And Sons To Work Day.

Whereas the Take Our Daughters To Work program was created in New York City as a response to research that showed that, by the 8th grade, many girls were dropping out of school, had low self-esteem, and lacked confidence;

Whereas, in 2003, the name of the program was changed to "Take Our Daughters And Sons To Work" so that boys who face many of the same challenges as girls could also be involved in the program;

Whereas, in 2018, the mission of the program, to develop "innovative strategies that empower girls and boys to overcome societal barriers to reach their full potential", fully reflects the addition of boys;

Whereas the Take Our Daughters And Sons To Work Foundation, a nonprofit organization, has grown to be one of the largest public awareness campaigns, with more than 39,000,000 participants annually in more than 3,000,000 organizations and workplaces representing each State;

Whereas, in 2007, the Take Our Daughters To Work program transitioned to Elizabeth City, North Carolina, became known as the Take Our Daughters And Sons To Work Foundation, and received national recognition for its dedication to future generations;

Whereas, every year, mayors, governors, and other private and public officials sign proclamations and lend support to Take Our Daughters And Sons To Work Day;

Whereas the fame of the Take Our Daughters And Sons To Work program has spread overseas, with requests and inquiries being made from around the world on how to operate the program;

Whereas 2018 marks the 25th anniversary of the Take Our Daughters And Sons To Work program;

Whereas Take Our Daughters And Sons To Work Day will be observed on Thursday, April 26, 2018; and

Whereas, by offering opportunities for children to experience activities and events, Take Our Daughters And Sons To Work Day is intended to continue helping millions of girls and boys on an annual basis to examine their opportunities and strive to reach their fullest potential: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the goals of introducing our daughters and sons to the workplace; and

(2) commends all participants of Take Our Daughters And Sons To Work Day for the—

(A) ongoing contributions that the participants make to education; and

(B) vital role that the participants play in promoting and ensuring a brighter, stronger future for the United States.

115TH CONGRESS
2ND SESSION

S. 2303

IN THE SENATE OF THE UNITED STATES

Mr. CASSIDY (for himself and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers.

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 "Access to Independent Health Insurance Advisors Act of 2018".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Licensed independent insurance producers (agents and brokers) provide a wide range of services for both individual consumers and the business community. Producers interface with insurers, acquire quotes, analyze plan options, and consult clients through the purchase of health insurance.

(2) Licensed independent insurance producers provide guidance regarding benefit and contribution arrangements to ensure compliance with applicable State and Federal laws and regulations; assist with establishing section 125 plan tax savings under the Internal Revenue Code, health reimbursement arrangements, flexible spending arrangements, evaluating and securing small business tax credits as provided in the Patient Protection and Affordable Care Act, and other programs to maximize tax advantages and ensure compliance with applicable Internal Revenue Service guidelines; create educational materials and provide on-site assistance to aid in employee benefit communication; assist in managing eligibility for new hires and terminated employees; provide advocacy for employees through the health insurance claim process; and advocate for employers with insurers in developing proposals, renewals, and for service issues throughout the year.

(3) In order to meet these responsibilities, licensed independent insurance producers are required to complete continuing education on an ongoing basis in order to maintain appropriate licenses. This requirement to maintain educational standards helps assure the insured public that producers remain current with the ever-evolving insurance market.

(4) It is essential that licensed independent insurance producers continue to perform these duties, and others, as the Patient Protection and Affordable Care Act has made significant changes to the regulatory environment for health plans. To understand these changes, employers and consumers will need professional guidance even more in the future. This service is

especially important for small businesses, as such producers often fill the role of a human resources department as well as professional consultant.

(5) The National Association of Insurance Commissioners (NAIC), whose core mission is to protect consumers in all aspects of the business of insurance, strongly advocates for the continuing role of licensed independent insurance producers in health insurance, and has expressed that the ability of insurance agents and brokers to continue assisting health insurance consumers at a time of rapid insurance market changes is more essential than ever. On November 22, 2011, the NAIC adopted a resolution stating that "Congress should expeditiously consider legislation amending the MLR provisions of the PPACA in order to preserve consumer access to agents and brokers".

(6) It is critical that the indispensable role played by licensed independent insurance producers is recognized and protected.

SEC. 3. PROTECTING THE ABILITY OF LICENSED INDEPENDENT INSURANCE PRODUCERS TO CONTINUE TO SERVE THE PUBLIC.

(a) IN GENERAL.—Section 2718 of the Public Health Service Act (42 U.S.C. 300gg–18), as inserted by section 1001 and amended by section 10101(f) of the Patient Protection and Affordable Care Act (Public Law 110–148), is amended—

(1) in subsection (a)(3), by inserting ", remuneration paid for licensed independent insurance producers," after "State taxes";

(2) in subsection (b)(1)—

(A) in the matter preceding clause (i) of subparagraph (A), by inserting ", remuneration paid for licensed independent insurance producers in the individual and small group market," after "State taxes"; and

(B) in subparagraph (B)(i)(II), by inserting ", remuneration paid for licensed independent insurance producers in the individual and small group market," after "State taxes"; and

(3) by adding at the end the following:

"(f) INDEPENDENT INSURANCE PRODUCER REMUNERATION DEFINITIONS.—For purposes of this section:

"(1) The term 'independent insurance producer' means an insurance agent or broker, insurance consultant, benefit specialist, limited insurance representative, and any other person required to be licensed under the laws of the particular State to sell, solicit, negotiate, service, effect, procure, renew or bind policies of insurance coverage or offer advice, counsel, opinions, or services related to insurance.

"(2) The term 'remuneration' means compensation earned from an insurance issuer for services rendered under contractual agreement which may include commissions or any other thing of value but which shall not include production bonuses.".

(b) REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall amend any applicable regulations as necessary to implement the amendments made by subsection (a).

115TH CONGRESS
2ND SESSION
S. 2342

IN THE SENATE OF THE UNITED STATES

Mr. YOUNG introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend the Higher Education Act of 1965 to create an innovation zone initiative, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INNOVATION ZONE INITIATIVE AUTHORITY.

Section 487A of the Higher Education Act of 1965 (20 U.S.C. 1094a) is amended to read as follows:

"SEC. 487A. INNOVATION ZONE INITIATIVE.

"(a) INNOVATION ZONE INITIATIVE.—

"(1) IN GENERAL.—The Secretary is authorized to establish an innovation zone initiative consisting of voluntary experiments under which the Secretary and institutions of higher education are permitted to test the effectiveness of statutory and regulatory flexibility that aims to achieve the following outcomes:

"(A) Increase in student success, which may be defined as one or more of the following:

"(i) Reduction in student loan debt.

"(ii) Increase in student retention and program completion at institutions of higher education.

"(iii) Increase in student job placement rate upon graduation.

"(iv) Improved financial aid disbursement and service to students.

"(v) Increase in student safety, wellness, or food and housing security.

"(vi) Other innovative practices that benefit students.

"(B) Reduction of regulatory burden on institutions of higher education or the Department, without harm to students.

"(2) WAIVERS.—The Secretary is authorized to waive, for any institution of higher education participating in an innovation zone experiment under paragraph (1), one or more requirements of title I or IV.

"(b) SOLICITATION OF EXPERIMENT SUGGESTIONS.—

"(1) SOLICITATION OF SUGGESTIONS.—Not less frequently than every 2 years, the Secretary shall provide an opportunity for the public, institutions of higher education, and other stakeholders to submit suggestions for potential experiments under this section.

"(2) CONTENTS OF SUGGESTIONS.—Any person that wishes to submit a suggestion under paragraph (1) shall include—

"(A) the goals or objectives of the proposed experiment;

"(B) a description of how the experiment would be conducted, including participation protections;

"(C) the specific statutory or regulatory requirements for which a waiver would be requested; and

"(D) an examination of the current need or interest, as of the date of the submission, for the experiment.

"(c) SELECTION OF EXPERIMENTS AND DESIGNATION OF PARTICIPATING INSTITUTIONS.—

"(1) SELECTION CONSIDERATIONS.—After considering any suggestions submitted under subsection (b), the Secretary may select experiments to be carried out under subsection (a). The Secretary shall base any such selection on the following:

"(A) Sufficient interest in the experiment among institutions of higher education, researchers, and practitioners.

"(B) Promising evidence of fulfilling outcomes described in subsection (a)(1).

"(C) Other general interest, as supported by evidence.

"(2) DETERMINATION OF EVALUATION PLANS.—After selecting an experiment under this section, but before any participating institutions for such experiment are chosen, the Secretary shall complete the following:

"(A) Identify answerable questions for the experiment and design an experiment that can measure those answers.

"(B) Identify the methodology of data collection for the experiment.

"(C) Identify rigorous evaluation methods for the experiment, in partnership with the Institute of Education Sciences, that are informed by—

"(i) external researchers;

"(ii) responses to requests from the Department for information; and

"(iii) other opportunities for stakeholder feedback.

"(D) Establish a timeframe for conducting the experiment that shall not exceed 10 years.

"(E) Estimate the cost of conducting the experiment.

"(F) Estimate the necessary size of the treatment group needed to have statistically significant grants.

"(3) DISSEMINATION OF INFORMATION.—The Secretary shall notify institutions of higher education, through the website of the Department or other means, of the experiments selected by the Secretary under this section and the steps necessary to participate in an experiment. Such notice shall include the information described in subparagraphs (A) through (F) of paragraph (2) for the experiment.

"(4) COMMENCEMENT OF EXPERIMENT.—The Secretary may carry out an experiment, in accordance with the requirements of this section, only if the Secretary has entered into agreements with not less than 5, and not more than 100, institutions of higher education, under which the institutions agree—

"(A) to participate in the experiment described in the applicable evaluation plan under paragraph (2);

"(B) to comply with the data collection requirements under subsection (d)(1) and any other reporting requirements determined by the Secretary; and

"(C) (i) to the methodology for data collection established by the Secretary under paragraph (2)(B) for the experiment; or

"(ii) upon the request of the institution and if the Secretary determines appropriate, to an alternative methodology for data collection.

115TH CONGRESS
2D SESSION
S. 1070

IN THE SENATE OF THE UNITED STATES

Mr. ROBERTS (for himself, Mr. DONNELLY, and Mr. BURR) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend the Federal Food, Drug, and Cosmetic Act to provide for the appropriate, risk-based classification of device accessories based on intended use.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RISK-BASED CLASSIFICATION OF ACCESSORIES.

Section 513(b)(9) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(b)(9)) is amended—

(1) by striking "(9) The Secretary" and inserting "(9)(A) The Secretary"; and

(2) by adding at the end the following:

"(B) The classification of any accessory classified prior to December 13, 2016, based on the intended use or uses of such accessory, shall continue to apply, notwithstanding the classification of any other device with which such accessory is intended to be used.

"(C) (i) If—

"(I) an accessory has been cleared or approved based on the classification of another device with which such accessory is intended to be used; and

"(II) the Secretary has established a classification for such accessory based on the intended use or uses of the accessory, in accordance with subparagraph (A),

the manufacturer of such accessory may identify the classification described in subclause (II) in a written notification to the Secretary.

"(ii) Unless the Secretary notifies a manufacturer within 30 calendar days of receipt of a written notification described in clause (i) that the Secretary does not agree that the classification identified in such written notification is appropriate for the accessory, the accessory shall be

automatically reclassified in accordance with the classification identified in such written notification.

"(iii) A written notification that the Secretary disagrees with the classification identified in a written notification described in clause (ii) shall include a detailed description and justification for the determination to disagree.

"(D) (i) A manufacturer of an accessory that has been previously classified by the Secretary based on the intended use of another device with which the accessory is intended to be used, through an application for such other device under section 515(c), a report under section 510(k), or a petition for classification under section 513(f)(2), and that has not been classified by the Secretary based on the intended use or uses of the accessory as described in subparagraph (A) or (C), may submit to the Secretary a written recommendation for the appropriate classification of such accessory based on its intended use or uses. Such submission shall include such information to support the recommendation as the Secretary may require.

"(ii) The Secretary shall respond to a submission under clause (i) within 60 calendar days by approving or denying the recommended classification of the accessory. If the Secretary does not agree with the recommendation for classification submitted by the sponsor, the response shall include a detailed description and justification for such determination to disagree. The Secretary shall provide an opportunity for a manufacturer to meet with appropriate personnel to discuss appropriate classification of such accessory prior to submitting a written recommendation.

"(E) At the time a sponsor submits an application for premarket approval for a class III device pursuant to section 515(c), the sponsor of such application may include a recommendation and supporting information for the proper classification of such accessory pursuant to subparagraph (A). If such device is intended to be used with an accessory that has not been classified by the Secretary based on its intended use or uses as described in subparagraph (A) or (C), the Secretary shall—

"(i) approve or deny the application pursuant to section 515(d); and

"(ii) approve or deny the classification of the accessory proposed in the application submitted under this clause.

"(F) A manufacturer may at any time use the classification process described in section 513(f)(2) to obtain classification of an accessory.".

115TH CONGRESS
2ND SESSION
S. 1528

IN THE SENATE OF THE UNITED STATES

Ms. MURKOWSKI (for herself, Mr. SULLIVAN, Ms. CANTWELL, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend the market name of genetically altered salmon in the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSES.

It is the purpose of this Act to—

(1) ensure that consumers in the United States can make informed decisions when purchasing salmon; and

(2) authorize an independent scientific and technical advisory organization to conduct a review of—

(A) the possible effects of genetically engineered salmon on wild salmon stocks; and

(B) the Food and Drug Administration's approval of genetically engineered salmon for human consumption.

SEC. 2. MARKET NAME FOR GENETICALLY ENGINEERED SALMON.

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of applying the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the acceptable market name of any salmon that is genetically engineered shall include the words "Genetically Engineered" or "GE" prior to the existing acceptable market name.

(b) DEFINITION.—For purposes of this section, salmon is genetically engineered if it has been modified by recombinant DNA (rDNA) techniques, including the entire lineage of salmon that contain the rDNA modification.

SEC. 3. THIRD-PARTY REVIEW OF CERTAIN SALMON APPROVAL.

(a) INDEPENDENT SCIENTIFIC ORGANIZATION REVIEW AND REPORT.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall ensure that the National Academy of Sciences, or a similar independent scientific and technical advisory organization, conducts a review of, and submits to the Secretary a report on—

(1) the environmental assessment carried out by the Food and Drug Administration and released on November 12, 2015, in support of approval of the new animal drug application under section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b) with respect to AquAdvantage Salmon, taking into account the impact of AquAdvantage Salmon on wild stocks of salmon and related wild ecosystems; and

(2) each environmental assessment carried out by the Food and Drug Administration in support of an approval of a new animal drug application under section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b) related to a genetically engineered finfish intended for human consumption.

(b) SECOND FDA ENVIRONMENTAL ASSESSMENT.—After receipt of a report under paragraph (1) or (2) of subsection (a), the Secretary shall conduct a second environmental assessment with respect to approval of the application described in such paragraph (1) or (2), taking into account the findings in such report.

(c) EFFECTIVE DATE OF APPROVAL.—Notwithstanding any other provision of law, the approval of a new animal drug application with respect to which review of an environmental assessment is required under subsection (a) shall not take effect until the Secretary completes a second environmental assessment under subsection (b).

115TH CONGRESS
2D SESSION
S. 545

IN THE SENATE OF THE UNITED STATES

Mr. MORAN (for himself, Mr. BARRASSO, Mr. COCHRAN, Mr. CORNYN, Mr. COTTON, Mr. CRUZ, Mr. ENZI, Mrs. ERNST, Mr. HATCH, Mr. HELLER, Mr. INHOFE, Mr. LANKFORD, Mr. LEE, Mr. PAUL, Mr.PERDUE, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SCOTT, Mr. TILLIS, Mr. WICKER, and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

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 "National Right-to-Work Act".

SEC. 2. AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.

(a) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking "except to" and all that follows through "authorized in section 8(a)(3)".

(b) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(1) in subsection (a)(3), by striking ": Provided, That" and all that follows through "retaining membership";

(2) in subsection (b)—

(A) in paragraph (2), by striking "or to discriminate" and all that follows through "retaining membership"; and

(B) in paragraph (5), by striking "covered by an agreement authorized under subsection (a)(3) of this section"; and

(3) in subsection (f)—

(A) by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively; and

(B) by striking "*Provided,* That nothing in this subsection shall set aside the final proviso to section 8(a)(3) of this Act:".

(c) ADDITIONAL CONFORMING AMENDMENTS.—The National Labor Relations Act (29 U.S.C. 151 et seq.) is amended—

(1) in section 9 (29 U.S.C. 159), by striking subsection (e);

(2) in section 3(b), by striking "or (e)"; and

(3) in section 8(f), as amended by subsection (b)(3), by striking "or 9(e)".

SEC. 3. AMENDMENT TO THE RAILWAY LABOR ACT.

Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking the Eleventh paragraph under the heading for general duties.

SEC. 4. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall apply to any agreement entered into or renewed after the date of enactment of this Act.

115TH CONGRESS
2ND SESSION
S. 2076

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT (for himself, Ms. CORTEZ MASTO, Ms. COLLINS, Mrs. CAPITO, and Mr. KAINE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend the Public Health Service Act to authorize the expansion of activities related to Alzheimer's disease, cognitive decline, and brain health under the Alzheimer's Disease and Healthy Aging Program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds as follows:

(1) According to former Surgeon General and Director of the Centers for Disease Control and Prevention, Dr. David Satcher, "Alzheimer's is the most under-recognized threat to public health in the 21st century.".

(2) Deaths from Alzheimer's disease increased 55 percent between 1999 and 2014 in the United States, according to data from the Centers for Disease Control and Prevention.

(3) More than 5,000,000 people in the United States are living with Alzheimer's disease and, without significant efforts to change the current trajectory, as many as 16,000,000 people in the United States will have Alzheimer's disease by 2050. This explosive growth will cause costs associated with Alzheimer's disease to increase from an estimated $259,000,000,000 in 2017 to more than $1,100,000,000,000 in 2050 (in 2017 dollars).

SEC. 2. PROMOTION OF PUBLIC HEALTH KNOWLEDGE AND AWARENESS OF ALZHEIMER'S DISEASE, COGNITIVE DECLINE, AND BRAIN HEALTH UNDER THE ALZHEIMER'S DISEASE AND HEALTHY AGING PROGRAM.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399V–7. PROMOTION OF PUBLIC HEALTH KNOWLEDGE AND AWARENESS OF ALZHEIMER'S DISEASE, COGNITIVE DECLINE, AND BRAIN HEALTH UNDER THE ALZHEIMER'S DISEASE AND HEALTHY AGING PROGRAM.

"(a) DEFINITIONS.—In the section:

"(1) ALZHEIMER'S DISEASE.—The term 'Alzheimer's disease' means Alzheimer's disease and related dementias.

"(2) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act.

"(b) EXPANSION OF ACTIVITIES UNDER THE ALZHEIMER'S DISEASE AND HEALTHY AGING PROGRAM.—In addition to activities conducted by the Secretary under the Alzheimer's Disease and Healthy Aging Program of the Centers for Disease Control and Prevention, the Secretary, acting through the Director of the Centers for Disease Control and

Prevention, subject to appropriations under subsection (g), shall award cooperative agreements under subsections (c), (d), and (e).

"(c) CENTERS OF EXCELLENCE IN PUBLIC HEALTH PRACTICE.—

"(1) IN GENERAL.—The Secretary shall award cooperative agreements to eligible entities for the establishment or support of national or regional centers of excellence in public health practice in Alzheimer's disease to—

"(A) advance the education of public health officials of States, of political subdivisions of States, and of Indian tribes or tribal organizations, health care professionals, and the public on Alzheimer's disease, cognitive decline, brain health, and associated health disparities;

"(B) advance the efforts of public health officials referred to in subparagraph (A) in applying evidence-based systems change, communications, and programmatic interventions for populations with cognitive impairment, including Alzheimer's disease, and caregivers for such populations; and

"(C) expand public-private partnerships engaged in activities related to cognitive impairment and associated health disparities with demonstrated success or innovative programs (as determined by the Secretary).

"(2) REQUIREMENTS.—To be eligible to receive a cooperative agreement under this subsection, an entity shall submit to the Secretary an application containing such agreements and information as the Secretary may require, including an agreement that the center to be established or supported under the cooperative agreement will operate in accordance with the following:

"(A) The center will examine, evaluate, increase, and promote evidence-based and effective Alzheimer's disease and caregiving-related interventions for health and social services professionals, underserved populations, families, and the public, after consultation with relevant State and local public health officials, private-sector Alzheimer's disease researchers, and advocates for individuals with Alzheimer's disease.

"(B) The center will prioritize its activities on the following:

"(i) Expanding efforts to educate State, local, and tribal officials and public health professionals in applying established data and evidence-based best practices to address Alzheimer's disease.

"(ii) Supporting public health officials of States, of political subdivisions of States, and of Indian tribes or tribal organizations in implementing the most current version of the 'Healthy Brain Initiative: Public Health Road Map' of the Centers for Disease Control and Prevention.

"(iii) Supporting early detection and diagnosis of Alzheimer's disease.

"(iv) Reducing the risk of potentially avoidable hospitalizations of individuals with Alzheimer's disease.

"(v) Reducing the risk of cognitive decline and cognitive impairment, including Alzheimer's disease.

"(vi) Enhancing support to meet the needs of caregivers of individuals with Alzheimer's disease.

"(vii) Reducing health disparities related to the care and support of individuals with cognitive decline and Alzheimer's disease.

"(viii) Supporting care planning and management for individuals with Alzheimer's disease.

"(3) CONSIDERATIONS.—In awarding cooperative agreements under this subsection, the Secretary shall consider, among other factors, whether the entity—

"(A) has access to rural areas or other underserved populations;

"(B) is located in an area where the aggregate success rate for applications for National Institutes of Health funding has been historically low;

"(C) is able to build on an existing infrastructure of service and public health research;

"(D) has experience with providing care, caregiver support, and research related to Alzheimer's disease; and

"(E) is integrated into existing local government and public health infrastructures.

"(4) DISTRIBUTION OF AWARDS.—In awarding cooperative agreements under this subsection, the Secretary, to the extent practicable, shall ensure equitable distribution of awards based on geographic area, including consideration of rural areas, and the burden of the disease on sub-populations.

"(d) COOPERATIVE AGREEMENTS TO PUBLIC HEALTH DEPARTMENTS.—

"(1) IN GENERAL.—The Secretary shall award cooperative agreements to health departments of States, of political subdivisions of States, and of Indian tribes and tribal organizations to promote cognitive functioning, address cognitive impairment for individuals living in such communities, help meet the needs of caregivers, and address unique aspects of Alzheimer's disease, as follows:

"(A) The Secretary shall award core capacity cooperative agreements to such health departments to support the development and implementation of systems change, communications, and programmatic interventions with respect to Alzheimer's disease, including activities involving—

"(i) educating and informing the public based on established public health research and data;

"(ii) supporting early detection and diagnosis;

"(iii) reducing the risk of potentially avoidable hospitalizations;

"(iv) reducing the risk of cognitive decline and cognitive impairment;

"(v) enhancing support to meet the needs of caregivers;

"(vi) supporting care planning and management; or

"(vii) supporting the actions set forth in the most current version of the 'Healthy Brain Initiative: Public Health Road Map' of the Centers for Disease Control and Prevention.

"(B) The Secretary shall award not less than 5 enhanced activity cooperative agreements to such health departments to carry out activities related to Alzheimer's disease, including through public-private partnerships with organizations or other agencies, such as large employers, public housing agencies, large health care systems, and parks and recreation departments, that include—

"(i) expanding implementation of programs described in paragraph (2)(A) to reach larger segments of the population; and

"(ii) implementing the reports described in subparagraph (A)(vii).

"(2) OTHER CONSIDERATIONS.—

"(A) PREFERENCE.—In awarding cooperative agreements under paragraph (1), the Secretary shall give preference to applications that focus on addressing health disparities, including populations and geographic areas that are most in need of intervention.

"(B) CLARIFICATION ON ENHANCED ACTIVITY COOPERATIVE AGREEMENTS.—If the Secretary is unable to identify 5 eligible health departments to receive a cooperative agreement under paragraph (1)(B), the Secretary shall allocate any amounts reserved for such agreements to additional cooperative agreements under paragraph (1)(A).

115TH CONGRESS
2ND SESSION

S. 2322

IN THE SENATE OF THE UNITED STATES

Mr. JOHNSON (for himself, Mr. WYDEN, Mr. RISCH, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend the Federal Food, Drug, and Cosmetic Act to define the term natural cheese.

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 "Codifying Useful Regulatory Definitions Act" or the "CURD Act".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) There is a need to define the term "natural cheese" in order to maintain transparency and consistency for consumers so that they may differentiate "natural cheese" from "process cheese".

(2) The term "natural cheese" has been used within the cheese making industry for more than 50 years and is well-established.

SEC. 3. DEFINITION OF NATURAL CHEESE.

(a) DEFINITION.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(ss) (1) The term 'natural cheese' means cheese that—

"(A) is produced from the milk of lactating animals or from other dairy ingredients; and

"(B) is produced in accordance with—

"(i) natural cheese standards of identity under part 133 or section 130.10 of title 21, Code of Federal Regulations (or any successor regulations);

"(ii) natural cheese standards of identity under applicable State law, if any; or

"(iii) natural cheese practices that are not established in any law or regulation.

"(2) Such term does not include—

"(A) pasteurized process cheeses as defined in section 133.169, 133.170, or 133.171 of title 21, Code of Federal Regulations (or any successor regulations);

"(B) pasteurized process cheese foods as defined in section 133.173 or 133.174 of title 21, Code of Federal Regulations (or any successor regulations);

"(C) pasteurized cheese spreads as defined in section 133.175, 133.176, or 133.178 of title 21, Code of Federal Regulations (or any successor regulations);

"(D) pasteurized process cheese spreads as defined in section 133.179 or 133.180 of title 21, Code of Federal Regulations (or any successor regulations);

"(E) pasteurized blended cheeses as defined in section 133.167 or 133.168 of title 21, Code of Federal Regulations (or any successor regulations);

"(F) any products comparable to any product described in any of subparagraphs (A) through (E); or

"(G) cold pack cheeses as defined in section 133.123, 133.124, or 133.125 title 21, Code of Federal Regulations (or any successor regulations), or any comparable products.".

(b) LABELING.—Section 403 of the Federal Food Drug and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

"(z) If its label or labeling includes the term 'natural cheese', unless the food meets the definition of natural cheese under section 201(ss), except that nothing in this paragraph shall prohibit the use of the term 'natural', 'all-natural', or a similar claim or statement with respect to a food in a manner that is consistent with regulations, guidance, or policy statements issued by the Secretary.".

(c) NATIONAL UNIFORMITY.—Section 403A(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343–1(a)(2)) is amended by striking "or 403(w)" and inserting "403(w), or 403(z)".

115TH CONGRESS
2D SESSION
S. 801
IN THE SENATE OF THE UNITED STATES

Mr. ROUNDS (for himself, Mr. ALEXANDER, Mr. BLUNT, Mrs. CAPITO, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. FLAKE, Mr. HATCH, Mr. JOHNSON, Mr. KENNEDY, Mr. MCCONNELL, Mr. PERDUE, Mr. RISCH, Mr. LEE, Mr. SCOTT, Mr. TOOMEY, Mr. UDALL, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATORY TIME.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

"(s) COMPENSATORY TIME OFF FOR PRIVATE EMPLOYEES.—

"(1) GENERAL RULE.—An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than one and one-half hours for each hour of employment for which overtime compensation is required by this section.

"(2) CONDITIONS.—An employer may provide compensatory time to employees under paragraph (1) only if such time is provided in accordance with—

"(A) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

"(B) in the case of employees who are not represented by a labor organization that has been certified or recognized as the representative of such employees under applicable law, an agreement arrived at between the employer and employee before the performance of the work and affirmed by a written or otherwise verifiable record maintained in accordance with section 11(c)—

"(i) in which the employer has offered and the employee has chosen to receive compensatory time in lieu of monetary overtime compensation; and

"(ii) entered into knowingly and voluntarily by such employees and not as a condition of employment.

No employee may receive or agree to receive compensatory time off under this subsection unless the employee has worked at least 1,000 hours for the employee's employer during a period of continuous employment with the employer in the 12-month period before the date of agreement or receipt of compensatory time off.

"(3) HOUR LIMIT.—

"(A) MAXIMUM HOURS.—An employee may accrue not more than 160 hours of compensatory time.

"(B) COMPENSATION DATE.—Not later than January 31 of each calendar year, the employee's employer shall provide monetary compensation for any unused compensatory time off accrued during the preceding calendar year that was not used prior to December 31 of the

preceding year at the rate prescribed by paragraph (6). An employer may designate and communicate to the employer's employees a 12-month period other than the calendar year, in which case such compensation shall be provided not later than 31 days after the end of such 12-month period.

"(C) EXCESS OF 80 HOURS.—The employer may provide monetary compensation for an employee's unused compensatory time in excess of 80 hours at any time after giving the employee at least 30 days notice. Such compensation shall be provided at the rate prescribed by paragraph (6).

"(D) POLICY.—Except where a collective bargaining agreement provides otherwise, an employer that has adopted a policy offering compensatory time to employees may discontinue such policy upon giving employees 30 days notice.

"(E) WRITTEN REQUEST.—An employee may withdraw an agreement described in paragraph (2)(B) at any time. An employee may also request in writing that monetary compensation be provided, at any time, for all compensatory time accrued that has not yet been used. Within 30 days of receiving the written request, the employer shall provide the employee the monetary compensation due in accordance with paragraph (6).

"(4) PRIVATE EMPLOYER ACTIONS.—An employer that provides compensatory time under paragraph (1) to employees shall not directly or indirectly intimidate, threaten, or coerce or attempt to intimidate, threaten, or coerce any employee for the purpose of—

"(A) interfering with such employee's rights under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation for overtime hours; or

"(B) requiring any employee to use such compensatory time.

"(5) TERMINATION OF EMPLOYMENT.—An employee who has accrued compensatory time off authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment, be paid for the unused compensatory time in accordance with paragraph (6).

"(6) RATE OF COMPENSATION.—

"(A) GENERAL RULE.—If compensation is to be paid to an employee for accrued compensatory time off, such compensation shall be paid at a rate of compensation not less than—

"(i) the regular rate received by such employee when the compensatory time was earned; or

"(ii) the final regular rate received by such employee,

whichever is higher.

"(B) CONSIDERATION OF PAYMENT.—Any payment owed to an employee under this subsection for unused compensatory time shall be considered unpaid overtime compensation.

"(7) USE OF TIME.—An employee—

"(A) who has accrued compensatory time off authorized to be provided under paragraph (1); and

"(B) who has requested the use of such compensatory time,

shall be permitted by the employee's employer to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the employer.

"(8) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'employee' does not include an employee of a public agency; and

"(B) the terms 'overtime compensation', 'compensatory time', and 'compensatory time off' shall have the meanings given such terms by subsection (o)(7).".

SEC. 3. REMEDIES.

Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(1) in subsection (b), by striking "(b) Any employer" and inserting "(b) Except as provided in subsection (f), any employer"; and

(2) by adding at the end the following:

"(f) An employer that violates section 7(s)(4) shall be liable to the employee affected in the amount of the rate of compensation (determined in accordance with section 7(s)(6)(A)) for each hour of compensatory time accrued by the employee and in an additional equal amount as liquidated damages reduced by the amount of such rate of compensation for each hour of compensatory time used by such employee.".

SEC. 4. NOTICE TO EMPLOYEES.

Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations published in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to employees so that such notice reflects the amendments made to such Act by this Act.

SEC. 5. GAO REPORT.

Beginning 2 years after the date of enactment of this Act and each of the 3 years thereafter, the Comptroller General shall submit a report to Congress providing, with respect to the reporting period immediately prior to each such report—

(1) data concerning the extent to which employers provide compensatory time pursuant to section 7(s) of the Fair Labor Standards Act of 1938, as added by this Act, and the extent to which employees opt to receive compensatory time;

(2) the number of complaints alleging a violation of such section filed by any employee with the Secretary of Labor;

(3) the number of enforcement actions commenced by the Secretary or commenced by the Secretary on behalf of any employee for alleged violations of such section;

(4) the disposition or status of such complaints and actions described in paragraphs (2) and (3); and

(5) an account of any unpaid wages, damages, penalties, injunctive relief, or other remedies obtained or sought by the Secretary in connection with such actions described in paragraph (3).

SEC. 6. SUNSET.

This Act and the amendments made by this Act shall expire 5 years after the date of enactment of this Act.

115th CONGRESS
2nd Session
S. 1985

IN THE SENATE OF THE UNITED STATES

Mrs. MURRAY (for herself, Mr. CASEY, Mr. WYDEN, Mr. BLUMENTHAL, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. LEAHY, Mr. KAINE, Ms. STABENOW, Mr. BOOKER, Ms. CANTWELL, Ms. KLOBUCHAR, Mr.NELSON, Mr. DURBIN, Mr. REED, Ms. HASSAN, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. SANDERS, Mr. HEINRICH, Ms. DUCKWORTH, Mr. MARKEY, Mr. BENNET, Ms. CORTEZ MASTO, Ms.WARREN, Ms. HIRONO, Mr. COONS, Mr. VAN HOLLEN, Mr. MENENDEZ, Mr. BROWN, Mr. MERKLEY, Mr. UDALL, Ms. HARRIS, Mr. MURPHY, Mr. CARDIN, Mrs. FEINSTEIN, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To repeal the rules issued by the Department of the Treasury, the Department of Labor, and the Department of Health and Human Services entitled "Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act" and "Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL.

The rules issued by the Department of the Treasury, the Department of Labor, and the Department of Health and Human Services entitled "Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act" (82 Fed. Reg. 47792 (October 13, 2017)) and "Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act" (82 Fed. Reg. 47838 (October 13, 2017)), shall have no force or effect, and shall be treated as though such rules had never taken effect.

115th CONGRESS
2nd Session
S. 2004
IN THE SENATE OF THE UNITED STATES

Mr. CASEY (for himself, Mr. MARKEY, Ms. HASSAN, Mr. HEINRICH, Mrs. SHAHEEN, Mr. KAINE, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mr. KING, Ms. BALDWIN, Ms. WARREN, Mr. BROWN, Mr.MENENDEZ, Ms. HARRIS, Mr. UDALL, and Mr. NELSON) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To increase funding for the State response to the opioid misuse crisis and to provide funding for research on addiction and pain related to the substance misuse crisis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL FUNDING FOR THE STATE RESPONSE.

(a) FUNDING.—Section 1003 of the 21st Century Cures Act (42 U.S.C. 290ee–3 note) is amended—

(1) in subsection (a), by striking "under subsection (b)" and inserting "under subsection (b)(3) and the appropriations under subsection (b)(4)";

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

"(4) ADDITIONAL APPROPRIATIONS.—In addition to the amounts transferred to the Account under paragraph (2)(A), there are authorized to be appropriated, and there are appropriated, to the Secretary, out of monies in the Treasury not otherwise obligated, $4,474,800,000 for each of fiscal years 2018 through 2027, to carry out the grant program described in subsection (c). Such funds shall remain available until expended."; and

(3) by striking subsection (f).

(b) ACTIVITIES.—Section 1003(c)(1) of the 21st Century Cures Act (42 U.S.C. 290ee–3 note) is amended—

(1) by redesignating subparagraph (E) as subparagraph (G); and by inserting the following:

"(E) Detection, surveillance, and treatment of co-occurring infections associated with the opioid epidemic, including hepatitis C and HIV.

"(F) Surveillance, data collection, and timely and consistent reporting on the number of opioid overdose deaths, including the incidence and prevalence of co-occurring infections and toxicology reporting on the number of deaths where fentanyl or other illicit opioid analogs were detected.".

SEC. 2. GRANTS FOR RESEARCH ON ADDICTION AND PAIN.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall use any funds appropriated under subsection (b) to award grants for the purpose of conducting research on addiction and pain related to substance misuse. The Secretary, acting through the Director of the National Institutes of Health, shall determine the amount of each grant awarded under this section.

(b) APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, to the Secretary, out of monies in the Treasury not otherwise obligated, $50,400,000 for each of fiscal years 2018 through 2022, to carry out the grant program described in subsection (a). Such funds shall remain available until expended.

115th CONGRESS
2nd Session
S. 2443

IN THE SENATE OF THE UNITED STATES

Ms. STABENOW (for herself and Mr. PERDUE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend the Elementary and Secondary Education Act of 1965 to establish a new career counseling program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. FINDINGS.

Congress finds the following:

(1) A career guidance and counseling program develops an individual's competencies in self-knowledge, educational and occupational exploration, and career planning.

(2) Career guidance and counseling programs help individuals acquire the knowledge, skills, and experience necessary to identify options, explore alternatives, and succeed in a 21st century society.

(3) The American School Counselor Association recommends a student-to-counselor ratio of two-hundred fifty to one. Forty-seven States do not meet this recommendation.

(4) School counselors design and implement comprehensive school counseling programs that include educational and career planning activities for all students that are designed to assist students in reaching academic, career, and personal goals.

(5) Students at schools with highly integrated, rigorous, academic and career and technical education programs have significantly higher achievement in reading, mathematics, and science than do students at schools with less integrated programs.

SEC. 3. CAREER COUNSELING PROGRAM.

(a) PROGRAM AUTHORIZED.—Part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6621 et seq.) is amended by adding at the end the following:

"Subpart 5—Career Counseling Program

"SEC. 2251. DEFINITIONS.

"In this subpart:

"(1) CAREER COUNSELOR.—The term 'career counselor' means a school counselor licensed or certified by a State.

"(2) COMPREHENSIVE CAREER COUNSELING PROGRAM.—The term 'comprehensive career counseling program' means a program that—

"(A) provides access for students (and parents, as appropriate) to information regarding career awareness and planning with respect to an individual's occupational and academic future;

"(B) provides information with respect to career options, financial aid, and postsecondary options, including baccalaureate degree programs, registered apprenticeship programs, and professional trades; and

"(C) is implemented in a school by a career counselor.

"(3) EDUCATIONAL DEVELOPMENT PLAN.—The term 'educational development plan' means an individualized plan for a student that—

"(A) contains a series of steps to help the student promote career awareness and exploration; and

"(B) assists students in identifying—

"(i) career and technical programs of study described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2342(c)(1)(A));

"(ii) career pathways (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)); and

"(iii) programs of training services leading to a recognized postsecondary credential included on a State's list under section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d)).

"(4) REGISTERED APPRENTICESHIP PROGRAM.—The term 'registered apprenticeship program' means an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

"SEC. 2252. CAREER COUNSELING PROGRAM.

"(a) PROGRAM AUTHORIZED.—From amounts made available to carry out this subpart, the Secretary shall award grants, on a competitive basis, to State educational agencies, to pay the Federal share of a program enabling the State educational agencies to address the shortage of career counselors and to expand effective career counseling programs by awarding subgrants under section 2253.

"(b) APPLICATION.—A State that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a description of—

"(1) how the State will award subgrants with an emphasis toward supporting local educational agencies with disproportionally high student-to-counselor ratios;

"(2) a professional development program approved by the State for all career counselors in the State, which may include opportunities for externships, fellowships, and other activities to ensure that career counselors are able to provide current and relevant workforce information;

"(3) how the State will provide technical assistance to local educational agencies to enable the local educational agencies to qualify for subgrants;

"(4) the State-wide strategies to be implemented by the State to increase the number of high-quality career counselors;

"(5) how the State will disseminate, in a timely manner, information regarding—

"(A) national, regional, and local labor market trends; and

"(B) other career-relevant data; and

"(6) how the State will assist local educational agencies in the State in developing a comprehensive career counseling program.

"(c) SPECIAL CONSIDERATION.—In awarding grants under this program, the Secretary shall give special consideration to State educational agencies that have high student-to-counselor ratios.

"(d) FEDERAL SHARE; NON-FEDERAL SHARE.—

"(1) FEDERAL SHARE.—The Federal share of a grant under this subpart shall be 80 percent of the costs of the activities under the grant.

"(2) NON-FEDERAL SHARE.—The non-Federal share of a grant under this subpart shall be 20 percent, and may be provided in cash or in-kind.

"(e) USE OF FUNDS.—Each State receiving a grant under this subpart—

"(1) may use not more than 10 percent of the total amounts available for the grant to support the grant by carrying out the activities described in paragraphs (2) through (6) of subsection (b), as proposed by the State and approved by the Secretary in the application submitted under subsection (b);

"(2) may use not more than 3 percent of such total amounts for the administrative costs associated with the grant; and

"(3) shall use not less than 87 percent of such total amounts to carry out the subgrant program described in section 2253.

"SEC. 2253. CAREER COUNSELING SUBGRANTS.

"(a) SUBGRANTS AUTHORIZED.—From amounts made available under section 2252(e)(3), each State receiving a grant under this subpart shall award subgrants, on a competitive basis, to local educational agencies to enable the local educational agencies to improve career counseling programs.

"(b) APPLICATION.—A local educational agency desiring a subgrant under this subpart shall submit to the State an application at such time, in such manner, and containing such information as the State may require.

"(c) USE OF SUBGRANT FUNDS.—A local educational agency receiving a subgrant under this section—

"(1) shall use subgrant funds to—

"(A) develop and implement the comprehensive career counseling program proposed by the local educational agency in the application submitted under subsection (b)(1); and

"(B) develop and carry out other activities and strategies proposed in the application under subsection (b); and

"(2) may use subgrant funds to—

"(A) purchase software or online platforms to directly support the comprehensive career counseling program of the local educational agency; and

"(B) train school personnel to effectively provide students with current and relevant workforce information.

"SEC. 2254. REPORTS.

"Each State educational agency receiving a grant under this subpart shall submit an annual report to the Secretary regarding the progress of the grant.

"SEC. 2255. SUPPLEMENT NOT SUPPLANT.

"Amounts made available under this subpart shall supplement, and not supplant, other amounts available to carry out the activities supported under this subpart.

"SEC. 2256. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $15,000,000 for fiscal year 2019 and each of the 4 succeeding fiscal years.".

(b) CONFORMING AMENDMENT.—Section 2003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6603(b)) is amended by inserting "(except for subpart 5)" after "part B".

115th CONGRESS
2nd Session
S. 2089

IN THE SENATE OF THE UNITED STATES

Mr. BENNET (for himself, Ms. BALDWIN, Mr. MERKLEY, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend the Older Americans Act of 1965 to provide equal treatment of LGBT older individuals, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

(a) IN GENERAL.—Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(1) in paragraph (24)—

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

(B) in subparagraph (C)(ii), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(D) status as an LGBT individual.";

(2) by redesignating—

(A) paragraphs (36) through (54) as paragraphs (38) through (56), respectively; and

(B) paragraphs (34) and (35) as paragraphs (35) and (36), respectively;

(3) by inserting after paragraph (33) the following:

"(34) The term 'LGBT', used with respect to an individual, means a lesbian, gay, bisexual, or transgender individual."; and

(4) by inserting after paragraph (36), as so redesignated, the following:

"(37) The term 'minority', used with respect to an individual, includes a lesbian, gay, bisexual, or transgender individual.".

(b) CONFORMING AMENDMENT.—Section 215(e)(1)(J) of the Older Americans Act of 1965 (42 U.S.C. 3020e–1(e)(1)(J)) is amended by striking "minorities" and inserting "minority individuals".

SEC. 2. ADMINISTRATION ON AGING.

(a) ESTABLISHMENT OF ADMINISTRATION.—Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended—

(1) in subsection (d)(3)(J), by inserting before the semicolon the following: ", including the effectiveness of such services in meeting the needs of LGBT older individuals"; and

(2) by adding at the end the following:

"(g) The Assistant Secretary is authorized to designate within the Administration a person to have responsibility for addressing issues affecting LGBT older individuals.".

(b) FUNCTIONS OF ASSISTANT SECRETARY.—Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended—

(1) in subsection (a)—

(A) in paragraph (16)(A)(ii), by inserting ", and separately specifying the number of such individuals who are LGBT individuals" before the semicolon;

(B) in paragraph (30), by striking "; and" and inserting a semicolon;

(C) in paragraph (31), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(32) conduct studies and collect data to determine the services that are needed by LGBT older individuals."; and

(2) by adding at the end the following:

"(h) (1) The Assistant Secretary shall, directly or by grant or contract, establish and operate the National Resource Center on Lesbian, Gay, Bisexual, and Transgender Aging (in this subsection referred to as the 'Center').

"(2) To address the unique challenges faced by LGBT older individuals, the Center shall provide national, State, and local organizations, including those with a primary mission of serving LGBT individuals and those with a primary mission of serving older individuals, with the information and technical assistance the organizations need to effectively serve LGBT older individuals.

"(3) The Center shall have 3 primary objectives, consisting of—

"(A) educating aging services organizations about the existence and special needs of LGBT older individuals;

"(B) sensitizing LGBT organizations about the existence and special needs of older individuals; and

"(C) providing educational resources to LGBT older individuals and their caregivers.

"(4) (A) To be eligible to receive funds under this subsection, an entity—

"(i) shall have demonstrated expertise in working with organizations or individuals on issues affecting LGBT individuals;

"(ii) shall have documented experience in providing training and technical assistance on a national basis or a formal relationship with an organization that has that experience; and

"(iii) shall meet such other criteria as the Assistant Secretary shall issue.

"(B) To be eligible to receive funds under this subsection, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

"(5) The Assistant Secretary shall make available to the Center on an annual basis such resources as are necessary for the Center to carry out effectively the functions of the Center under this Act and not less than the amount of resources made available to the National Resource Center on LGBT Aging, existing on the day before the date of enactment of the LGBT Elder Americans Act of 2017, for fiscal year 2017.

"(6) The Assistant Secretary shall develop and issue operating standards and reporting requirements for the Center.".

(c) REPORTS.—Section 207 of the Older Americans Act of 1965 (42 U.S.C. 3018) is amended—

(1) in subsection (a)(3), by inserting "LGBT individuals," after "low-income individuals,";

(2) in subsection (c)—

(A) in paragraph (1), by inserting ", and separately specify the number of such individuals who are LGBT individuals" before the semicolon;

(B) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(C) by inserting after paragraph (3) the following:

"(4) the effectiveness of such activities in assisting LGBT individuals;"; and

(3) by adding at the end the following:

"(d) The Assistant Secretary shall ensure that—

"(1) no individual will be required to provide information regarding the sexual orientation or gender identity of the individual as a condition of participating in activities or receiving services under this Act; and

"(2) no agency or other entity providing activities or services under this Act that receives, for the purposes of this Act, information regarding the sexual orientation or gender identity of an individual will disclose the information in any form that would permit such individual to be identified.

"(e) The Assistant Secretary shall develop appropriate protocols, demonstrations, tools, or guidance for use by State agencies and area agencies on aging, to ensure successful implementation of data collection requirements under section 201(d)(3)(J), paragraphs (16)(A)(ii) and (29) of section 202(a), subsections (a)(3), (c)(1), and (c)(4), and section 307(a)(6), relating to LGBT individuals.

SEC. 4. GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING.

Section 301(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3021(a)(2)) is amended—

(1) in subparagraph (E), by striking "; and" and inserting a semicolon;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) organizations that serve LGBT individuals; and".

SEC. 4. ACTIVITIES FOR HEALTH, INDEPENDENCE, AND LONGEVITY.

Section 411(a)(11) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)(11)) is amended to read as follows:

"(11) conducting activities of national significance to promote quality and continuous improvement in the support and services provided to individuals with greatest social need, through activities that include needs assessment, program development and evaluation, training, technical assistance, and research, concerning—

"(A) addressing physical and mental health, disabilities, and health disparities;

"(B) providing long-term care, including in-home and community-based care;

"(C) providing informal care, and formal care in a facility setting;

"(D) providing access to culturally responsive health and human services; and

"(E) addressing other gaps in assistance and issues that the Assistant Secretary determines are of particular importance to older individuals with greatest social need.".

SEC. 5. DATA ON DISCRIMINATION.

Section 712 of the Older Americans Act of 1965 (42 U.S.C. 3058g) is amended—

(1) in subsection (a)(3)—

(A) by redesignating subparagraphs (F) through (J) as subparagraphs (G) through (K); and

(B) by inserting after subparagraph (E) the following:

"(F) collect and analyze data, relating to discrimination against LGBT older individuals on the basis of actual or perceived sexual orientation or gender identity in the admission to, transfer or discharge from, or lack of adequate care provided in long-term care settings, and shall include the analyses in the reports described in subsection (h)(1);"; and

(2) in subsection (h)(6), in the matter preceding subparagraph (A), by striking "(A) through (G)" and inserting "(A) through (H)".

115th CONGRESS
2nd Session
S. 194

IN THE SENATE OF THE UNITED STATES

Mr. WHITEHOUSE (for himself and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend the Public Health Service Act to establish a public health insurance option, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. PUBLIC HEALTH INSURANCE OPTION.

(a) IN GENERAL.—Part C of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–91) is amended by adding at the end the following:

"SEC. 2795. PUBLIC HEALTH INSURANCE OPTION.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—For plan years beginning in 2019, the Secretary shall establish, and provide for the offering through the Exchanges, of a qualified health plan (in this Act referred to as the 'public health insurance option') that provides value, choice, competition, and stability of affordable, high-quality coverage throughout the United States in accordance with this section.

"(2) PRIMARY RESPONSIBILITY.—In designing the public health insurance option, the primary responsibility of the Secretary shall be to create an affordable health plan without compromising quality or access to care.

"(b) ADMINISTRATING THE PUBLIC HEALTH INSURANCE OPTION.—

"(1) OFFERED THROUGH EXCHANGES.—

"(A) EXCLUSIVE TO EXCHANGES.—The public health insurance option shall be made available through the Exchanges.

"(B) ENSURING A LEVEL PLAYING FIELD.—Consistent with this section, the public health insurance option shall comply with requirements under title I of the Patient Protection and Affordable Care Act, and the amendments made by that title, that are applicable to health plans offered through the Exchanges, including requirements related to benefits, benefit levels, provider networks, notices, consumer protections, and cost-sharing.

"(C) PROVISION OF BENEFIT LEVELS.—The public health insurance option shall offer bronze, silver, and gold plans.

"(2) ADMINISTRATIVE CONTRACTING.—

"(A) AUTHORITIES.—The Secretary may enter into contracts for the purpose of performing administrative functions (including functions described in subsection (a)(4) of section 1874A of the Social Security Act) with respect to the public health insurance option in the same manner as the Secretary may enter into contracts under subsection (a)(1) of such section. The Secretary shall have the same authority with respect to the public health insurance option as the Secretary has under such subsection (a)(1) and subsection (b) of section 1874A of the Social Security Act with respect to title XVIII of such Act.

"(B) TRANSFER OF INSURANCE RISK.—Any contract under this paragraph shall not involve the transfer of insurance risk from the Secretary to the entity entering into such contract with the Secretary.

"(3) STATE ADVISORY COUNCIL.—

"(A) ESTABLISHMENT.—A State may establish a public or nonprofit entity to serve as the State Advisory Council to provide recommendations to the Secretary on the operations and policies of the public health insurance option offered through the Exchange operating in the State.

"(B) RECOMMENDATIONS.—A State Advisory Council established under subparagraph (A) shall provide recommendations on at least the following:

"(i) Policies and procedures to integrate quality improvement and cost containment mechanisms into the health care delivery system.

"(ii) Mechanisms to facilitate public awareness of the availability of the public health insurance option.

"(iii) Alternative payment models and value-based insurance design under the public health insurance option that encourage quality improvement and cost control.

"(C) MEMBERS.—The members of any State Advisory Council shall be representatives of the public and include health care consumers and health care providers.

"(D) APPLICABILITY OF RECOMMENDATIONS.—The Secretary may apply the recommendations of a State Advisory Council to the public health insurance option in that State, in any other State, or in all States.

"(4) DATA COLLECTION.—The Secretary shall collect such data as may be required—

"(A) to establish rates for premiums and health care provider reimbursement under subsection (c); and

"(B) for other purposes under this section, including to improve quality, and reduce racial, ethnic, and other disparities, in health and health care.

"(c) FINANCING THE PUBLIC HEALTH INSURANCE OPTION.—

"(1) PREMIUMS.—

"(A) ESTABLISHMENT.—The Secretary shall establish geographically adjusted premium rates for the public health insurance option—

"(i) in a manner that complies with the requirement for premium rates under subparagraph (C) and considers the data collected under subsection (b)(4); and

"(ii) at a level sufficient to fully finance—

"(I) the costs of health benefits provided by the public health insurance option; and

"(II) administrative costs related to operating the public health insurance option.

"(B) CONTINGENCY MARGIN.—In establishing premium rates under subparagraph (A), the Secretary shall include an appropriate amount for a contingency margin.

"(C) VARIATIONS IN PREMIUM RATES.—The premium rate charged for the public health insurance option may not vary except as provided under section 2701.

"(2) HEALTH CARE PROVIDER PAYMENT RATES FOR ITEMS AND SERVICES.—

"(A) IN GENERAL.—

"(i) RATES NEGOTIATED BY THE SECRETARY.—Not later than January 1, 2018, and except as provided in clause (ii), the Secretary shall, through a negotiated agreement with health care providers, establish rates for reimbursing health care providers for providing the benefits covered by the public health insurance option.

"(ii) MEDICARE REIMBURSEMENT RATES.—If the Secretary and health care providers are unable to reach a negotiated agreement on a reimbursement rate, the Secretary shall reimburse providers at rates determined for equivalent items and services under the original medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act.

"(iii) FOR NEW SERVICES.—The Secretary shall modify reimbursement rates described in clause (ii) in order to accommodate payments for services, such as well-child visits, that are not otherwise covered under the original medicare fee-for-service program.

"(B) PRESCRIPTION DRUGS.—Any payment rate under this subsection for a prescription drug shall be at a rate negotiated by the Secretary. If the Secretary is unable to reach a negotiated agreement on such a reimbursement rate, the Secretary shall use rates determined for equivalent drugs paid for under the original medicare fee-for-service program. The Secretary shall modify such rates in order to accommodate payments for drugs that are not otherwise covered under the original medicare fee-for-service program.

"(3) ACCOUNT.—

"(A) ESTABLISHMENT.—There is established in the Treasury of the United States an account for the receipts and disbursements attributable to the operation of the public health insurance option, including the startup funding under subparagraph (C) and appropriations authorized under subparagraph (D).

"(B) PROHIBITION OF STATE IMPOSITION OF TAXES.—Section 1854(g) of the Social Security Act shall apply to receipts and disbursements described in subparagraph (A) in the same manner as such section applies to payments or premiums described in such section.

"(C) STARTUP FUNDING.—

"(i) AUTHORIZATION OF FUNDING.—There are authorized to be appropriated such sums as may be necessary to establish the public health insurance option and cover 90 days of claims reserves based on projected enrollment.

"(ii) AMORTIZATION OF STARTUP FUNDING.—The Secretary shall provide for the repayment of the startup funding provided under clause (i) to the Treasury in an amortized manner over the 10-year period beginning on January 1, 2019.

"(D) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—To carry out paragraph (2) of subsection (b), there are authorized to be appropriated such sums as may be necessary.

"(d) HEALTH CARE PROVIDER PARTICIPATION.—

"(1) PROVIDER PARTICIPATION.—

"(A) IN GENERAL.—The Secretary shall establish conditions of participation for health care providers under the public health insurance option.

"(B) LICENSURE OR CERTIFICATION.—The Secretary shall not allow a health care provider to participate in the public health insurance option unless such provider is appropriately licensed or certified under State law.

"(2) ESTABLISHMENT OF A PROVIDER NETWORK.—

"(A) MEDICARE AND MEDICAID PARTICIPATING PROVIDERS.—A health care provider that is a participating provider of services or supplier under the Medicare program under title XVIII of the Social Security Act or under a State Medicaid plan under title XIX of such Act is a participating provider in the public health insurance option unless the health care provider opts out of participating in the public health insurance option through a process established by the Secretary.

"(B) ADDITIONAL PROVIDERS.—The Secretary shall establish a process to allow health care providers not described in subparagraph (A) to become participating providers in the public health insurance option.".

(b) CONFORMING AMENDMENTS.—

(1) TREATMENT AS A QUALIFIED HEALTH PLAN.—Section 1301(a)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 18021(a)(2)) is amended—

(A) in the paragraph heading, by inserting ", THE PUBLIC HEALTH INSURANCE OPTION," before "AND"; and

(B) by inserting "the public health insurance option under section 2795 of the Public Health Service Act," before "and a multi-State plan".

(2) LEVEL PLAYING FIELD.—Section 1324(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18044(a)) is amended by inserting "the public health insurance option under section 2795 of the Public Health Service Act," before "or a multi-State qualified health plan".

115th CONGRESS
2nd Session
S. 783

IN THE SENATE OF THE UNITED STATES

Ms. BALDWIN (for herself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend the Public Health Service Act to distribute maternity care health professionals to health professional shortage areas identified as in need of maternity care health services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. MATERNITY CARE HEALTH PROFESSIONAL TARGET AREAS.

Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended by adding at the end the following new subsection:

"(k) (1) The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall identify, based on the data collected under paragraph (3), maternity care health professional target areas that satisfy the criteria described in paragraph (2) for purposes of, in connection with receipt of assistance under this title, assigning to such identified areas maternity care health professionals who, without application of this subsection, would otherwise be eligible for such assistance. The Secretary shall distribute maternity care health professionals within health professional shortage areas using the maternity care health professional target areas so identified.

"(2) For purposes of paragraph (1), the Secretary shall establish criteria for maternity care health professional target areas that identify geographic areas within health professional shortage areas that have a shortage of maternity care health professionals.

"(3) For purposes of this subsection, the Secretary shall collect and publish in the Federal Register data comparing the availability and need of maternity care health services in health professional shortage areas and in areas within such health professional shortage areas.

"(4) In carrying out paragraph (1), the Secretary shall seek input from relevant provider organizations, including medical societies, organizations representing medical facilities, and other organizations with expertise in maternity care.

"(5) For purposes of this subsection, the term 'full scope maternity care health services' includes during labor care, birthing, prenatal care, and postpartum care.

"(6) Nothing in this subsection shall be construed as—

"(A) requiring the identification of a maternity care health professional target area in an area not otherwise already designated as a health professional shortage area; or

"(B) affecting the types of health professionals, without application of this subsection, otherwise eligible for assistance, including a loan."

115th CONGRESS
2nd Session
S. 2069

IN THE SENATE OF THE UNITED STATES

Mr. BROWN (for himself, Mrs. GILLIBRAND, Mr. DURBIN, Mr. MERKLEY, Mrs. MURRAY, Mr. SANDERS, Ms. BALDWIN, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend the National Labor Relations Act to clarify the requirements for meeting the definition of the term "employee", and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. DEFINITIONS UNDER THE NATIONAL LABOR RELATIONS ACT.

Section 2 of the National Labor Relations Act (29 U.S.C. 152) is amended—

(1) in paragraph (3), by adding at the end the following: "An individual performing any service shall be considered an employee (except as provided in the previous sentence) and not an independent contractor, unless—

"(A) the individual is free from control and direction in connection with the performance of the service, both under the contract for the performance of the service and in fact;

"(B) the service is performed outside the usual course of the business of the employer; and

"(C) the individual is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in the service performed."; and

(2) in paragraph (11)—

(A) by inserting "and for a majority of the individual's work time" after "interest of the employer";

(B) by striking "assign," after "discharge,"; and

(C) by striking "or responsibly to direct them," after "or discipline other employees,".

115TH CONGRESS
2ND SESSION

S. 910

To prohibit discrimination against individuals with disabilities who need long-term services and supports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. WARREN (for herself, Mr. CASEY, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To prohibit discrimination against individuals with disabilities who need long-term services and supports, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSES.

(a) PURPOSES.—The purposes of this Act are—

(1) to clarify and strengthen the ADA's integration mandate in a manner that accelerates State compliance;

(2) to clarify that every individual who is eligible for long-term services and supports has a federally protected right to be meaningfully integrated into that individual's community and receive community-based long-term services and supports;

(3) to ensure that States provide long-term services and supports to individuals with disabilities in a manner that allows individuals with disabilities to live in the most integrated setting, including the individual's own home, have maximum control over their services and supports, and ensure that long-term services and supports are provided in a manner that allows individuals with disabilities to lead an independent life;

(4) to establish a comprehensive State planning requirement that includes enforceable, measurable objectives that are designed to transition individuals with all types of disabilities at all ages out of institutions and into the most integrated setting; and

(5) to establish a requirement for clear and uniform annual public reporting by States that includes reporting about—

(A) the number of individuals with disabilities who are served in the community and the number who are served in institutions; and

(B) the number of individuals with disabilities who have transitioned from an institution to a community-based living situation, and the type of community-based living situation into which those individuals have transitioned.

SEC. 2. DISCRIMINATION.

(a) IN GENERAL.—No public entity or LTSS (Long Term Service and Support) insurance provider shall deny an individual with an LTSS disability who is eligible for institutional placement, or otherwise discriminate against that individual in the provision of, community-based long-term services and supports that enable the individual to live in the community and lead an independent life.

(b) SPECIFIC PROHIBITIONS.—For purposes of this Act, discrimination by a public entity or LTSS insurance provider includes—

(1) the imposition or application of eligibility criteria or another policy that prevents or tends to prevent an individual with an LTSS disability, or any class of individuals with LTSS disabilities, from receiving a community-based long-term service or support;

(2) the imposition or application of a policy or other mechanism, such as a service or cost cap, that prevent or tends to prevent an individual with an LTSS disability, or any class of individuals with LTSS disabilities, from receiving a community-based long-term service or support;

(3) a failure to provide a specific community-based long-term service or support or a type of community-based long-term service or support needed for an individual with an LTSS disability, or any class of individuals with LTSS disabilities;

(4) the imposition or application of a policy, rule, regulation, or restriction that interferes with the opportunity for an individual with an LTSS disability, or any class of individuals with LTSS disabilities, to live in the community and lead an independent life, which may include a requirement that an individual with an LTSS disability receive a service or support (such as day services or employment services) in a congregate or disability-specific setting;

(5) the imposition or application of a waiting list or other mechanism that delays or restricts access of an individual with an LTSS disability to a community-based long-term service or support;

(6) a failure to establish an adequate rate or other payment structure that is necessary to ensure the availability of a workforce sufficient to support an individual with an LTSS disability in living in the community and leading an independent life;

(7) a failure to provide community-based services and supports, on an intermittent, short-term, or emergent basis, that assist an individual with an LTSS disability to live in the community and lead an independent life;

(8) the imposition or application of a policy, such as a requirement that an individual utilize informal support, that restricts, limits, or delays the ability of an individual with an LTSS disability to secure a community-based long-term service or support to live in the community or lead an independent life;

(9) a failure to implement a formal procedure and a mechanism to ensure that—

(A) individuals with LTSS disabilities are offered the alternative of community-based long-term services and supports prior to institutionalization; and

(B) if selected by an individual with an LTSS disability, the community-based long-term services and supports described in subparagraph (A) are provided;

(10) a failure to ensure that each institutionalized individual with an LTSS disability is regularly notified of the alternative of community-based long-term services and supports and that those community-based long-term services and supports are provided if the individual with an LTSS disability selects such services and supports; and

(11) a failure to make a reasonable modification in a policy, practice, or procedure, when such modification is necessary to allow an individual with an LTSS disabilityto receive a community-based long-term service or support.

(c) ADDITIONAL PROHIBITION.—For purposes of this Act, discrimination by a public entity also includes a failure to ensure that there is sufficient availability of affordable, accessible, and integrated housing to allow an individual with an LTSS disability to choose to live in the community and lead an independent life, including the availability of an option to live in housing where the receipt of LTSS is not tied to tenancy.

(d) CONSTRUCTION.—Nothing in this section—

(1) shall be construed—

(A) to prevent a public entity or LTSS insurance provider from providing community-based long-term services and supports at a level that is greater than the level that is required by this section; or

(B) to limit the rights of an individual with a disability under any provision of law other than this section; or

(2) shall be construed to prohibit a public entity or LTSS insurance provider from using managed care techniques, as long as the use of such techniques does not have the effect of discriminating against an individual in the provision of community-based long-term services and supports, as prohibited by this Act.

115th CONGRESS
2nd Session

S. 2207

IN THE SENATE OF THE UNITED STATES

Ms. HEITKAMP (for himself, Mrs. MCCASKILL, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To allow qualified volunteer first responders to qualify for public service loan forgiveness.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOAN FORGIVENESS FOR VOLUNTEER FIRST RESPONDERS.

Section 455(m)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (i), by striking "or" after the semicolon;

(B) in clause (ii), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(iii) volunteer work as a qualified volunteer first responder in accordance with subparagraph (C)."; and

(2) by adding at the end the following:

"(C) QUALIFIED VOLUNTEER FIRST RESPONDER.—

"(i) IN GENERAL.—The term 'qualified volunteer first responder' means an individual who—

"(I) does volunteer work for a public safety organization (which may include firefighters, law enforcement officers, emergency medical personnel, or other first responders to emergencies); and

"(II) is certified as a firefighter, law enforcement officer, emergency medical services provider, or other responder in the State, unit of general local government, or Indian tribe in which the individual serves as a volunteer.

"(ii) PUBLIC SAFETY ORGANIZATION.—The term 'public safety organization' means any State, local, or tribal governmental agency or nonprofit organization that has the principal purpose of protecting the safety of life, health, or property.

"(iii) FULL-TIME EMPLOYMENT.—The Secretary shall—

"(I) determine the minimum volunteer time required for a qualified volunteer first responder to be treated as an individual employed in a full-time job for purposes of this subsection; and

"(II) ensure that such minimum volunteer time—

"(aa) is not less than the amount of volunteer time that is required for the qualified volunteer first responder to be considered an active member of the relevant public safety organization; and

"(bb) does not exceed the equivalent of 200 hours per year.".

SEC. 2. REGULATIONS.

The Secretary of Education shall promulgate, after consultation with public safety organizations (which shall include firefighter, law enforcement officer, and emergency responder organizations), regulations to carry out the amendments made by section 2, including regulations relating to—

(1) the minimum volunteer time required for a qualified volunteer first responder to be treated as an individual employed in a full-time job for purposes of section 455(m) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)); and

(2) the process of tracking and verifying that volunteer time.

SEC. 3. ENGAGEMENT OF PUBLIC SAFETY ORGANIZATIONS.

The Secretary of Education shall develop a plan regarding how the Department of Education will—

(1) disseminate information and raise awareness about eligibility for qualified volunteer first responders for public service loan forgiveness under section 455(m) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)) (as amended by this Act); and

(2) engage qualified volunteer first responders and public safety organizations in the process of tracking and verifying volunteer hours for purposes of public service loan forgiveness under such section.

115th CONGRESS
2nd Session

S. 2407

IN THE SENATE OF THE UNITED STATES

Ms. HASSAN (for herself, Mr. KAINE, Mrs. SHAHEEN, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To establish a career pathway grant program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CAREER PATHWAYS GRANT PROGRAM.

Title VIII of the Higher Education Act of 1965 (20 U.S.C. 1161a et seq.) is amended by adding at the end the following:

"PART BB—CAREER PATHWAY GRANT PROGRAM

"SEC. 899. CAREER PATHWAY GRANT PROGRAM.

"(a) PROGRAM ESTABLISHED.—The Secretary, in consultation with the Secretary of Labor, shall establish a career pathway grant program, through which the Secretary shall award grants, or a competitive basis, to eligible institutions in order to enable eligible institutions to carry out the activities described in subsection (e).

"(c) APPLICATION.—An eligible institution desiring to receive a grant under this section shall submit an application, at such time and in such manner as the Secretary may require, that includes the following information:

"(1) A description of the career pathway partnership, including the roles and responsibilities of each partner.

"(2) A description of the career pathway program that will be supported under the grant, including a description of the occupations and industries that will be targeted and the recognized postsecondary credentials to be awarded.

"(3) A description of how the career pathway program supported under the grant is aligned and coordinated with other employment, education, and support services offered in the geographic area served under the grant, including services provided under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

"(4) A description of the student populations that will be served under the grant, including an analysis of any barriers to postsecondary access and completion that such populations face, and an analysis of how the services to be provided under the grant will address those barriers.

"(5) A description of the activities and services to be provided under this grant, consistent with the subsection (e).

"(6) A description of the performance outcomes that the eligible institution plans to achieve, including a description of how the eligible institution will evaluate and measure student progress and measurable skill gains along a career pathway.

"(7) Such other information as the Secretary may require.

"(d) GEOGRAPHIC DIVERSITY; PRIORITY.—The Secretary shall award grants under this part in a manner that—

"(1) supports geographic diversity among grantees; and

"(2) gives priority to partnerships that seek to serve individuals with a barrier to employment or individuals with a barrier to postsecondary education.

"(e) USE OF FUNDS.—An eligible institution receiving a grant under this section shall use grant funds to carry out activities that support the development and implementation of career pathways programs, which shall include two or more of the following activities:

"(1) The planning and implementation of agreements between the eligible institution and other partners in the career pathway partnership to support seamless transitions between elements of the career pathway program offered by different partners, as appropriate.

"(2) The development and expansion of new or existing programs at the eligible institution that utilize integrated education and training strategies, and support multiple entry and exit points for working learners, which may include—

"(A) dual-enrollment approaches for secondary students or disconnected youth seeking to transition directly into a career pathway program; and

"(B) strategies that help working students and other nontraditional and adult student populations access skills and recognized postsecondary credentials.

"(3) The provision of direct support services such as childcare, transportation, mental health and substance use disorder treatment, assistance in obtaining health insurance coverage, and assistance in accessing the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), housing, and other benefits, as appropriate.

"(4) The provision of emergency grants to help students facing financial hardships that may impact enrollment or completion of an element of a career pathway program.

"(5) Offering career pathways navigation and case management services.

"(6) The provision of professional development for faculty and other staff at the eligible institution or at partner organizations described under subparagraph (B) or (C) of subsection (a)(3) on the development and implementation of career pathways.

"(7) The acquisition of equipment necessary to support the delivery of career pathway programs supported through a grant under this section.

"(8) Any other activity identified by the eligible institution or partners as necessary to support the development or implementation of career pathway programs, as long as such activity is clearly outlined in the grant application.

"(f) DURATION OF AWARD.—A grant under this section shall be for a period of not more than 4 years. An eligible institution may apply for subsequent grants after the completion of a grant period.

"(g) REPORTS.—Each eligible institution receiving a grant under this section shall submit a report to the Secretary, on an annual basis, describing—

"(1) the activities provided under the grant, including activities carried out directly by the eligible institution and activities carried out by partner organizations;

"(2) the students receiving services under the grant, disaggregated by age, race or ethnicity, gender, and income; and

"(3) outcomes for students receiving services under the grant, including data relating to—

"(A) employment of students upon enrollment in the career pathway program, and in the second and fourth quarters after completion;

"(B) median earnings of students upon enrollment in the career pathway program, and in the second quarter after completion of the program or attainment of a recognized postsecondary credential;

"(C) the percentage of students receiving a high school diploma or recognized equivalent;

"(D) the percentage of students receiving a recognized postsecondary credential;

"(E) the percentage of students who achieve measurable skill gains toward a recognized postsecondary credential or employment; and

"(F) the percentage of students receiving support services, disaggregated by type of service.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the activities described in this section, such sums as may be necessary for fiscal year 2018 and for each subsequent fiscal year thereafter.".

115TH CONGRESS
1ST SESSION
S. 2212

To establish the "Biomedical Innovation Fund", and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. SMITH (for herself, Mr. SANDERS, Mr. CASEY, MS. WARREN, Mr. BENNET, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Mr. KAINE, Ms. HASSAN, Mr. CARDIN, Mr. VAN HOLLEN, Mr. MARKEY, Ms.HIRONO, Mr. BOOKER, and Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To establish the "Biomedical Innovation Fund", and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BIOMEDICAL INNOVATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Biomedical Innovation Fund", to be administered by the Secretary of the Treasury, consisting of—

(1) the amounts transferred to the Fund under subsection (b); and

(2) any interest earned on the investment of such amounts under subsection (d).

(b) COMMITMENT TO BIOMEDICAL INNOVATION.—Not later than September 1, 2017, and every year thereafter through 2026, the Secretary of the Treasury shall transfer $5,000,000,000 from the general fund of the Treasury into the Fund.

(c) DISTRIBUTION OF AMOUNTS.—

(1) CALCULATION OF ANNUAL FUND AMOUNT.—For fiscal year 2018 and each fiscal year thereafter, not later than 15 days after the latter of the date of enactment of an appropriation Act making full fiscal year appropriations for such fiscal year to the entity described in paragraph (2)(A) and the date of enactment of an appropriation Act making full fiscal year appropriations for such fiscal year to the entity described in paragraph (2)(B), the Secretary of the Treasury shall calculate the total amount in the Fund that is available to be distributed for such fiscal year in accordance with paragraph (2).

(2) AUTHORIZED USES.—Amounts distributed under paragraph (2) from the Fund shall be used to support—

(A) basic research on the underlying basis for disease to better address disease prevention, diagnosis, and treatment;

(B) research that fosters disruptive innovation, such as—

(i) research on diseases or conditions for which treatments exist but are inadequate, including chronic and acute pain;

(ii) research on diseases or conditions for which there are unmet medical needs;

(iii) research on diseases or conditions for which treatments exist but the side effect profiles of such treatments limit therapeutic potential;

(iv) research on new approaches to treatment of diseases using drugs, devices, or therapies that, at the time of distribution under paragraph (2), are not used or are underused; or

(v) research conducted by experienced investigators with a history of productive and innovative research, such that funding provides long-term stability for such research and allows such investigators to take greater risks, be more adventurous in their lines of inquiry, or take the time to develop groundbreaking techniques;

(vi) research conducted to support the creation of a universal influenza vaccine.

(C) research related to diseases that disproportionally account for Federal health care spending, including spending under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the State Children's Health Insurance Program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), the TRICARE program under chapter 55 of title 10, United States Code, and hospital care and medical services furnished by the Department of Veterans Affairs under chapters 17 and 18 of title 38, United States Code, such as research relating to—

(i) diseases that disproportionally impact older individuals;

(ii) degenerative diseases; or

(iii) chronic conditions;

(D) early career scientists, such as through—

(i) awarding research project grants that support discrete, specified, and circumscribed projects to be performed by the investigator in an area representing the specific interests and competencies of such investigator, to investigators—

(I) who are within 10 years of completing a terminal research degree; or

(II) who are within 10 years of completing a medical residency;

(ii) awarding grants that support career development experiences that lead to earlier research independence; and

(iii) awarding grants that support innovative training programs that, in addition to scientific training, provide additional training to enhance employment opportunities, including training in management and business, to—

(I) graduate students;

(II) post-doctoral fellows;

(III) individuals within 10 years of completing a terminal research degree; or

(IV) individuals within 10 years of completing a medical residency;

(E) research efforts that increase the potential for breakthrough discoveries across a diverse set of investigators, research groups, and institutions, which may include supporting—

(i) investigators that are members of traditionally underrepresented racial and ethnic groups;

(ii) research groups that are diverse in size; or

(iii) institutions that increase the geographic diversity of funding provided by the National Institutes of Health;

(F) the development, review, and post-market surveillance of medical products, as determined by the Secretary of Health and Human Services; and

(G) research to carry out the goals of the strategy and implementation plan for advancing science to promote public health and advance innovation in regulatory decision making developed under section 1124 of the Food and Drug Administration Safety and Innovation Act (21 U.S.C. 393 note), and other such research activities to improve the predictability, consistency, and efficiency of science-based decision making concerning medical products, including facilitating the timely introduction of new technologies and methodologies in a safe and effective manner as determined by the Secretary of Health and Human Services.

Committee on the Judiciary

Chairman:
Chuck Grassley

Orrin Hatch
Lindsey Graham
Mike Lee
Ted Cruz
Jeff Flake
Ben Sasse
David Perdue

Dianne Feinstein, Ranking Member
Patrick Leahy
Amy Klobuchar
Richard Blumenthal
Ron Wyden
Maria Cantwell
Mazie Hirono
Doug Jones

Legislation Summaries
Committee on Judiciary

Republicans:

Page	***Sponsor***	***Bill Number***	***Summary***
3	Grassley	S. 52	To make aliens associated with a criminal gang inadmissible, deportable, and ineligible for various forms of relief.
6	Hatch	S. 1922	To amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.
9	Graham	S. 128	To provide provisional protected presence to qualified individuals who came to the United States as children.
12	Lee	S. 361	To amend section 349 of the Immigration and Nationality Act to deem specific activities in support of terrorism as renunciation of United States nationality, and for other purposes
14	Cruz	S. 36	To amend the Immigration and Nationality Act to provide for extensions of detention of certain aliens ordered removed, and for other purposes.
16	Flake	S. 446	To allow reciprocity for the carrying of certain concealed firearms.
18	Sasse	S. 45	To amend the Immigration and Nationality Act to increase penalties for individuals who illegally reenter the United States after being removed and for other purposes.
20	Perdue	S. 231	To implement equal protection under the 14th Amendment to the Constitution of the United States for the right to life of each born and preborn human person.

Legislation Summaries
Committee on Judiciary

Democrats:

Page	*Sponsor*	*Bill Number*	*Summary*
21	Feinstein	S. 3999	To amend title 18, United States Code, to prohibit the manufacture, possession, or transfer of any part or combination of parts that is designed and functions to increase the rate of fire of a semiautomatic rifle but does not convert the semiautomatic rifle into a machinegun, and for other purposes.
23	Leahy	S. 1419	To amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes.
26	Klobuchar	S. 65	To address financial conflicts of interest of the President and Vice President.
28	Blumenthal	S. 1458	To establish a grant program to incentivize States to reduce prison populations, and for other purposes.
29	Wyden	S. 1576	To provide that the owner of a water right may use the water for the cultivation of industrial hemp, if otherwise authorized by State law.
30	Cantwell	S. 510	To protect a woman's right and ability to determine whether and when to bear a child or end a pregnancy by limiting restrictions on the provision of abortion services.
33	Hirono	S. 2145	To prohibit the United States Government from barring refugees from entering the United States based on their country of origin.
34	Jones	S. 2440	To combat the opioid epidemic by reforming existing laws and providing for the public's safety, and for other purposes.

115TH CONGRESS
2ND SESSION

S. 52

To make aliens associated with a criminal gang inadmissible, deportable, and ineligible for various forms of relief.

IN THE SENATE OF THE UNITED STATES

Mr. GRASSLEY (for himself, Mr. TILLIS, Mr. CRUZ, Mr. INHOFE, Mr. BOOZMAN, and Mr. COTTON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To make aliens associated with a criminal gang inadmissible, deportable, and ineligible for various forms of relief.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALIEN GANG MEMBERS.

(a) INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

"(J) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien is inadmissible if a consular officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe that the alien—

"(i) is or has been a member of a criminal gang; or

"(ii) has participated in the activities of a criminal gang, knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.".

(b) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

"(G) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien is deportable if the Secretary of Homeland Security or the Attorney General knows or has reason to believe that the alien—

"(i) is or has been a member of a criminal gang; or

"(ii) has participated in the activities of a criminal gang, knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.".

(c) DESIGNATION.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following:

"SEC. 220. DESIGNATION OF CRIMINAL GANGS.

"(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General, or the Secretary of State may designate a group or association as a criminal gang if their conduct is described in section 101(a)(53) or if the group or association conduct poses a significant risk that threatens the security and the public safety of nationals of the United States or the national security, homeland security, foreign policy, or economy of the United States.

"(b) EFFECTIVE DATE.—A designation made under subsection (a) shall remain in effect until the designation is revoked after consultation between the Secretary of Homeland Security, the Attorney General, and the Secretary of State or is terminated in accordance with Federal law.".

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 219 the following:

"220. Designation of criminal gangs.".

(e) MANDATORY DETENTION OF CRIMINAL GANG MEMBERS.—

(1) IN GENERAL.—Section 236(c)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)(D)) is amended—

(A) by striking "section 212(a)(3)(B)" and inserting "paragraph (2)(J) or (3)(B) of section 212(a)"; and

(B) by striking "237(a)(4)(B)," and inserting "paragraph (2)(G) or (4)(B) of section 237(a),".

(2) ANNUAL REPORT.—Not later than March 1 of each year (beginning 1 year after the date of the enactment of this Act), the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the number of aliens detained as a result of the amendments made by paragraph (1).

(i) DEFERRED ACTION.—An alien described in section 212(a)(2)(J) of the Immigration and Nationality Act, as added by subsection (b), shall not be eligible for deferred action.

(j) PAROLE.—An alien described in section 212(a)(2)(J) of the Immigration and Nationality Act, as added by subsection (b), shall not be eligible for parole under section 212(d)(5)(A) of such Act unless—

(1) the alien is assisting or has assisted the United States Government in a law enforcement matter, including a criminal investigation; and

(2) the alien's presence in the United States is required by the Government with respect to such assistance.

(k) EFFECTIVE DATE.—The amendments made by this section—

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

(2) shall apply to acts that occur before, on, or after such date.

SEC. 2. MANDATORY EXPEDITED REMOVAL OF DANGEROUS CRIMINALS, TERRORISTS, AND GANG MEMBERS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an immigration officer who finds an alien described in subsection (b) at a land border or port of entry of the United States and determines that such alien is inadmissible under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall treat such alien in accordance with section 235 of the Immigration and Nationality Act (8 U.S.C. 1225).

(b) THREATS TO PUBLIC SAFETY.—An alien described in this subsection is an alien who the Secretary of Homeland Security determines, or has reason to believe—

(1) has been convicted of any offense carrying a maximum term of imprisonment of more than 180 days;

(3) has been convicted of more than one criminal offense (other than minor traffic offenses);

(4) has engaged in, is engaged in, or is likely to engage after entry in any terrorist activity (as defined in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iii))), or intends to participate or has participated in the activities of a foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189));

(5) is or was a member of a criminal street gang (as defined in paragraph (53) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as added by section 1(a)); or

(6) has entered the United States more than one time in violation of section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)), knowing that such entry was unlawful.

115th Congress

2nd Session

S. 1922

IN THE SENATE OF THE UNITED STATES

Mr. Hatch (for himself, Mr. Lankford, Mr. Blunt, Mr. Graham, Mr. McCain, Mr. Daines, Mr. Scott, Mr. Grassley, Mr. Inhofe, Mr. Cruz, Mr. Lee, Mr. Portman, Mr. Moran, Mr. Sasse, Mr. Boozman, Mr. Perdue, Mr. Cassidy, Mr. Tillis, Mr. Cochran, Mrs. Ernst, Mr. McConnell, Mr. Rounds, Mr. Roberts, Mr. Cotton, Mr. Wicker, Mr. Risch, Mr. Paul, Mr. Cornyn, Mr. Burr, Mr. Strange, Mr. Barrasso, Mrs. Fischer, Mr. Isakson, Mr. Thune, Mr. Johnson, Mr. Shelby, Mr. Flake, Mr. Enzi, Mr. Young, Mr. Sullivan, Mr. Rubio, Mr. Kennedy, Mr. Corker, Mr. Crapo, Mr. Hoeven, and Mr. Toomey) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAIN-CAPABLE UNBORN CHILD PROTECTION.

(a) In General.—Chapter 74 of title 18, United States Code, is amended by inserting after section 1531 the following:

"§ 1532. Pain-capable unborn child protection

"(a) Unlawful Conduct.—Notwithstanding any other provision of law, it shall be unlawful for any person to perform an abortion or attempt to do so, unless in conformity with the requirements set forth in subsection (b).

"(b) Requirements For Abortions.—

"(1) ASSESSMENT OF THE AGE OF THE UNBORN CHILD.—The physician performing or attempting the abortion shall first make a determination of the probable post-fertilization age of the unborn child or reasonably rely upon such a determination made by another physician. In making such a determination, the physician shall make such inquiries of the pregnant woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to make an accurate determination of post-fertilization age.

"(2) PROHIBITION ON PERFORMANCE OF CERTAIN ABORTIONS.—

"(A) GENERALLY FOR UNBORN CHILDREN 20 WEEKS OR OLDER.—Except as provided in subparagraph (B), the abortion shall not be performed or attempted, if the probable post-fertilization age, as determined under paragraph (1), of the unborn child is 20 weeks or greater.

"(B) EXCEPTIONS.—Subparagraph (A) does not apply if—

"(i) in reasonable medical judgment, the abortion is necessary to save the life of a pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, but not including psychological or emotional conditions;

"(ii) the pregnancy is the result of rape against an adult woman, and at least 48 hours prior to the abortion—

"(I) she has obtained counseling for the rape; or

"(II) she has obtained medical treatment for the rape or an injury related to the rape; or

"(iii) the pregnancy is a result of rape against a minor or incest against a minor, and the rape or incest has been reported at any time prior to the abortion to either—

"(I) a government agency legally authorized to act on reports of child abuse; or

"(II) a law enforcement agency.

"(C) INFORMED CONSENT.—

"(i) CONSENT FORM REQUIRED.—The physician who intends to perform or attempt to perform an abortion under the provisions of subparagraph (B) may not perform any part of the abortion procedure without first obtaining a signed Informed Consent Authorization form, which shall be presented in person by the physician and shall consist of—

"(I) a statement by the physician indicating the probable post-fertilization age of the pain-capable unborn child;

"(II) a statement that Federal law allows abortion after 20 weeks fetal age only if the mother's life is endangered by a physical disorder, physical illness, or physical injury, when the pregnancy was the result of rape, or an act of incest against a minor;

"(III) a statement that the abortion must be performed by the method most likely to allow the child to be born alive unless this would cause significant risk to the mother;

"(IV) a statement that in any case in which an abortion procedure results in a child born alive, Federal law requires that child to be given every form of medical assistance that is provided to children spontaneously born prematurely, including transportation and admittance to a hospital;

"(V) a statement that these requirements are binding upon the physician and all other medical personnel who are subject to criminal and civil penalties and that a woman on whom an abortion has been performed may take civil action if these requirements are not followed; and

"(VI) affirmation that each signer has filled out the informed consent form to the best of their knowledge and understands the information contained in the form.

"(iii) SIGNATORIES REQUIRED.—The Informed Consent Authorization form shall be signed in person by the woman seeking the abortion, the physician performing or attempting to perform the abortion, and a witness.

"(c) Bar To Prosecution.—A woman upon whom an abortion in violation of subsection (a) is performed or attempted may not be prosecuted under, or for a conspiracy to violate, subsection (a), or for an offense under section 2, 3, or 4 of this title based on such a violation.

"(d) Data Collection.—

"(1) DATA SUBMISSIONS.—Any physician who performs or attempts an abortion described in subsection (b)(2)(B) shall annually submit a summary of all such abortions to the National Center for Health Statistics (hereinafter referred to as the 'Center') not later than 60 days after the end of the calendar year in which the abortion was performed or attempted.

"(2) CONTENTS OF SUMMARY.—The summary shall include the number of abortions performed or attempted on an unborn child who had a post-fertilization age of 20 weeks or more and specify the following for each abortion under subsection (b)(2)(B):

"(A) the probable post-fertilization age of the unborn child;

"(B) the method used to carry out the abortion;

"(C) the location where the abortion was conducted;

"(D) the exception under subsection (b)(2)(B) under which the abortion was conducted; and

"(E) any incident of live birth resulting from the abortion.

"(3) EXCLUSIONS FROM DATA SUBMISSIONS.—A summary required under this subsection shall not contain any information identifying the woman whose pregnancy was terminated and shall be submitted consistent with the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

"(4) PUBLIC REPORT.—The Center shall annually issue a public report providing statistics by State for the previous year compiled from all of the summaries made to the Center under this subsection. The Center shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed or attempted. The annual report shall be issued by July 1 of the calendar year following the year in which the abortions were performed or attempted.

115th Congress
2nd Session

S. 128

IN THE SENATE OF THE UNITED STATES

Mr. Graham (for himself, Mr. Durbin, Ms. Murkowski, Mrs. Feinstein, Mr. Flake, Mr. Schumer, and Ms. Harris) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To provide provisional protected presence to qualified individuals who came to the United States as children.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISIONAL PROTECTED PRESENCE FOR YOUNG INDIVIDUALS.

(a) In General.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by adding at the end the following:

"SEC. 244A. PROVISIONAL PROTECTED PRESENCE.

"(a) Authorization.—The Secretary—

"(1) shall grant provisional protected presence to an alien who files an application demonstrating that he or she meets the eligibility criteria under subsection (c) and pays the appropriate application fee;

"(2) may not remove such alien from the United States during the period in which such provisional protected presence is in effect unless such status is rescinded pursuant to subsection (g); and

"(3) shall provide such alien with employment authorization.

"(b) Eligibility Criteria.—An alien is eligible for provisional protected presence under this section and employment authorization if the alien—

"(1) was born after June 15, 1981;

"(2) entered the United States before attaining 16 years of age;

"(3) continuously resided in the United States between June 15, 2007, and the date on which the alien files an application under this section;

"(4) was physically present in the United States on June 15, 2012, and on the date on which the alien files an application under this section;

"(5) was unlawfully present in the United States on June 15, 2012;

"(6) on the date on which the alien files an application for provisional protected presence—

"(A) is enrolled in school or in an education program assisting students in obtaining a regular high school diploma or its recognized equivalent under State law, or in passing a general educational development exam or other State-authorized exam;

"(B) has graduated or obtained a certificate of completion from high school;

"(C) has obtained a general educational development certificate; or

"(D) is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;

"(7) has not been convicted of—

"(A) a felony;

"(B) a significant misdemeanor; or

"(C) three or more misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct; and

"(8) does not otherwise pose a threat to national security or a threat to public safety.

"(c) Acceptance of Applications.—Not later than 60 days after the date of the enactment of this section, the Secretary shall begin accepting applications for provisional protected presence and employment authorization.

"(d) Rescission Of Provisional Protected Presence.—The Secretary may not rescind an alien's provisional protected presence or employment authorization granted under this section unless the Secretary determines that the alien—

"(1) has been convicted of—

"(A) a felony;

"(B) a significant misdemeanor; or

"(C) three or more misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct;

"(2) poses a threat to national security or a threat to public safety;

"(3) has traveled outside of the United States without authorization from the Secretary; or

"(4) has ceased to continuously reside in the United States.

"(e) Treatment Of Brief, Casual, And Innocent Departures And Certain Other Absences.—For purposes of subsections (c)(3) and (g)(4), an alien shall not be considered to have failed to continuously reside in the United States due to—

"(1) brief, casual, and innocent absences from the United States during the period beginning on June 15, 2007, and ending on August 14, 2012; or

"(2) travel outside of the United States on or after August 15, 2012, if such travel was authorized by the Secretary.

"(f) Treatment Of Expunged Convictions.—For purposes of subsections (c)(7) and (g)(1), an expunged conviction shall not automatically be treated as a disqualifying felony, significant misdemeanor, or misdemeanor, but shall be evaluated on a case-by-case basis according to the nature and severity of the offense to determine whether, under the particular circumstances, the alien should be eligible for provisional protected presence under this section.

"(g) Effect Of Deferred Action Under Deferred Action For Childhood Arrivals Program.—

"(1) PROVISIONAL PROTECTED PRESENCE.—A DACA recipient is deemed to have provisional protected presence under this section through the expiration date of the alien's deferred action status, as specified by the Secretary in conjunction with the approval of the alien's DACA application.

"(2) EMPLOYMENT AUTHORIZATION.—If a DACA recipient has been granted employment authorization by the Secretary in addition to deferred action, the employment authorization shall continue through the expiration date of the alien's deferred action status, as specified by the Secretary in conjunction with the approval of the alien's DACA application.

"(3) EFFECT OF APPLICATION.—If a DACA recipient files an application for provisional protected presence under this section not later than the expiration date of the alien's deferred action status, as specified by the Secretary in conjunction with the approval of the alien's DACA application, the alien's provisional protected presence, and any employment authorization, shall remain in effect pending the adjudication of such application.".

115th Congress
2nd Session

S. 361

IN THE SENATE OF THE UNITED STATES

Mr. Lee (for himself, Mr. Grassley, and Mr. Cruz) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To amend section 349 of the Immigration and Nationality Act to deem specific activities in support of terrorism as renunciation of United States nationality, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOSS OF NATIONALITY DUE TO SUPPORT OF TERRORISM.

Section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)) is amended to read as follows:

"(a) In General.—A person who is a national of the United States, whether by birth or by naturalization, shall lose his or her nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality:

"(1) Obtaining naturalization in a foreign state upon his or her own application or upon an application filed by a duly authorized agent, after having attained 18 years of age.

"(2) Taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state, a political subdivision thereof, or an organization designated as a foreign terrorist organization under section 219, after having attained 18 years of age.

"(3) Entering, or serving in, the armed forces of a foreign state or an organization designated as a foreign terrorist organization under section 219 if—

"(A) such armed forces are engaged in hostilities against the United States; or

"(B) such person serves as a commissioned or noncommissioned officer.

"(4) Accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state, a political subdivision thereof, or an organization designated as a foreign terrorist organization under section 219 if, after having attained 18 years of age—

"(A) the person knowingly has or acquires the nationality of such foreign state; or

"(B) an oath, affirmation, or declaration of allegiance to the foreign state, a political subdivision thereof, or a designated foreign terrorist organization is required for such office, post, or employment.

"(5) Making a formal renunciation of United States nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State.

"(6) Making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, while the United States is in a state of war and the Attorney General approves such renunciation as not contrary to the interests of national defense.

"(7) (A) Committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States;

"(B) violating or conspiring to violate any provision of section 2383 of title 18, United States Code;

"(C) willfully performing any act in violation of section 2385 of such title; or

"(D) violating section 2384 of such title by engaging in a conspiracy to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against the United States,

if such person is convicted of such crime by a court martial or by a court of competent jurisdiction.

"(8) Knowingly providing material support or resources (as described in section 2339A(b) of title 18, United States Code) to any organization designated as a foreign terrorist organization under section 219 if such person knows that such organization is engaged in hostilities against the United States.".

SEC. 2. REVOCATION OR DENIAL OF PASSPORTS AND PASSPORT CARDS TO INDIVIDUALS WHO ARE MEMBERS OF FOREIGN TERRORIST ORGANIZATIONS.

The Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (22 U.S.C. 211a et seq.), which is commonly known as the "Passport Act of 1926", is amended by adding at the end the following:

"SEC. 4. AUTHORITY TO DENY OR REVOKE PASSPORT AND PASSPORT CARD.

"(a) Ineligibility.—

"(1) ISSUANCE.—The Secretary of State may not issue a passport or passport card to any individual whom the Secretary has determined, by a preponderance of the evidence—

"(A) is serving in, or is attempting to serve in, an organization designated by the Secretary as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

"(B) is a threat to the national security interest of the United States.

"(2) REVOCATION.—The Secretary of State shall revoke a passport or passport card previously issued to any individual described in paragraph (1).

"(b) Right Of Review.—Any person who, in accordance with this section, is denied issuance of a passport or passport card by the Secretary of State, or whose passport or passport card is revoked or otherwise restricted by the Secretary of State, may request a due process hearing, under regulations prescribed by the Secretary, not later than 60 days after receiving such notice of such nonissuance, revocation, or restriction.

"(c) National Security Waiver.—Notwithstanding subsection (a), the Secretary may—

"(1) issue a passport or passport card to an individual described in subsection (a)(1); or

"(2) refuse to revoke a passport or passport card of an individual described in subsection (a)(1),

if the Secretary finds that such issuance or refusal to revoke is in the national security interest of the United States.".

115th Congress

2nd Session

S. 36

To amend the Immigration and Nationality Act to provide for extensions of detention of certain aliens ordered removed, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CRUZ (for himself, Mr. GRASSLEY, Mr. INHOFE, Mr. COTTON, and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To amend the Immigration and Nationality Act to provide for extensions of detention of certain aliens ordered removed, and for other purposes.

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Constitutional rights should be upheld and protected;

(2) Congress intends to uphold the Constitutional principle of due process; and

(3) due process of the law is a right afforded to everyone in the United States.

SEC. 2. DETENTION OF DANGEROUS ALIENS DURING REMOVAL PROCEEDINGS.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) by striking "Attorney General" each place such term appears (except in the second place it appears in subsection (a)) and inserting "Secretary of Homeland Security";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "the Secretary of Homeland Security or" before "the Attorney General—"; and

(B) in paragraph (2)(B), by striking "conditional parole;" and inserting "recognizance;";

(3) in subsection (b)—

(A) in the subsection heading, by striking "PAROLE" and inserting "RECOGNIZANCE"; and

(B) by striking "parole" and inserting "recognizance";

(4) in subsection (c)(1), by striking the undesignated matter following subparagraph (D) and inserting the following:

"any time after the alien is released, without regard to whether an alien is released related to any activity, offense, or conviction described in this paragraph; to whether the alien is released on parole, supervised release, or probation; or to whether the alien may be arrested or imprisoned again for the same offense. If the activity described in this paragraph does not result in the alien being taken into custody by any person other than the Secretary, then when the alien is brought to the attention of the Secretary or when the Secretary determines it is practical to take such alien into custody, the Secretary shall take such alien into custody.";

(5) in subsection (e), by striking "Attorney General's" and inserting "Secretary of Homeland Security's"; and

(6) by adding at the end the following:

"(f) LENGTH OF DETENTION.—

"(1) Notwithstanding any other provision of this section, an alien may be detained under this section for any period, without limitation, except as provided in subsection (h), until the alien is subject to a final order of removal.

"(2) The length of detention under this section shall not affect a detention under section 241.

"(g) ADMINISTRATIVE REVIEW.—

"(h) RELEASE ON BOND.—

"(1) IN GENERAL.—An alien detained under subsection (a) may seek release on bond. No bond may be granted except to an alien who establishes by clear and convincing evidence that the alien is not a flight risk or a risk to another person or the community.

"(2) CERTAIN ALIENS INELIGIBLE.—No alien detained under subsection (c) may seek release on bond.".

115th Congress
2nd Session
S. 446

IN THE SENATE OF THE UNITED STATES

Mr. Flake (for himself, Mr. Barrasso, Mr. Blunt, Mr. Boozman, Mrs. Capito, Mr. Cochran, Mr. Crapo, Mr. Cruz, Mr. Daines, Mr. Enzi, Mrs. Ernst, Mrs. Fischer, Mr. Graham, Mr. Grassley, Mr. Hatch, Mr. Heller, Mr. Hoeven, Mr. Isakson, Mr. McCain, Mr. Moran, Ms. Murkowski, Mr. Perdue, Mr. Portman, Mr. Roberts, Mr. Rounds, Mr. Rubio, Mr. Thune, Mr. Wicker, Mr. Young, Mr. Johnson, and Mr. Cornyn) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To allow reciprocity for the carrying of certain concealed firearms.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) In General.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

"§ 926D. Reciprocity for the carrying of certain concealed firearms

"(a) In General.—Notwithstanding any provision of the law of any State or political subdivision thereof to the contrary—

"(1) an individual who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and a valid license or permit which is issued pursuant to the law of a State and which permits the individual to carry a concealed firearm, may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce in any State other than the State of residence of the individual that—

"(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

"(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes; and

"(2) an individual who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and is entitled and not prohibited from carrying a concealed firearm in the State in which the individual resides otherwise than as described in paragraph (1), may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce in any State other than the State of residence of the individual that—

"(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

"(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

"(b) Conditions And Limitations.—The possession or carrying of a concealed handgun in a State under this section shall be subject to the same conditions and limitations, except as to eligibility to possess or carry, imposed by or under Federal or State law or the law of a political subdivision of a State, that apply to the possession or carrying of a concealed handgun by residents of the State or political subdivision who are licensed by the State or political subdivision to do so, or not prohibited by the State from doing so.

"(c) Unrestricted License Or Permit.—In a State that allows the issuing authority for licenses or permits to carry concealed firearms to impose restrictions on the carrying of firearms by individual holders of such licenses or permits, an individual carrying a concealed handgun under this section shall be permitted to carry a concealed handgun according to the same terms authorized by an unrestricted license of or permit issued to a resident of the State.

"(d) Rule Of Construction.—Nothing in this section shall be construed to preempt any provision of State law with respect to the issuance of licenses or permits to carry concealed firearms.".

(b) Clerical Amendment.—The table of sections for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926C the following:

"926D. Reciprocity for the carrying of certain concealed firearms.".

(c) Severability.—Notwithstanding any other provision of this Act, if any provision of this Act, or any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this Act and amendments made by this Act and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(d) Effective Date.—The amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

115TH CONGRESS
2ND SESSION

S. 45

To amend the Immigration and Nationality Act to increase penalties for individuals who illegally reenter the United States after being removed and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SASSE (for himself, Mr. CRUZ, Mr. GRASSLEY, Mr. JOHNSON, Mr. RUBIO, Mr. INHOFE, Mr. PERDUE, Mr. WICKER, Mr. BOOZMAN, and Mr. COTTON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To amend the Immigration and Nationality Act to increase penalties for individuals who illegally reenter the United States after being removed and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLES.

This Act may be cited as the "Stop Illegal Reentry Act" or as "Kate's Law".

SEC. 2. INCREASED PENALTIES FOR REENTRY OF REMOVED ALIEN.

Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended—

"(a) IN GENERAL.—Subject to subsections (b) and (c), any alien who—

"(1) has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding; and

"(2) thereafter enters, attempts to enter, or is at any time found in, the United States, unless—

"(A) prior to the alien's reembarkation at a place outside the United States or the alien's application for admission from foreign contiguous territory, the Secretary of Homeland Security has expressly consented to such alien's reapplying for admission; or

"(B) with respect to an alien previously denied admission and removed, such alien shall establish that the alien was not required to obtain such advance consent under this Act or any prior Act,

shall be fined under title 18, United States Code, imprisoned not more than five years, or both.

"(b) CRIMINAL PENALTIES FOR REENTRY OF CERTAIN REMOVED ALIENS.—

"(1) IN GENERAL.—Notwithstanding the penalty under subsection (a), and except as provided in subsection (c), an alien described in subsection (a)—

"(A) who was convicted before such removal or departure of three or more misdemeanors involving drugs, crimes against the person, or both, or a felony (other than an aggravated felony), shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

"(B) who has been excluded from the United States pursuant to section 235(c) because the alien was inadmissible under section 212(a)(3)(B) or who has been removed from the United States pursuant to title V, and who thereafter, without the permission of the Secretary of Homeland Security, enters the United States, or attempts to do so, shall be fined under title 18, United States Code, and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence;

"(C) who was removed from the United States pursuant to section 241(a)(4)(B) who thereafter, without the permission of the Secretary of Homeland Security, enters, attempts to enter, or is at any time found in, the United States, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both; and

"(D) who has been denied admission, excluded, deported, or removed three or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

"(2) REMOVAL DEFINED.—In this subsection and in subsection (c), the term 'removal' includes any agreement in which an alien stipulates to removal during (or not during) a criminal trial under either Federal or State law.

"(c) MANDATORY MINIMUM CRIMINAL PENALTY FOR REENTRY OF CERTAIN REMOVED ALIENS.—Notwithstanding the penalties provided in subsections (a) and (b), an alien described in subsection (a)—

"(1) who was convicted before such removal or departure of an aggravated felony; or

"(2) who was convicted at least two times before such removal or departure of illegal reentry under this section,

shall be imprisoned not less than five years and not more than 20 years, and may, in addition, be fined under title 18, United States Code."; and

(3) in subsection (d), as redesignated by paragraph (1)—

(A) by striking "section 242(h)(2)" and inserting "section 241(a)(4)"; and

(B) by striking "Attorney General" and inserting "Secretary of Homeland Security".

115TH CONGRESS
2ND SESSION

S. 231

To implement equal protection under the 14th Amendment to the Constitution of the United States for the right to life of each born and preborn human person.

IN THE SENATE OF THE UNITED STATES

Mr. PERDUE (for himself, Mr. RISCH, Mr. ROUNDS, Mr. CRAPO, Mr. SCOTT, Mr. THUNE, Mr. INHOFE, Mr. PAUL, and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

A BILL

To implement equal protection under the 14th Amendment to the Constitution of the United States for the right to life of each born and preborn human person.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RIGHT TO LIFE.

To implement equal protection for the right to life of each born and preborn human person, and pursuant to the duty and authority of Congress, including Congress' power under section 8 of article I of the Constitution of the United States to make necessary and proper laws, and Congress' power under section 5 of the 14th Amendment to the Constitution, the Congress hereby declares that the right to life guaranteed by the Constitution is vested in each human being. Nothing in this Act shall be construed to require the prosecution of any woman for the death of her unborn child, a prohibition on in vitro fertilization, or a prohibition on use of birth control or another means of preventing fertilization.

SEC. 2. DEFINITIONS.

In this Act:

(1) HUMAN PERSON; HUMAN BEING.—The terms "human person" and "human being" include each member of the species homo sapiens at all stages of life, including the moment of fertilization or cloning, or other moment at which an individual member of the human species comes into being.

(2) STATE.—For purposes of applying the 14th Amendment to the Constitution of the United States and other applicable provisions of the Constitution to carry out section 2, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each other territory or possession of the United States.

115TH CONGRESS
2ND SESSION

S. 3999

To amend title 18, United States Code, to prohibit the manufacture, possession, or transfer of any part or combination of parts that is designed and functions to increase the rate of fire of a semiautomatic rifle but does not convert the semiautomatic rifle into a machinegun, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. FEINSTEIN the introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To amend title 18, United States Code, to prohibit the manufacture, possession, or transfer of any part or combination of parts that is designed and functions to increase the rate of fire of a semiautomatic rifle but does not convert the semiautomatic rifle into a machinegun, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON MANUFACTURE, POSSESSION, OR TRANSFER OF ANY PART OR COMBINATION OF PARTS THAT IS DESIGNED AND FUNCTIONS TO INCREASE THE RATE OF FIRE OF A SEMIAUTOMATIC RIFLE BUT DOES NOT CONVERT THE SEMIAUTOMATIC RIFLE INTO A MACHINEGUN.

(a) PROHIBITION.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(aa) It shall be unlawful for any person—

"(1) in or affecting interstate or foreign commerce, to manufacture, possess, or transfer any part or combination of parts that is designed and functions to increase the rate of fire of a semiautomatic rifle but does not convert the semiautomatic rifle into a machinegun; or

"(2) to manufacture, possess, or transfer any such part or combination of parts that have been shipped or transported in interstate or foreign commerce.".

(b) PENALTIES.—Section 924(a)(1)(B) of such title is amended by striking "or (q)" and inserting "(q), or (aa)".

(c) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall amend and review the Federal sentencing guidelines and policy statements to ensure that the guidelines provide for a penalty enhancement of not less than 2 offense levels for

a violation of section 922(aa) of title 18 of such Code if the device described in such section 922(aa) has been—

(1) used, carried, or possessed during or in relation to a crime of violence or drug trafficking crime (as such terms are defined in section 924(c)(3) of such title 18); or

(2) smuggled unlawfully into or from the United States.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to conduct engaged in after the 90-day period that begins with the date of the enactment of this Act.

115th Congress
2nd Session
S. 1419

IN THE SENATE OF THE UNITED STATES

Mr. Leahy (for himself, Mr. Durbin, Ms. Baldwin, Mr. Bennet, Mr. Blumenthal, Mr. Booker, Mr. Brown, Ms. Cantwell, Mr. Cardin, Mr. Carper, Mr. Casey, Mr. Coons, Ms. Cortez Masto, Mr. Donnelly, Ms. Duckworth, Mrs. Feinstein, Mr. Franken, Mrs. Gillibrand, Ms. Harris, Ms. Hassan, Mr. Heinrich, Ms. Heitkamp, Ms. Hirono, Mr. Kaine, Mr. King, Ms. Klobuchar, Mr. Markey, Mrs. McCaskill, Mr. Menendez, Mr. Merkley, Mr. Murphy, Mrs. Murray, Mr. Nelson, Mr. Peters, Mr. Reed, Mr. Sanders, Mr. Schatz, Mr. Schumer, Mrs. Shaheen, Ms. Stabenow, Mr. Tester, Mr. Udall, Mr. Van Hollen, Mr. Warner, Ms. Warren, Mr. Whitehouse, and Mr. Wyden) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VOTING ON INDIAN LANDS.

Section 2 of the Voting Rights Act of 1965 (42 U.S.C. 1973) is amended by adding at the end the following:

"(c) Voting On Indian Lands.—

"(1) TRIBAL REQUESTS FOR POLLING PLACES; POLLING PLACE PROVIDED.—

"(A) IN GENERAL.—A representative official of an Indian tribe, with authorization from the governing body of the tribe, may request one or more polling places to be located on the Indian lands of the Indian tribe. Such request shall be delivered in writing to the State or political subdivision with responsibility for assigning polling places at least 6 months prior to the next election for which the request is made, and shall specify the location of each requested polling place.

"(B) POLLING PLACES PROVIDED.—Each requested polling place shall be provided by the State or political subdivision in response to a request made under subparagraph (A), at no expense to the Indian tribe, if the voting-age population within the geographic area of the Indian lands relevant to the requested polling place is at least equal to the smallest voting-age population served by any other polling place in the State. Each polling place that is provided

under this subparagraph shall continue to be provided after the election for which the request was made, until such time as the Indian tribe that requested that polling place delivers a written request to the State or political subdivision asking that such polling place be withdrawn.

"(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prevent a State or political subdivision from providing additional polling places on Indian lands if no request was made under subparagraph (A), or if such request was made less than 6 months prior to the next election for which the request was made.

"(2) REQUIREMENT TO PROVIDE EQUITABLE POLLING LOCATIONS.—

"(A) IN GENERAL.—A State or political subdivision shall provide the same ratio of poll workers and voting devices, the same rate of pay to poll workers, and the same days and hours of operation, for polling places that are located on Indian lands as are provided in other locations of polling places in the State or political subdivision.

"(B) ELIGIBILITY TO VOTE AT A POLLING LOCATION.—A polling place located on Indian lands shall be open to voting by all persons who are otherwise eligible to vote residing within the precinct, voting unit, or electoral district.

"(C) FEDERAL FACILITIES.—Polling places located on Indian lands may be designated at—

"(i) a Federal facility, such as Indian Health Service or Bureau of Indian Affairs service buildings;

"(ii) any tribal government facility that meets the requirements of Federal and State law applied to other polling locations within the State;

"(iii) a tribally owned building; or

"(iv) another facility that meets the requirements for polling places in the State.

"(3) ABSENTEE BALLOTS AND EARLY VOTING.—

"(A) IN GENERAL.—A representative official of an Indian tribe, with authorization from the governing body of the Indian tribe, may deliver a request to the appropriate State or political subdivision that a location on Indian lands be designated as an absentee ballot location or an early voting location, and such State or political subdivision shall grant the request, at no expense to the Indian tribe, if—

"(i) the requested location on Indian lands is in a State that permits voting by an absentee or mail-in ballot or early voting (also called absentee in-person voting), as the case may be; and

"(ii) the voting-age population within the geographic area of Indian lands relevant to the requested absentee ballot location or early voting location is at least equal to the smallest voting-age population served by any other absentee ballot location or early voting location in the State.

"(B) INDIAN LANDS AS ABSENTEE BALLOT LOCATION.—If a location on Indian lands is designated as an absentee ballot location or an early voting location, absentee ballots, or early ballots, as the case may be, shall be provided, at no expense to the Indian tribe, to each registered voter living in such designated location without the requirement of an excuse for an absentee ballot or early voting. Bilingual election materials and oral language assistance shall be provided if required by section 203.

"(4) TRIBAL REQUESTS FOR VOTER REGISTRATION AGENCIES.—A representative official of an Indian tribe, with authorization from the governing body of the tribe, may request that tribal government service offices be designated as voter registration agencies under section 7 of the National Voter Registration Act of 1993 (52 U.S.C. 20506). Such a request shall be delivered in writing to the State or political subdivision with responsibility for assigning polling locations at least 6 months prior to the next election for which the request is made. Such a request shall be granted if the tribal government service office meets the requirements of Federal and State law applied to other designated voter registration agencies within the State.".

SEC. 2. TRIBAL VOTING CONSULTATION.

The Attorney General shall consult annually with tribal organizations regarding issues related to voting for members of an Indian tribe (as defined under section 21 of the Voting Rights Act of 1965, as added by section 9 of this Act).

115th Congress
2nd Session
S. 65

IN THE SENATE OF THE UNITED STATES

Ms. Klobuchar (for herself, Mr. Cardin, Mrs. Feinstein, Mr. Coons, Mr. Durbin, Mr. Merkley, Mr. Leahy, Mrs. Murray, Mr. Wyden, Mr. Reed, Ms. Stabenow, Mr. Brown, Mr. Casey, Mr. Whitehouse, Mr. Bennet, Mrs. Gillibrand, Mr. Franken, Mr. Blumenthal, Ms. Baldwin, Mr. Markey, Mr. Booker, Mr. Peters, and Ms. Duckworth) introduced the following bill; which was read twice and referred to the Committee on Judiciary.

A BILL

To address financial conflicts of interest of the President and Vice President.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. DIVESTITURE OF PERSONAL FINANCIAL INTERESTS OF THE PRESIDENT AND VICE PRESIDENT THAT POSE A POTENTIAL CONFLICT OF INTEREST.

(1) Initial Financial Disclosure.—

SUBMISSION OF DISCLOSURE.—

(A) IN GENERAL.—Not later than 30 days after assuming the office of President or Vice President, respectively, the President and Vice President shall submit to Congress and the Director of the Office of Government Ethics a disclosure of financial interests.

(B) APPLICATION TO SITTING PRESIDENT AND VICE PRESIDENT.—For any individual who is serving as the President or Vice President on the date of enactment of this Act, the disclosure of financial interests shall be submitted to Congress and the Director of the Office of Government Ethics not later than 30 days after the date of enactment of this Act.

(2) CONTENTS.—

(A) PRESIDENT.—The disclosure of financial interests submitted under paragraph (1) by the President shall—

(i) describe in detail each financial interest of the President, the spouse of the President, or a minor child of the President;

(ii) at a minimum, include the information relating to each such financial interest that is required for reports under section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(iii) include the tax returns filed by or on behalf of the President for—

(I) the 3 most recent taxable years; and

(II) each taxable year for which an audit of the return by the Internal Revenue Service is pending on the date the report is filed.

(B) VICE PRESIDENT.—The disclosure of financial interests submitted under paragraph (1) by the Vice President shall—

(i) describe in detail each financial interest of the Vice President, the spouse of the Vice President, or a minor child of the Vice President;

(ii) at a minimum, include the information relating to each such financial interest that is required for reports under section 102 of the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(iii) include the tax returns filed by or on behalf of the Vice President for—

(I) the 3 most recent taxable years; and

(II) each taxable year for which an audit of the return by the Internal Revenue Service is pending on the date the report is filed.

Each report submitted shall—

(A) indicate whether any financial interest of the President, the Vice President, the spouse of the President or Vice President, or a minor child of the President or Vice President is a financial interest posing a potential conflict of interest;

(B) evaluate whether any previously held financial interest of the President, the Vice President, the spouse of the President or Vice President, or a minor child of the President or Vice President that was a financial interest posing a potential conflict of interest was divested in accordance with subsection (c); and

(C) redact such information as the Director of the Office of Government Ethics determines necessary for preventing identity theft, such as social security numbers or taxpayer identification numbers.

115TH CONGRESS
2ND SESSION

S. 1458

To establish a grant program to incentivize States to reduce prison populations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BLUMENTHAL (for himself and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To establish a grant program to incentivize States to reduce prison populations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANT PROGRAM.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART MM—STATE PRISON POPULATION REDUCTION GRANT PROGRAM

"SEC. 3031. GRANT PROGRAM.

"(a) IN GENERAL.—The Attorney General may make grants to States to assist States in reducing crime rates and incarcerations.

"(b) ELIGIBILITY.—A State shall be eligible to receive a grant under this section if the State demonstrates that, during the 3-year period preceding the application for a grant under this section—

"(1) the total number of individuals incarcerated in correctional or detention facilities in the State was reduced by not less than 7 percent; and

"(2) the rate of crime within the State did not increase by more than 3 percent.

"(c) APPLICATION.—An eligible State seeking a grant under this section shall submit to the Attorney General.

"(d) USE OF GRANT FUNDS.—A grant awarded under this section shall be used by a State to implement evidence-based programs designed to reduce crime rates and incarcerations.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following:

"(28) There are authorized to be appropriated to carry out part MM $2,000,000,000 for each of fiscal years 2018 through 2027."

115TH CONGRESS
2ND SESSION
S. 1576

To provide that the owner of a water right may use the water for the cultivation of industrial hemp, if otherwise authorized by State law.

IN THE SENATE OF THE UNITED STATES

Mr. WYDEN (for himself, Mr. DAINES, Mr. TESTER, Mr. GARDNER, Mr. BENNET, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To provide that the owner of a water right may use the water for the cultivation of industrial hemp, if otherwise authorized by State law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF WATER FOR INDUSTRIAL HEMP CULTIVATION.

(a) DEFINITION OF INDUSTRIAL HEMP.—In this section, the term "industrial hemp" has the meaning given the term in section 7606(b) of the Agricultural Act of 2014 (7 U.S.C. 5940(b)).

(b) USE FOR INDUSTRIAL HEMP CULTIVATION.—Notwithstanding the Controlled Substances Act (21 U.S.C. 801 et seq.), chapter 81 of title 41, United States Code, or any other Federal law, an owner of an absolute or conditional water right, or an entity that receives or distributes water contracted from the Federal Government, may use or sell for use by another person the water subject to the water right or the contract, as applicable, for the cultivation of industrial hemp, regardless of whether the water has passed through a Federal water project, if the growth or cultivation of industrial hemp is otherwise authorized under the laws of the State in which such use occurs.

115th Congress

2nd Session

S. 510

IN THE SENATE OF THE UNITED STATES

Ms. Cantwell (for herself, Ms. Baldwin, Mr. Markey, Mr. Wyden, Mr. Brown, Mr. Whitehouse, Ms. Hirono, Mr. Coons, Ms. Warren, Mr. Schatz, Mrs. Feinstein, Mrs. Gillibrand, Mr. Sanders, Mr. Van Hollen, Mr. Cardin, Mr. Kaine, Mr. Bennet, Mr. Tester, Mr. Durbin, Ms. Hassan, Mrs. McCaskill, Ms. Klobuchar, Mr. Franken, Ms. Duckworth, Mrs. Shaheen, Mrs. Murray, Mr. Booker, Mr. Merkley, Mr. Murphy, Mr. Peters, Mr. Udall, Ms. Harris, Mr. Heinrich, Mr. Blumenthal, Mr. Schumer, Ms. Cortez Masto, Mr. King, Ms. Stabenow, Mr. Menendez, Mr. Leahy, and Mr. Warner) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To protect a woman's right and ability to determine whether and when to bear a child or end a pregnancy by limiting restrictions on the provision of abortion services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) Purpose.—It is the purpose of this Act to protect women's health by ensuring that abortion services will continue to be available and that abortion providers are not singled out for medically unnecessary restrictions that burden women by preventing them from accessing safe abortion services. It is not the purpose of this Act to address all obstacles in the path of women who seek access to abortion (for example, this Act does not apply to clinic violence, restrictions on insurance or medical assistance coverage of abortion, or requirements for parental consent or notification before a minor may obtain an abortion) which Congress should address through separate legislation as appropriate.

SEC. 2. PROHIBITED MEASURES AND ACTIONS.

(a) General Prohibitions.—The following limitations or requirements are unlawful and shall not be imposed or applied by any government because they single out the provision of abortion services for restrictions that are more burdensome than those restrictions imposed on medically comparable procedures, they do not significantly advance women's health or the safety of abortion services, and they make abortion services more difficult to access:

(1) A requirement that a medical professional perform specific tests or medical procedures in connection with the provision of an abortion, unless generally required for the provision of medically comparable procedures.

(2) A requirement that the same clinician who performs a patient's abortion also perform specified tests, services or procedures prior to or subsequent to the abortion.

(3) A limitation on an abortion provider's ability to prescribe or dispense drugs based on current evidence-based regimens or her or his good-faith medical judgment, other than a limitation generally applicable to the medical profession.

(4) A limitation on an abortion provider's ability to provide abortion services via telemedicine, other than a limitation generally applicable to the provision of medical services via telemedicine.

(5) A requirement or limitation concerning the physical plant, equipment, staffing, or hospital transfer arrangements of facilities where abortions are performed, or the credentials or hospital privileges or status of personnel at such facilities, that is not imposed on facilities or the personnel of facilities where medically comparable procedures are performed.

(6) A requirement that, prior to obtaining an abortion, a patient make one or more medically unnecessary in-person visits to the provider of abortion services or to any individual or entity that does not provide abortion services.

(7) A requirement or limitation that prohibits or restricts medical training for abortion procedures, other than a requirement or limitation generally applicable to medical training for medically comparable procedures.

(b) Other Prohibited Measures Or Actions.—

(1) PRIMA FACIE CASE.—To make a prima facie showing that a measure or action is unlawful under paragraph (1) a plaintiff shall demonstrate that the measure or action involved—

(A) singles out the provision of abortion services or facilities in which abortion services are performed; or

(B) impedes women's access to abortion services based on one or more of the factors described in paragraph (3).

(2) FACTORS.—Factors for a court to consider in determining whether a measure or action impedes access to abortion services for purposes of paragraph (2)(B) include the following:

(A) Whether the measure or action interferes with an abortion provider's ability to provide care and render services in accordance with her or his good-faith medical judgment.

(B) Whether the measure or action is reasonably likely to delay some women in accessing abortion services.

(C) Whether the measure or action is reasonably likely to directly or indirectly increase the cost of providing abortion services or the cost for obtaining abortion services (including costs associated with travel, childcare, or time off work).

(D) Whether the measure or action requires, or is reasonably likely to have the effect of necessitating, a trip to the offices of the abortion provider that would not otherwise be required.

(E) Whether the measure or action is reasonably likely to result in a decrease in the availability of abortion services in the State.

(F) Whether the measure or action imposes criminal or civil penalties that are not imposed on other health care professionals for comparable conduct or failure to act or that are harsher than penalties imposed on other health care professionals for comparable conduct or failure to act.

(3) DEFENSE.—A measure or action shall be unlawful under this subsection upon making a prima facie case, unless the defendant establishes, by clear and convincing evidence, that—

(A) the measure or action significantly advances the safety of abortion services or the health of women; and

(B) the safety of abortion services or the health of women cannot be advanced by a less restrictive alternative measure or action.

(c) Other Prohibitions.—The following restrictions on the performance of abortion are unlawful and shall not be imposed or applied by any government:

(1) A prohibition on abortion after fetal viability when, in the good-faith medical judgment of the treating physician, continuation of the pregnancy would pose a risk to the pregnant woman's life or health.

(2) A restriction that limits a pregnant woman's ability to obtain an immediate abortion when a health care professional believes, based on her or his good-faith medical judgment, that delay would pose a risk to the woman's health.

(3) A measure or action that prohibits or restricts a woman from obtaining an abortion prior to fetal viability based on her reasons or perceived reasons or that requires a woman to state her reasons before obtaining an abortion prior to fetal viability.

SEC. 3. PREEMPTION.

No State or subdivision thereof shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law that conflicts with any provision of this Act.

SEC. 4. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, or the application of such provision to all other persons or circumstances, shall not be affected thereby.

115th Congress

2nd Session

S. 2145

IN THE SENATE OF THE UNITED STATES

Ms. Hirono (for herself, Mr. Cardin, Mr. Merkley, Mr. Franken, Mr. Markey, Mr. Van Hollen, Mr. Murphy, and Mr. Booker) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To prohibit the United States Government from barring refugees from entering the United States based on their country of origin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) An individual's country of origin is unlikely to be an indicator of his or her threat to the security of the United States.

(2) Since 1980, there has not been a single lethal terrorist attack in the United States that was committed by a refugee.

(3) The United States accepts the most vulnerable refugees for resettlement, the vast majority of whom are women and children.

(4) The need for stable countries willing to welcome refugees has never been greater. The United Nations High Commissioner for Refugees (UNHCR) has reported that the level of forcibly displaced people worldwide is "the highest since the aftermath of World War II".

(5) Refugees are, by definition, fleeing insecure or war-torn countries, such as Syria, Afghanistan, South Sudan, Somalia, and Yemen.

(6) The refugee vetting process involves at least 8 United States Government agencies and does not rely primarily on information provided by the refugees' countries of origin.

SEC. 2. PROHIBITION.

Notwithstanding any other provision of law, no agency or instrumentality of the United States Government may prevent a refugee (as defined in section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42))) from entering the United States based on the refugee's country of origin.

115th Congress

2nd Session

S. 2440

IN THE SENATE OF THE UNITED STATES

Mr. Jones (for himself, Ms. Cantwell, and Ms. Harris) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To combat the opioid epidemic by reforming existing laws and providing for the public's safety, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OPIOID ADVERTISING AND CONSUMER SAFETY.

(a) Requiring FDA Review Of Television Advertisements For Controlled Substances.—Section 503C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353c) is amended by inserting after subsection (e) the following:

"(f) Advertisements For Controlled Substances.—

"(1) IN GENERAL.—In the case of a television advertisement for a controlled substance (as defined in section 102 of the Controlled Substances Act)—

"(A) the Secretary shall require the submission of such advertisement under subsection (a); and

"(B) the sponsor of such advertisement may not disseminate the advertisement until the Secretary has conducted the review under this section.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for the period of fiscal years 2019 through 2023 to increase the proficiency and speed of the Secretary in conducting and reviewing television advertisements for controlled substances (as so defined) under this section.".

(b) Enforcement.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(eee) The failure to comply with the requirements under section 503C(f).".

(c) Rule Of Construction.—No amendment made by this section shall preclude the enforcement, under any relevant civil or other enforcement authority, of a State consumer protection statute.

SEC. 2. INCREASING CIVIL AND CRIMINAL PENALTIES.

Section 402(c) of the Controlled Substances Act (21 U.S.C. 842(c)) is amended—

(1) in paragraph (1)(B), by striking "shall not exceed $10,000." and inserting the following: "shall not exceed—

"(i) except as provided in clause (ii), $10,000; and

"(ii) if the violation is committed by a manufacturer of opioids and relates to the reporting of suspicious orders for opioids or failing to maintain effective controls against diversion of opioids, $100,000."; and by adding at the end the following:

"(D) In the case of a violation referred to in subparagraph (A) that was a violation of paragraph (5) or (10) of subsection (a) committed by a manufacturer of opioids that relates to the reporting of suspicious orders for opioids or failing to maintain effective controls against diversion of opioids, the criminal fine under title 18, United States Code, shall not exceed $500,000.".

SEC. 3. OPIOID MANUFACTURER ACCOUNTABILITY AND COMBATTING DIVERSION.

(a) Publication Of Certain Records.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Administrator of the Drug Enforcement Administration shall publish in the Federal Register and on the Internet website of the Drug Enforcement Administration the prior conviction records under Federal and State law of manufacturers of opioids, as described in section 303(a)(4) of the Controlled Substances Act (21 U.S.C. 823(a)(4)).

(b) Authorization Of Appropriations.—There are authorized to be appropriated to the Administrator of the Drug Enforcement Administration for diversion investigators and tactical diversion squads of the Drug Enforcement Administration such sums as may be necessary for each of fiscal years 2019 through 2023, which shall be in addition to any amounts otherwise made available to the Administrator.

SEC. 4. HEROIN ENFORCEMENT GROUPS.

(a) In General.—The Attorney General shall establish heroin enforcement groups within the Drug Enforcement Administration to target and dismantle illicit heroin trafficking organizations.

(b) Funding.—There is authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2019.